IPSO Paper No. 269
03/06/2015

MINUTES

Complaints Committee, Independent Press Standards Organisation

Gate House, 1 Farringdon Street, London EC4M 7LG

22 April 2015 at 10:30

Present: Sir Alan Moses (Chairman)
Richard Best (Deputy Chairman)
Lara Fielden
Janette Harkess
Gill Hudson
David Jessel
Matthew Lohn
Jill May
Elisabeth Ribbans
Neil Watts
Peter Wright
Nina Wrightson

Attending: Matt Tee, Chief Executive
Charlotte Dewar, Director of Operations
Ben Gallop, Senior Complaints Officer
Bianca Strohmann, Senior Complaints Officer

The following members of the Executive were also in attendance: Xavier Bastin, James Garmston, Robyn Kelly, Holly Pick, Hugo Wallis and Niall Duffy.

Also in attendance as observers were Board members Kevin Hand, Richard Reed and Mehmuda Mian.

1. Apologies

   No apologies were recorded.

2. Update by the Chairman

   The Chairman opened by introducing two newly-appointed staff members: Elizabeth Bardin, Governance Manager, and Niall Duffy, Director of External Affairs.

   He noted that since the last meeting the political parties had published their manifestos, a number of which had included references to policies relevant to press regulation. He reported that negotiations concerning changes to IPSO's

Rules and Regulations amendments were going well. He also reported on the success of his recent trip to Scotland to meet members of the Scottish press.

3. Update by the Chief Executive

Matt Tee provided further details regarding the positive tenor of the meetings of the working group on changes to the Regulations. Like the Chairman, he believed that important progress had been made.

He reported that a search firm would assist IPSO with its recruitment of a new Head of Standards, in the hope of finding a suitable candidate for the role by the summer.

He reported that Alistair Henwood is working on the arbitration project, in the expectation that a formal consultation period on relevant proposals will begin by early summer.

4. Minutes – March 2015 meeting

Peter Wright commented that only some cases that had been dealt with at the previous meeting had been published on IPSO's website. Charlotte Dewar explained that delays occurred in some cases because the parties were permitted an opportunity to dispute points of fact in the decisions before publication, and in addition complainants have 14 days in which to request a review of the Committee's decisions. She noted that decisions were generally published every two weeks, on Thursdays. Peter Wright said that people needed to be advised of this. The Chairman suggested that this be noted on IPSO's website.

[Post-meeting note: the Executive subsequently decided to increase the frequency with which decisions are published, to weekly.]

The Committee approved the minutes for its meeting of 18 March 2015.

5. Declaration of Interests

Matthew Lohn announced a conflict in relation to complaint 01533-15, Miller v Daily Mail: he had acted for the Commissioner of the Metropolitan Police in a related matter. Matthew Lohn absented himself for item 8 of the agenda.

Because of his current employment at Associated Newspapers, Peter Wright absented himself for the discussion of complaint 02466-14, Yates v Mail Online, and complaint 01533-15, Miller v Daily Mail (items 7 and 8).

Richard Best announced that he had a conflict in relation to complaint 00540-15, Folkes v Cornish Guardian, because of personal connections with some of those involved. He absented himself for item 11 of the agenda.

No further interests were declared.

6. Matters Arising

No matters arose.

Matthew Lohn absented himself for Item 7

Peter Wright absented himself for Items 7 and 8

7. Complaint 02466-14 Yates v Mail Online

The Committee had previously considered this complaint in correspondence. Further correspondence between the parties and a revised draft adjudication were tabled for consideration.

The Committee ruled that the complaint was upheld. The complaint has been subject to further correspondence and as such the Committee has not yet confirmed the terms of the decision.

8. Complaint 01533-15 Miller v Daily Mail

Nina Wrightson expressed her thanks to the complaints team for their careful and thorough navigation of this complaint. Lara Fielden agreed and raised a procedural issue concerning the handling of the complaint.

The Committee ruled that the complaint was not upheld. A copy of its ruling appears in **Appendix A**.

9. Complaint 00572-15 Trans Media Watch v The Sun

The Committee discussed the question of how to distinguish matters of taste from concerns about discrimination, and how to determine when humour becomes pejorative.

After detailed consideration, the Committee ruled that the complaint was upheld under Clause 12 (Discrimination); the element of the complaint framed under Clause 3 (Privacy) was not upheld. A copy of its ruling appears in **Appendix B**.

10. Complaint 03139-14 Hogbin v Herne Bay Gazette

After discussion, the Committee ruled that the complaint should be upheld. A copy of its ruling appears in **Appendix C**.

11. Complaint 00540-15 Folkes v Cornish Guardian

The Committee discussed this complaint and ruled that the complaint was not upheld. A copy of its ruling appears in **Appendix D**.

12. Complaint 00810-15 Scudamore v The Daily Telegraph

The Committee discussed this complaint and ruled that the complaint was not upheld. A copy of its ruling appears in **Appendix E**.

13. Complaint 00498-15 Black v Sunday Express

After discussion, the Committee ruled that this complaint should be upheld. A copy of its ruling appears in **Appendix F.**

14. Complaints not adjudicated at a Complaints Committee meeting

The Committee confirmed its formal approval of IPSO Papers listed in **Appendix G**, all of which had been previously circulated to the Complaints Committee.

15. Any other business

(i) Complaint 02184-14 Rooney v Wetherby News: Update

Charlotte Dewar reported to the Committee on the newspaper's response to the Committee's request for information on remedial action it had taken following a ruling issued by the Committee that its complaints procedures was deficient in one respect. The Committee noted that the newspaper had taken satisfactory steps to address the problem it had identified, and received confirmation that the complainant would be informed of this outcome.

