MINUTES of the COMPLAINTS COMMITTEE MEETING
Tuesday 12th March at 10.30am
Gate House

Present

Lord Edward Faulks
Bulbul Basu
Sarah Baxter
Andy Brennan
Manuela Grayson
David Hutton
Alastair Machray *(remotely)*
Asmita Naik
Mark Payton
Allan Rennie
Ted Young

In attendance:

Charlotte Dewar, Chief Executive
Alice Gould, Head of Complaints
Emily Houlston-Jones, Head of Complaints
Michelle Kuhler, PA & minute taker, *(remotely)*

Also present: Members of the Executive:

Sarah Colbey
Ellie Richards Coldicutt
Tom Glover
Natalie Johnson
Heather McCrum *(remotely)*
Rebecca Munro
Marcus Pike
Molly Richards
Hira Nafees Shah *(remotely)*

Observers:

Jonathan Grun, Editors' Code of Practice
Chikyung Yun, South Korea Press Association

1. Apologies for Absence and Welcomes

No apologies were received.

2. Declarations of Interest

Lord Faulks declared an interest in item 7.

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 23 January 2024.

4. Matters arising

There were no matters arising.

5. Update by the Chair – oral

Welcomed everyone to the meeting, as well as Jonathan Grun, Chikyung Yun from South Korea Press Association observed the meeting.

He also updated the Committee on the Media bill from the House of Lords.

The Chief Executive update the Committee on the Lay Committee member recruitment.

6. Update by the Head of Complaints – oral

Head of Complaints, Alice Gould, reminded Committee members about thematic reviews of the Complaints Committee's work, which would be discussed this year at upcoming Committee meetings. She requested that if Committee members had any suggestions for topics, please do email.

She also updated the Committee on an upcoming privacy complaint that should come to the next meeting.

7. Complaint 19455-23 Hancock v The Daily Telegraph

The Committee discussed the complaint and ruled that the complaint should not be upheld. **A copy of the ruling appears in Appendix A.**

8. Complaint 21530-23 Carragher v Sunday Mail

The Committee discussed the complaint and ruled that the complaint should be upheld. **A copy of the ruling appears in Appendix B.**

9. Complaint 21023-23 A woman v South Wales Argus

The Committee discussed the complaint and ruled that the complaint should be upheld. **A copy of the ruling appears in Appendix C.**

10. Complaints not adjudicated at a Complaints Committee meeting

The Committee confirmed its formal approval of the papers listed in **Appendix D.**

11. Any other business

There was no other business.

12. Date of next meeting

The date of the next meeting was subsequently confirmed as Tuesday 23rd April 2024.

APPENDIX A

Decision of the Complaints Committee – 19455-23 Hancock v The Daily Telegraph

Summary of Complaint

1. Matt Hancock complained to the Independent Press Standards Organisation that The Daily Telegraph breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Hancock rejected Whitty's advice on care home tests / Hancock was repeatedly warned that care homes were a problem", published on 1 March 2023.

2. The article – which appeared on the front page and continued on page three – reported that the complainant "rejected the Chief Medical Officer's advice to test all residents going into English care homes for Covid, leaked messages seen by The Daily Telegraph reveal." It stated that: "Prof Sir Chris Whitty told the then health secretary early in April 2020, about a month into the pandemic, that there should be testing for 'all going into care homes'. But Mr Hancock did not follow that guidance, telling his advisers that it 'muddies the waters'".

3. The article further reported that the "WhatsApp messages expose how, as early as April 2020, Sir Chris warned there should be 'testing of all going into care homes'". The article also set out a conversation between the complainant and his aide:

"The comments about care home testing by the Chief Medical Officer were discussed on April 14 2020, the day before the Government published its 'Covid-19: adult social care action plan' – a document that set out to fix some of the problems created by the Government at the start of the pandemic.

In a WhatsApp conversation about its finer details, Mr Hancock told his advisers: 'Chris Whitty has done an evidence review and now recommend testing of all going into care homes, and segregation whilst awaiting result. This is obviously a good positive step & we must put into the doc.' One of his aides, [named individual], responded that he had sent the request 'to action'. But by the end of the day, Mr Hancock appeared to have changed his mind – and he requested the removal of the commitment to begin testing admissions from the community.

*At 6.23pm, [the aide] sent a message saying: 'Just to check: officials are saying your steer is to *remove* the commitment to testing on admission to care homes*

**from the community*, but *keep* commitment to testing on admission to care homes *from hospital*. Is that right?'*

Twenty-five minutes later, [the aide] messaged again: 'Update: we can say in the doc that it's our ambition to test everyone going into a care home from the community where care homes want ('in the comings weeks' is the suggested timeframe I've been told).'