(ii) Complaint 00705-15 A man v The Spectator

The Committee discussed the complainant's request for anonymity in the published decision on his complaint, and agreed to grant the request.

Next meeting: 3 June 2015 at 10.30 a.m.

Appendix A

Decision of the Complaints Committee
01533-15 Miller v Daily Mail

Summary of Complaint

1. Andy Miller complained to the Independent Press Standards Organisation that the Daily Mail had failed to comply with its obligations under Clause 1 (iv) of the Editors' Code of Practice.

2. The complainant had successfully brought defamation proceedings against the newspaper in relation to an article published in 2008. The High Court established that the defamatory meaning of the article was that there were reasonable grounds to suspect that the complainant was a willing beneficiary of improper conduct and cronyism because of his friendship with former Metropolitan Police Commissioner Sir Ian Blair in respect of the award of a number of police contracts to the complainant's company. The Court found that this defamatory meaning had not been justified by the newspaper. The complainant was successful in his claim and was awarded £65,000 in damages.

3. The newspaper published a report of the outcome of the original trial in December 2012, on page 2 in print and online. The newspaper then appealed the judgment; this appeal was rejected by the Court of Appeal on 24 January 2014. It published an account of the judgment of the Court of Appeal in January 2014, on page 41 in print and online.

4. The newspaper then sought permission to appeal to the Supreme Court; permission to appeal was refused on 31 October 2014. The complainant informed the newspaper of his position that, as of this date and in accordance with the terms of Clause 1 (iv), it should now publish a report of the outcome of the case.. The newspaper informed the complainant that it had already discharged its obligations under the Code and did not intend to publish a further report.

5. The complainant did not accept the newspaper's position and complained to IPSO. He considered that the action had only concluded once the newspaper had run out of opportunities to appeal; the decision of the Supreme Court was therefore the conclusion of the case and the outcome should be reported in line with the letter and spirit of Clause 1 (iv) of the Code.

6. Furthermore, the two reports previously published did not fulfil the requirements of Clause 1 (iv). Amongst other concerns, the complainant considered that the 2012 report was insufficiently prominent, in light of the front-page placement of the original article. He also believed it was unfair that the article's headline did not use his name. Further, the article inaccurately stated that the court "ruled that he had been defamed"; the complainant said this was agreed ground between the parties, and that the court instead found he had been libelled, having

rejected the newspaper's defence of justification. He was further concerned that the text of the article unnecessarily repeated the libel in reporting the judge's finding on meaning, which he believed suggested that the judge had supported or given weight to the meaning attributed to the article. The complainant said that the article failed to make it clear that the judge found the article to be untrue, due to the inclusion in the report of the newspaper's attempted defences of justification and abuse of process; that it had failed to include comments from the judge which showed the serious harm he had suffered; and that while the report noted that he had been awarded £65,000 in damages, it had not made clear that this included aggravated damages.

7. The complainant said that the online version of this article was further deficient. Its headline simply stated he "claimed" the article was libellous, rather than that his claim was successful. In addition, captions to two images in the article were out of date – they suggested that the claim was ongoing when, at the time of publication, the claim had been decided in his favour by the High Court.

8. In relation to the January 2014 article, the complainant argued that this, too, was insufficiently prominent; repeated the defamatory allegations from the article; and failed to report his position that those allegations were false, and that the Court had agreed with him. He also sought to complain that the newspaper had failed to effectively update articles it had published relating to him prior to the proceedings.

9. The newspaper said that the outcome of the action was a victory for the complainant and the award of £65,000 damages. There had been no hearing in the Supreme Court, which had simply refused permission to appeal the case further. As such, those decisions which had previously been reported stood, and there was nothing further to report.

10. The newspaper said that the complaints were, in any event, out of time. The complainant had not previously raised complaints about the original reports of the proceedings, and the complaint was made more than four months after the Supreme Court's decision to refuse permission to appeal.

Relevant Code Provisions

11. Clause 1 (Accuracy)
(iv) A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.

Findings of the Committee

12. The Committee rejected the newspaper's contention that this complaint had been made out of time. The complainant had contacted IPSO within four months of being notified of the newspaper's refusal to publish a further report. The

complainant was entitled to complain that this decision represented a breach of the Code, and he was in time to do so.

13. The Committee recognised the complainant's desire to see the outcome of his case reported; the Court had ruled in his favour and found the newspaper's conduct to be particularly egregious. In defamation proceedings, the Court must decide the proper remedy for the harm suffered by successful claimants. Clause 1 (iv) places an additional obligation on publications to inform their readers – fairly and accurately – of the outcome of those proceedings.

14. While the proceedings, and the 2012 and 2014 articles, preceded IPSO's launch and thus fell outside its remit, the complainant argued that because those earlier reports had been inadequate, at the time of IPSO's launch the newspaper had yet to fulfil its obligation to report the account of the proceedings. He argued that there was therefore an ongoing breach of the Code, particularly given the newspaper's failure to publish a report following the refusal of leave to appeal.

15. The Committee therefore considered, first, whether there was an outstanding obligation under Clause 1 (iv). It noted first that the 2012 article had made plain that the complainant had succeeded in his libel claim and that the newspaper had been ordered to pay £65,000 in damages to the complainant. The article had also included a comment from the judge which emphasised that the complainant had suffered considerably as a consequence of the defamatory article's publication.

16. The Committee did not accept the complainant's concerns about the accuracy of the 2012 report. It was evident from the context that the defence of justification which had been relied upon by the newspaper had failed. It was not inaccurate for the article to report that the judge had ruled that the article was defamatory, given that a libellous statement can properly be described as being defamatory. The omission of the complainant's name in the headline, was not "unfair", and the report had been published with adequate prominence.

17. The newspaper had then published a report of the Court of Appeal judgment, albeit brief and in a less prominent position than the original.

18. In light of the 2012 and 2014 reports, the Committee concluded there was no outstanding obligation under Clause 1 (iv), prior to the refusal of leave to appeal.

19. The Committee did not accept that refusal of leave to appeal represented the "outcome" of the proceedings; rather, the decision meant that the newspaper was denied the opportunity to challenge the outcome of the case which had been determined in the complainant's favour in 2014, which had been fairly and accurately reported by the newspaper at that stage. No further obligation under Clause 1 (iv) arose from this, particularly in light of the fact that the newspaper had not reported on its application, which might otherwise have suggested to readers that it regarded the proceedings as on-going.

20. The complainant's primary remaining concerns, about the updates to the online articles, fell outside IPSO's remit. These articles had been published before IPSO's launch and were not relevant to the question of whether the newspaper had a residual obligation – in the period following IPSO's launch – to publish a fair and accurate report of the outcome of the proceedings.

Conclusions

21. The complaint was not upheld.

Appendix B

Decision of the Complaints Committee
00572-15 Trans Media Watch v The Sun

Summary of Complaint

1. Trans Media Watch, acting with the consent of Emily Brothers, complained to the Independent Press Standards Organisation that The Sun had breached Clause 12 (Discrimination) and Clause 3 (Privacy) of the Editors' Code of Practice in columns published on 11 December 2014 and 15 January 2015.

2. Trans Media Watch complained as a representative group affected by the alleged breach of the Code.

3. The 11 December column reported that Emily Brothers was standing for election as an MP in the following terms:

   Emily Brothers is hoping to become Labour's first blind transgendered MP. She'll be standing at the next election in the constituency of Sutton and Cheam. Thing is though: being blind, how did she know she was the wrong sex?

4. The complainant said the comment suggested that there were limitations to the understanding blind people could have of themselves and called into question Ms Brothers' gender identity; it was therefore a pejorative and prejudicial reference to her disability and gender.

5. The newspaper accepted that the comment was tasteless, but denied that it was prejudicial or pejorative. It did not accept that the columnist had criticised Ms Brothers or suggested anything negative or stereotypical about her blindness or gender identity; rather, it had been a clumsy attempt to seek humour regarding the existence of those conditions.

6. Nonetheless, it said it regretted any distress the article had caused her. Following publication of the article, it issued an apology from the columnist. It also offered her a column – without restrictions – in which to respond; this was published on 15 December 2014. The Editor also asked Mr Liddle to apologise in print and the following apology was published in his 15 January 2015 column and online:

   I made a poor joke in bad taste in this column a few weeks back. Well, ok, I suppose I do that every week. But this one was particularly lame…a poor joke by any standards even, even if it wasn't meant maliciously. So I apologised to Ms Brothers and said that if I lived in Sutton, where she's standing, I'd vote for her. And I apologise to her again now, in this column. I'd also like to add that having found out more about her I wouldn't vote for her even if she was standing against

Nick Clegg, George Galloway and [Firstname] Ole Ole Biscuit Barrell from the Silly Party.

7. The newspaper reviewed its editorial processes in response to the complaint and instituted a new policy that all copy relating to transgender matters would be approved by its managing editor before publication. The issues raised by the columnist's remark had been incorporated into training sessions.

8. The newspaper argued that any breach of the Code had been remedied by these measures, and that it would be disproportionate for IPSO to uphold the complaint.

9. The complainant denied that the apology published was adequate. It had been made on behalf of the columnist, not the newspaper, and did not include acceptance that the Code had been breached.

10. The complainant also said that the wording of the apology had deliberately included reference to Ms Brothers' former name, by incorrectly reproducing the name of a candidate from a Monty Python sketch; instead of "Tarquin" Ole Ole Biscuit Barrell from the Silly Party, Ms Brothers' former name had been used. The complainant said that it was vanishingly unlikely that this was a genuine coincidence and as such argued it was a deliberate attempt to humiliate Ms Brothers. It represented a further breach of Clause 12 (Discrimination) and Clause 3 (Privacy) of the Code.

11. The newspaper denied that the reference had been deliberate. It said that it had received an adamant assurance from the columnist that he had not known Ms Brothers' former name prior to the complaint being made; neither had anybody else at the newspaper. The newspaper said it was unable to find any reference to Ms Brothers' name online, and the columnist had referenced the sketch – originally aired in 1970 – without checking it, because he did not believe it was necessary to do so. It was a silly name, plucked from a faulty memory. Having become aware of the concern, the newspaper amended the reference to read "Tarquin Ole Ole Biscuit Barrell of the Silly Party" online.

Relevant Code Provisions

12. Clause 12 (Discrimination)

    (i) The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any physical or mental illness or disability.

Clause 3 (Privacy)

(i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.

Findings of the Committee

13. The first column's crude suggestion that Ms Brothers could only have become aware of her gender by seeing its physical manifestations was plainly wrong. It belittled Ms Brothers, her gender identity and her disability, mocking her for no reason other than these perceived "differences" The comment did not contain any specific pejorative term, but its meaning was pejorative in relation to characteristics specifically protected by Clause 12.

14. Regardless of the columnist's intentions, this was not a matter of taste; it was discriminatory and therefore unacceptable under the terms of the Code.

15. The Committee welcomed steps the newspaper had previously taken to engage with members of the transgender community in an effort to improve editorial standards and the steps it had taken in response to the complaint, particularly the change in policy it had introduced to ensure more effective oversight of material relating to transgender issues. Nonetheless, the complainant was clearly entitled – particularly where the newspaper had denied any breach of the Editors' Code – to ask the Committee to adjudicate on the matter and record its finding that the publication failed to comply with its obligations under the Code.

16. The Committee did not accept that the apology published was a genuine attempt to remedy the breach or a sincere expression of regret; the columnist had used it as an opportunity for a further attempt at humour at Ms Brothers' expense. However, the Committee was not satisfied that it had sufficient evidence to conclude that the inclusion of Ms Brothers' former first name, which was not uncommon, in the apology, was deliberate. The further complaints under Clause 12 and Clause 3 on this point were not upheld.

Conclusions

17. The complaint was upheld.

Remedial action required

18. Having upheld the complaint, the Committee considered what remedial action should be required. The Committee has the power to require the publication of

a correction and/or adjudication, the nature, extent and placement of which is to be determined by IPSO. It may also inform the publication that further remedial action is required to ensure that the requirements of the Code are met.

19. The Committee required the newspaper to publish the Committee's ruling upholding the complaint. The adjudication should be published in full on the same page as the column in a forthcoming edition, and on the newspaper's website, with a link to the adjudication published on its homepage for a period of no less than 48 hours. The headline should make clear that IPSO has upheld the complaint, and refer to its subject matter; it must be agreed in advance.

20. The terms of the adjudication to be published are as follows:

Following a column published in The Sun on 11 December 2014, Trans Media Watch, acting with the consent of Emily Brothers, complained to the Independent Press Standards Organisation that The Sun had discriminated against Ms Brothers and breached Clause 12 (Discrimination) of the Editors' Code of Practice by publishing a prejudicial and pejorative reference to her disability and gender.

IPSO established a breach of the Code and required The Sun to publish this decision as a remedy.

Noting that Emily Brothers, who is blind and transgender, was standing for election as an MP, the columnist asked "being blind, how did she know she was the wrong sex".

The complainant said the comment made the discriminatory suggestion that there were limitations to the understanding blind people could have of themselves and called into question Ms Brothers' gender identity.

The newspaper accepted that the comment was tasteless, but denied that it was prejudicial or pejorative. It did not accept that the columnist had criticised Ms Brothers or suggested anything negative or stereotypical about her blindness or gender identity; rather, it had been a clumsy attempt at humour.

Nonetheless, it regretted any distress the article had caused Ms Brothers, and published an apology by the columnist. It outlined changes it had made to its editorial processes in response to the complaint.

IPSO's Complaints Committee ruled that the column belittled Ms Brothers, her gender identity and her disability, mocking her for no other reason than these perceived "differences". Regardless of the columnist's intentions, this was not a matter of taste; it was discriminatory and unacceptable under the Code.

The apology published by the newspaper did not remedy this breach of the Code, and IPSO therefore upheld the complaint.

Appendix C

Decision of the Complaints Committee
03139-14 Hogbin v Herne Bay Gazette

Summary of complaint

1. Joanne Hogbin complained to the Independent Press Standards Organisation on behalf of her daughter, Bethany Mackie, that the Herne Bay Gazette had breached Clause 1 (Accuracy), Clause 3 (Privacy), Clause 5 (Intrusion into grief or shock) and Clause 10 (Clandestine devices and subterfuge) of the Editors' Code of Practice in an article headlined "Boozy trip just days before teen locked up", published in the 25 December edition of the newspaper.

2. The article reported that Ms Mackie had been jailed for five years for causing death by dangerous driving, and drink-driving. It reported that while Ms Mackie had told the court of her "genuine remorse", she had "enjoyed a booze-fuelled Christmas trip just days before she was jailed". The front page article was accompanied by a photograph of Ms Mackie in which she was holding a full wine glass aloft. In the bottom of the photograph, the top of another person's head is visible, below the wine glass. The photograph was captioned "Bethany Mackie poses with a wine glass days before she was jailed". The article reported that she "held a full wine glass aloft and posed for the camera as she caught the train". The complainant had uploaded the photograph onto her Facebook account, along with a number of other photographs of their trip.

3. The complainant said that, in the photograph in question, Ms Mackie had been drinking Coca-Cola from a plastic wine glass. She said that the original picture, as it appeared on Facebook, had been cropped prior to publication, so that the eyes of Ms Mackie's sister were no longer visible. She said that the photograph was taken on a family day out, as demonstrated by the rest of the photographs which she had uploaded to her Facebook account. The complainant was concerned that the photograph gave a misleading impression of Ms Mackie's behaviour; rather than suggesting two sisters playing together with soft drinks, the photograph, when seen in conjunction with the front page headline, suggested Ms Mackie had been on a drunken outing. While the complainant confirmed that she and her adult friend had had one alcoholic drink each, as depicted in one of the photographs she had uploaded, she made clear that Ms Mackie had not drunk any alcohol on the trip.

4. The complainant said that the photographs had been taken from her Facebook account, which had its privacy settings set so that her photographs were only available to family and friends. Whilst she subsequently conceded that the photographs may have been accessible to the public, she suggested that her privacy settings may have been altered by someone who had accessed her account. She said that the article intruded into her family's private life, and expressed concern about the effects of the article on Ms Mackie's younger sister, and on the family of the deceased.

5. The newspaper said that it had been contacted by a member of the public, who had copied photographs and text from the complainant's open Facebook profile, and sent them to the newspaper via email. The newspaper had then viewed this profile, which was publically accessible, and saved its own copies of the photographs. The newspaper provided a screen grab of the journalist's internet history for the day before the article was published, which showed that he had viewed the complainant's profile, and a number of photographs on Facebook. It noted that the readers' comments posted on the online article before it had been updated to include the details and photograph of the trip to London, had referred to photographs of Ms Mackie drinking alcohol being posted on Facebook.

6. The newspaper said that the references to a "boozy trip", and a "booze-fuelled Christmas trip", were accurate, as evidenced by the photograph of the complainant and her friend drinking alcoholic drinks on the train. It said that the article had not claimed that Ms Mackie was drinking an alcoholic drink, but that she had "held a full wine glass aloft", which was an accurate description of the photograph in question. It said that it had cropped out the part of the picture which depicted Ms Mackie's sister in order to comply with its obligations under Clause 6 (Children) and Clause 9 (Reporting of crime) of the Editors' Code of Practice.

7. The newspaper offered to publish a clarification on page 3 or page 5, cross-referenced from the front page, in which the complainant would be able to state that Ms Mackie was not drinking alcohol on the trip, and that she was genuinely remorseful. It also offered to publish a follow-up story from the complainant's perspective; a reader's letter, enabling the complainant to put her point of view in her own words; or an interview with Ms Mackie from prison. The newspaper said that after the Facebook pictures had come to its attention, the original online version of the article had been amended to include the pictures, and the details about the trip to London. After the comments on the story grew increasingly angry, the newspaper reverted to the original article, which did not contain the details of the trip to London, but simply reported Ms Mackie's sentencing, as a gesture of goodwill.

Relevant Code Provisions

8. Clause 1 (Accuracy)

   i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.

   ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published. In cases involving the Regulator, prominence should be agreed with the Regulator in advance

   iii) The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

Clause 3 (Privacy)

i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.

ii) Editors will be expected to justify intrusions into any individual's private life without consent. Account will be taken of the complainant's own public disclosures of information.

Clause 5 (Intrusion into Grief or Shock)

i) In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. This should not restrict the right to report legal proceedings, such as inquests.

Clause 10 (Clandestine devices and subterfuge)

i) The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents or photographs; or by accessing digitally-held private information without consent.

Findings of the Committee

9. The photograph did not show whether or not Ms Mackie had drunk alcohol on the trip to London, something which the newspaper appeared to have recognised in the fact it had taken care to avoid making this specific claim. Nevertheless, the juxtaposition of this photograph – from which that inference could easily be drawn – with the headline, had clearly suggested that Ms Mackie had drunk alcohol on the trip to London. The newspaper had not sought the comments of Ms Mackie or her family before publishing the photograph, and the decision to accompany the front page headline with the photograph demonstrated a failure to take not to publish misleading information in breach of Clause 1 (i) of the Code. This aspect of the complaint was upheld.

10. Whilst the Committee noted the complainant's position regarding her Facebook privacy settings, it appeared that the photographs had been publically accessible. The Committee had not been provided with evidence to suggest that this was the result of actions by the newspaper, and did not find a breach of Clause 10. The photograph was taken while Ms Mackie was on a train, and did not depict her engaging in a private activity. In these circumstances, taking into account the apparent public disclosure of the information by the complainant, there was no breach of Clause 3.

11. The Committee recognised that Ms Mackie and her family had been distressed by her conviction and sentencing. However, this was not a case of personal grief or shock such as to engage the terms of Clause 5. In relation to the complainant's concern about the effects of the article on the family of the

deceased, the Committee explained that it would not be appropriate to consider this aspect of her complaint further where she was not acting on their behalf.

Conclusions

12. The complaint was upheld.

Remedial Action Required

13. Having upheld the complaint, the Committee considered what remedial action should be required. The Committee has the power to require the publication of a correction and/or adjudication; the nature, extent and placement is to be determined by IPSO. It may inform the publication that further remedial action is required to ensure that the requirements of the Editors' Code are met.

14. The newspaper had offered to publish a clarification on either page 3 or page 5, cross referenced to the front page. It said that this clarification would allow the complainant to state that Ms Mackie was not drinking alcohol, and that she was genuinely remorseful.

15. In order to remedy the breach of Clause 1, the newspaper should publish a clarification on page 3, cross referenced to the front page. The clarification should also be published as a stand-alone item, with a headline indicating its subject, linked for no less than 24 hours from the home page of the newspaper's website. It should then remain online, and searchable. The clarification should explain that it was being published following an upheld complaint from Ms Mackie's mother. It should state the complainant's position that her daughter had not drunk alcohol on the trip.

Appendix D

Decision of the Complaints Committee
00540-15 Folkes v Cornish Guardian

Summary of complaint

1. Alex Folkes complained to the Independent Press Standards Organisation that the Cornish Guardian had breached Clause 1 (Accuracy) of the Editors' Code of Practice in two articles headlined "Alex Folkes: Was child porn found? 'That depends on how you define it'" and "Alex Folkes attends council meeting – guaranteeing at least another six months in allowances", published on 26 November 2014 and 8 January 2015 respectively.

2. The complainant is a local councillor, and the article of 26 November was described as a "full transcript" of a telephone interview with the complainant, relating to allegations that child sexual abuse images had been found on his computer. It claimed that, when questioned as to whether the images had been "child pornography", he responded saying "that depends how you define child pornography". The article of 8 January reported that the complainant had attended his first council meeting in three months. The complainant was concerned about the online version of this article only, the headline of which noted that he would now be eligible to receive a further six months' worth of allowances, due to his attendance at the meeting.

3. The complainant said that in his conversation with the journalist, prior to publication of the 26 November article, he had not responded as quoted; the journalist had not mentioned "child pornography", but pornography more generally. His recollection was that the rest of the newspaper's published account of the conversation was substantially correct. He also complained that the article of 8 January was misleading; he had not attended the meeting in order to continue receiving allowances, he had attended because the subject matter was of importance to his constituents. The complainant had contacted the newspaper directly, prior to contacting IPSO, but was not satisfied with the responses he had received.

4. The newspaper said that serious allegations had been made against the complainant, and that it was in the public interest to report them. It said that it was clear that the complainant was considered by the Council to be a "serious and enduring risk to children", and it had covered the allegations against him extensively. Its journalist was adamant that the complainant had used the term "child pornography" on the telephone, and it was satisfied that the article was an accurate report of the conversation. The newspaper said that the conversation had been relayed to the news editor immediately, and was typed only minutes after it had ended. It provided a note which had been taken during the conversation, which recorded the words "definition depends". Nonetheless, the newspaper offered to publish the following denial, on page 10, where the original article appeared, and as a footnote to the online article:

"An article published in the Cornish Guardian on November 26 2014 and on our website, cornishguardian.co.uk, reported a telephone conversation between Cllr Alex Folkes and Cornish Guardian reporter Graham Smith. During the conversation, we reported that Mr Smith asked Cllr Folkes whether child porn had allegedly been found on his computer. We printed that Cllr Folkes' response to this question was: 'That depends how you define it'.
On publication, Cllr Folkes contacted the Cornish Guardian to strongly deny saying this.
The Cornish Guardian reporter did not have a verbatim report of the conversation and in the circumstances, therefore, we would wish to make it clear that Cllr Folkes denies saying this to the reporter."

5. With regard to the article of 8 January, the newspaper said that the complainant had previously indicated that he was not planning to return to the council chamber until the allegations against him had been dropped. However, if he did not attend within a six month period he would have lost his allowances. The newspaper said that he was not on the committee for the meeting he attended, and accompanied another councillor who was on the committee. It did not accept that the headline to the online article had been inaccurate or misleading, but had amended it when contacted by the complainant directly, as a gesture of goodwill. It did not use the headline in the print version of the article. It offered to add a footnote to the article explaining that the headline had been updated after the complainant had expressed concern.

6. The complainant said that the offer to publish his denial was unsatisfactory, as it did not include recognition from the newspaper that it had acted wrongly. He was also concerned that the article of 8 January implied that he had only attended the committee meeting to maintain his allowances; as such, amendments to the headline were insufficient.

Relevant Code provisions

7. Clause 1 (Accuracy)
   (i) The press must take care not to publish inaccurate, misleading or distorted information, including pictures.
   (ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and – where appropriate – an apology published.

Findings of the Committee

8. The complainant's account of his conversation with the journalist was substantially similar to the report of the conversation published by the newspaper, save for the passage in dispute. Further, the journalist had produced a note of the conversation which recorded that the complainant had used some of the words which he was reported to have said. The Committee did express some concern about the presentation of the report as a "full transcript" of the conversation, given that there were no comprehensive contemporaneous notes. However, the conversation had been relayed to the news editor immediately after

the conclusion of the conversation, and only a few minutes elapsed before the journalist typed up the article. In these circumstances, the Committee concluded that the newspaper had adequately demonstrated that it had taken care over the accuracy of the report and the Committee did not determine that the newspaper had published any significant inaccuracies which were requiring of correction. There was no breach of Clause 1.

9. While the Committee welcomed the newspaper's willingness to publish the complainant's denial that he had used the words in dispute, given that the Committee had not found a breach of Clause 1, publication of the denial was not required in order to comply with the terms of the Code.

10. The headline of the article of 8 January had accurately reported that the complainant would be eligible to continue receiving allowances, due to his attendance at a council meeting. The Committee found that the newspaper's reporting of this fact was not significantly misleading; it had been entitled to report a consequence of the complainant's attendance. A correction was not required in order to comply with the terms of the Code. However, the Committee welcomed the newspaper's prompt response to the complainant's concerns, when it was initially contacted directly.

Conclusions

11. The complaint was not upheld.

Appendix E

Decision of the Complaints Committee
00810-15 Scudamore v The Daily Telegraph

Summary of complaint

1. Richard Scudamore complained to the Independent Press Standards Organisation via representatives that The Daily Telegraph had breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Sport is a cesspit of casual misogyny" (in print) and "From Oscar Pistorius to Kurtley Beale to Richard Scudamore, sport a seething cesspool of casual misogyny" (online), published on 23 October 2014 and 22 October 2014 respectively.

2. The article under complaint was an opinion piece about sexism in sport, in which the author discussed a number of instances in which people involved in sport had been accused of misogyny. In relation to the complainant, chief executive of the Premier League, the article said that he had been "fortunate to have clung on to his job" after his emails – which were said to display a "boorish attitude" towards women – had been leaked. The article criticised the complainant's response to the leak, saying that "he had the gall to claim that the greater outrage lay not in his boorish attitude to half of the human race but in the fact that his private correspondence had been leaked". The article also said that the complainant had been accused by the shadow minister for women and equalities of having "no respect for women", and that he had previously "preposterously" claimed that there was "no closed culture of sexism in football".

3. The complainant denied that he had implied that the "greater outrage" had been that his private emails had been leaked; his apology had been immediate, unqualified and sincere. It was also inaccurate to state that he had been accused by the shadow minister for women and equalities of having "no respect for women"; she had in fact said that the complainant had "let down women supporters, players, referees and coaches".

4. The complainant said that he had never claimed that there was no closed culture of sexism *in football,* rather he had said that there was no closed culture of sexism *at the Premier League*, with reference to the working environment. The distinction between the statements was significant, as it formed the basis for the criticism that the complainant's comment was "preposterous". The statement actually made was objectively verifiable.

5. The complainant said that the cumulative effect of the inaccuracies contributed to the false and unjustified picture that he is an egregious misogynist who had been rightly criticised for having no respect for women, and whose views were out of touch with reality. The complainant objected to being cited as an example of misogyny in sport alongside others who had convictions for violence against women. He said that his inclusion represented a distortion, in breach of Clause 1.

6. Following a direct complaint to the newspaper, the newspaper had published the following correction:
Richard Scudamore

Our article "Sport is a cesspit of casual misogyny (23 October) wrongly attributed to Gloria de Piero, shadow minister for women and equalities, an allegation that Mr Scudamore "had no respect for women". We also accept that that Mr Scudamore denied that there was a closed culture of sexism at the Premier League, and not – as reported in the article – in football more generally.

7. The complainant was not satisfied with the correction; he said that it was inadequate as it did not address a number of points of the complaint and did not include an apology. He also said that the correction had not been sufficiently prompt, and had not been published with due prominence.

8. The newspaper said that the article was recognisable as a comment piece, and the criticisms clearly represented the opinion of the author, who was highlighting the potentially dangerous consequences of a culture of sexism in sport.

9. The newspaper said the reference to the complainant having the "gall" to claim that the leaking of the emails had been the "greater outrage" represented the author's opinion on a statement issued by the complainant. In its view, the complainant had been forced to apologise when it became clear that he would not be able to prevent their publication. His statement referred to the emails being private and said that the temporary employee "should not have accessed [them] and was under no instruction to do so". This was characteristic of his response more generally. It suggested that it is not uncommon in sport for private correspondence to include offensive language which is disowned and apologised for when the communications become public; people are entitled to express robust opinions on such apologies and the extent to which the private communications are a more reliable indicator of a person's attitude.

10. The newspaper accepted that it had been inaccurate to state that the shadow minister for women and equalities had said that the complainant had "no respect for women"; this had in fact been a quotation from the employee who had leaked the emails. The shadow minister had, however, been publicly critical of the complainant's language. The newspaper denied that this represented a significant inaccuracy. It also noted that the shadow minister had not complained about the coverage.

11. While the newspaper accepted that the complainant had referred to the Premier League rather than football generally, the author had been making the point that denying a culture of sexism risks propagating it; this point stood regardless. The newspaper said that the two inaccuracies had occurred as a result of confusion on the part of the journalist when considering the substantial previous coverage relating to the emails. It did not consider these points to represent significant inaccuracies and maintained that the published correction had

addressed the issues appropriately. It additionally offered to append the correction as a footnote to the online article.

12. The newspaper said that publication of the correction had been delayed by the legal correspondence on the broader issues raised. In these circumstances, the correction had been sufficiently prompt. The correction had been published in the News in Brief column on page 11 of the Sports section of the newspaper; the original article had appeared on page 14 of the Sports section. An apology was not required in relation to the two accepted inaccuracies.

Relevant Code provisions

13. Clause 1 (Accuracy)
(i)The press must take care not to publish inaccurate, misleading or distorted information, including pictures.
(ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and – where appropriate – an apology published.
(i)The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

Findings of the Committee

14. The article had discussed various manifestations of sexism throughout sport, and had criticised the lack of leadership in this area. While the complainant objected to the publication of his photograph alongside others mentioned in the article – some of whom had been found guilty of extremely serious criminal offences – the article had explained the behaviour or actions of each of the individuals cited in the article, including the complainant. While the complainant's conduct was undoubtedly of a different order than some of those in the story, the newspaper had been entitled to cite varying examples of what it perceived to be a broader problem. There was no breach of the Code on this point.

15. The columnist was entitled to criticise the complainant's response to the publication of the emails and the apology he had issued. It was sufficiently clear that the article reflected the columnist's critical characterisation of the wording of the apology, rather than a suggestion that the complainant had – as a matter of fact – said that his emails being leaked had been a "greater outrage". There had not been a failure to distinguish comment from fact. The author's characterisation had not been significantly misleading, where the complainant had voiced concern about the leaking of his emails. There was no breach of the Code on this point.

16. The newspaper accepted that it had been inaccurate to report that the shadow minister for women and equalities had accused the complainant as having "no respect for women". The shadow minister had publicly set out her views on the day that the emails had published. She had referred to the emails as being "deeply offensive" and said that the complainant had "let down women,

supporters, players, referees and coaches". In the context of an opinion piece which looked at various examples of sexism – rather than a forensic analysis of the complainant's revelations – the misattribution of the quotation was not materially misleading such as to require correction under the terms of Clause 1 (ii) of the Code. Nonetheless, the Committee welcomed the fact that the newspaper had taken steps to correct this point.

17. The Committee acknowledged that the complainant had denied that there was a closed culture of sexism in the Premier League, rather than in football generally. It was the author's opinion that the complainant's denial of a closed culture of sexism was "preposterous" in circumstances in which he himself had been criticised for sending "sexist" emails. The basis of the author's criticism was not affected by the distinction between whether the complainant had referred to the Premier League or football more generally. As such, the substitution of "football" for "Premier League" was not significantly misleading such as to require correction under the terms of the Code. The Committee however welcomed the fact that the newspaper had addressed this point in the published correction.

Conclusions

18. The complaint was not upheld.

Appendix F

Decision of the Complaints Committee
00498-15 Black v Sunday Express

Summary of Complaint

1. Nicholas Black complained to the Independent Press Standards Organisation that The Sunday Express had breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Monsters are given their own cell keys", published on 25 January 2015.

2. The front-page article reported that 28,767 of 84,865 prisoners now in custody have keys to "privacy locks" on their cells. The sub-headline of the article claimed that "Ian Huntley and Rose West [are] 'virtually roaming at will'". The article continued on page 2, and explained that prison staff hold security keys to operate separate locks, which override the privacy locks. It noted that the purpose of the privacy locks was to enable prisoners to protect their belongings when leaving their cells, and to provide them a level of decency while they wash, or use the toilet.

3. The complainant said that the headlines implied that prisoners had been provided with keys which enabled them to enter or leave their cells at any time; this was misleading and inaccurate, given that prison officers' keys override the privacy locks.

4. The complainant contacted IPSO after the newspaper had published a correction in the following edition on its letters page on page 30. The complainant said that the published correction was insufficiently prominent, given the placement of the original inaccuracy. He said that, apart from IPSO's details appearing in a paragraph adjacent to its letters section, there was no further indication that the newspaper published its corrections on this page.

5. The newspaper accepted that the front page was misleading, and noted that it had published a correction at the earliest opportunity. The correction read as follows:

   Correction: In our article "Monsters are given their own cell keys" on January 25, we said prisoners were "virtually roaming at will" with keys to their own prison cells. We would like to correct that and make it clear prisoners are given keys to be used to protect the privacy of their cells only at times when they are allowed out of their cells. Prisoners are not allowed to roam at will outside of these times."

   The newspaper said that when it became a member of IPSO, it designated its letters page as the appropriate location for the publication of corrections and clarifications, and that details of the newspaper's membership of IPSO were also published in this position. It said that its sister paper published a 'Clarification and Amplifications' column on its letters page, and that it was following this policy. It said that this correction was the first to be published while the newspaper had been regulated by IPSO.

Relevant Code Provisions

6. Clause 1 (Accuracy)

   i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.

   ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate – an apology published. In cases involving the Regulator, prominence should be agreed with the Regulator in advance.

Findings of the Committee

7. This complaint related to an issue of general accuracy, such that there was no directly concerned party, and it was therefore considered by the Committee. The sub-headline wrongly suggested that the privacy keys gave prisoners greater freedom of movement, a claim which was not supported by the information in the article. While the Committee welcomed the newspaper's prompt recognition of the inaccuracy, the publication of the original claim nevertheless demonstrated a failure to take care not to publish distorted information. The Committee upheld the complaint under Clause 1 (i). The remaining issue under complaint was whether the misleading statement had been corrected with due prominence, in accordance with the requirements of Clause 1 (ii).

8. An established corrections column signifies a commitment to accuracy; it provides information to readers about how to make complaints; and if it appears consistently, it contributes to the prominence of corrections by ensuring that readers know where to find them.

9. The Committee noted the newspaper's position that as of 8 September 2014, its policy was to publish corrections on this page. However, there was no information published on the page which might indicate to readers that this was the case. Neither would readers have become aware of the policy as a consequence of the frequent publication of corrections there, as this was the first correction published under the policy. As such, the newspaper's approach did not amount to an established corrections column.

10. The correction was not published in an established column, and page 30 was not otherwise a sufficiently prominent location in which to correct the accepted inaccuracy. The newspaper had failed to meet its obligations under Clause 1 (ii).

Conclusions

11. The complaint was upheld.

Remedial Action Required

12. Having upheld the complaint, the Committee considered what remedial action should be required. The Committee has the power to require the publication of a correction and/or adjudication; the nature, extent and placement is to be determined by IPSO. It may inform the publication that further remedial action is required to ensure that the requirements of the Editors' Code are met.

13. In order to remedy the breach of the Code, the newspaper should now publish the following adjudication on page 2. The headline must be agreed with IPSO in advance. It must make clear that the complaint has been upheld by IPSO and make reference to the subject matter.

Nicholas Black complained to the Independent Press Standards Organisation that The Sunday Express had breached Clause 1 (Accuracy) of the Editors' Code of Practice by failing to publish a sufficiently prominent correction to an article headlined "Monsters are given their own cell keys", published on 25 January 2015. The complaint was upheld, and IPSO required the newspaper to publish this adjudication.

The article had reported that some prisoners had been given keys to privacy locks on their cells. The sub-headline stated that prisoners were "virtually roaming at will". The newspaper accepted that it was inaccurate to suggest that prisoners were able to roam at will, and published a correction in the following edition on its letters page, on page 30. The correction said that the privacy keys enabled prisoners to protect the privacy of their cells at times when they were allowed out of their cells; the privacy keys did not enable prisoners to roam at will.

The newspaper said that it had designated its letters page as the appropriate location for the publication of corrections and clarifications. The Committee found that this page did not constitute an established corrections column, and that a correction on page 30 was insufficiently prominent. The complaint was upheld.

Appendix G

Paper No.	File Number	Name v Publication
167	01807-14	A woman v Chat
175	01921-14	Hodder v Dorset Echo
185	01319-14	Hawk v Daily Mirror
186	01569-14	Hawk v Oxford Mail
188	01572-14	Hawk v Witney Gazette
194	01571-14	Hawk v Daily Mail / Mail Online
198	03096-14	Purcell v The Herald
204	01242-14	Holman v Real People
205	01255-14	Holman v Best
241	00643-15	Lemosa v Kent Online
243	03186-14	Tanswell v Frome Standard
244	01204-14 / 02140-14 / 02141-14 / 01348-14	Hope v Daily Record / Daily Mirror / Ayrshire Post / Dumfries & Galloway Standard
248	00544-15	Walker v Daily Mirror
249	00573-15	Dredger v Braintree and Witham Times
251		IPSO Complaints – Third party
252		IPSO Complaints – Request for review
262	00854-15	Wilson v Daily Record
263		IPSO Complaints – Request for review
264	02292-14	Spinks v The Sun
265	00585-15	May v Daily Mail
266	01512-15	Jon v Western Gazette
267	00716-15	Register v Daily Mail
268		IPSO Complaints – Third party
270	02462-14	Salter v The Sunday Telegraph
271		IPSO Complaints – Request for review
273	00530-15	Professional Darts Corporation v Daily Star Sunday
274	00455-15	Khalil v Wanstead & Woodford Guardian
275	00184-15	Tameez v The Sunday Telegraph
276	00668-15	Neveu v Gloucestershire Echo
277	00705-15	Couzens v The Spectator
280	01762-14	Kopp v Medway Messenger
281	02473-15	Dorries v Bedfordshire on Sunday
285	02412-15	Dangerfield v Sunday Herald
286	02238-15	Alouane v The Mail on Sunday
287		IPSO Complaints – Third party
288		IPSO Complaints – Request for review