Mr Hancock responded: 'Tell me if I'm wrong but I would rather leave it out and just commit to test & isolate ALL going into care from hospital. I do not think the community commitment adds anything and it muddies the waters.'

When the Government published its official guidance to care homes in England the following day, it said it would start testing all 'those being discharged [into care homes] from hospital' – but only that it would 'move to' testing people being admitted to care homes from the community."

4. The article also reported that "Mr Hancock said in his book 'Pandemic Diaries' that the 'tragic but honest truth' at the start of April was that 'we don't have enough testing capacity'".

5. The article also appeared online in substantially the same form, under the headline, "The Lockdown Files: Matt Hancock rejected expert advice on care home testing, WhatsApp messages reveal". This version of the article was published on 28 February 2023, and was accompanied by a sub-heading which read: "Huge leak reveal conversations from 100,000 texts, showing how then health secretary did not follow Sir Chris Whitty's tough line".

6. The complainant said that the article was inaccurate in breach of Clause 1 as it reported that he had "rejected" the Chief Medical Officer's (CMO's) advice. He said that he had not rejected the CMO's advice. Rather, due to testing capacity, the advice could not be operationalised, and as a result the scientific advice had changed throughout 14 April 2020. The complainant said that the publication's investigation and subsequent article was sourced from partial material – his WhatsApp messages – and had not taken into account other evidence, such as meeting minutes and policy papers. The complainant said that the WhatsApp chats which formed the basis of the article were informal communications and decisions were made through official channels.

7. The complainant said the article's claim that "WhatsApp messages expose how, as early as April 2020, [the CMO] warned there should be "'testing of all going into care homes"'' omitted to refer to the fact that there was a subsequent meeting with the CMO after this warning had been given. He said that, during this meeting, it was decided that testing all of those who were entering care homes would be the wrong thing to do as it couldn't be operationalised – the country did not have the capacity to test this many individuals at the time. The complainant said that this meeting was summarised in a follow-up email which

set out the CMO's updated advice. He said this email was sent after the initial WhatsApp messages in which he had welcomed the advice first given by the Chief Medical Officer, and before the messages in which he had accepted the updated advice from the CMO. Therefore, he said, this was important context which as it was omitted from the article, rendered it inaccurate. He said that this email had since been submitted to the UK's Covid-19 Inquiry in evidence; this meant it was due to enter the public domain.

8. The complainant said that the follow-up email was referred to by the Health Minister in Parliament on the day of the print article's publication. The complainant provided an excerpt of the speech:

"….And actually clearly while there were discussions and debates between ministers and between colleagues which took place in part on WhatsApp, there were clearly meetings and conversations and other forums in which advice was given and decisions made, and a huge quantity of that is with the public inquiry, but I can say to, for instance that a meeting to discuss the implementation of the advice on testing was not referenced in the WhatsApp messages that she [the journalist] is talking about, but for instance there is an email following exactly this exchange that she is referring to that says 'we can press straight away, we can press ahead straight away with hospitals testing patients who are going to care homes and we should aspire to as soon as capacity allows and when we have worked out an operational way of delivering this that everyone going into a care home from the community could be tested'. So as I say to her, there is very selective information that she is basing her comments on."

9. The complainant also said that the newspaper breached Clause 1 (iii), as he had not been approached for comment prior to the article's publication. He said this meant he was unable to dispute the article's claim that he had rejected scientific advice, or provide accurate information. He said his office had only been alerted to the story after another newspaper had contacted it, and subsequent attempts to contact the journalist were ignored.

10. The complainant acknowledged that the publication had published a statement from his spokesperson in a different article headlined "Hancock's 'rearguard action' to shut down schools" which was published on 2 March. This said:

"Mr Hancock said that he had already handed his WhatsApp messages to the inquiry and accused the Telegraph of publishing selective leaks. In a statement, his spokesman said: 'It is outrageous that this distorted account of the pandemic is being pushed with partial leaks, spun to fit an anti-lockdown agenda, which would have cost hundreds of thousands of lives if followed. What the messages do show is a lot of people working hard to save lives.' The spokesman added: 'The story spun on care homes is completely wrong. What the messages show is that Mr Hancock pushed for testing of those going into care homes when that testing was available. Instead of spinning and leaks, we need the full,

comprehensive inquiry, to ensure we are as well prepared as we can be for the next pandemic, whenever it comes.'"

11. The complainant said that the publication of the above statement was not sufficient to resolve his concerns. It had not been sourced directly from him or his office, but rather was taken from a statement he had issued in response to the article. He said he required an apology and a correction, matching the size and prominence of the online and print articles.

12. The publication did not accept a breach of the Code. Regarding the article's claim that the complainant had rejected the CMO's advice, the publication said that the basis for this claim was made clear by the text of the article itself. The article reported that, on 14 April 2020, the complainant sent a message to his advisers saying the CMO "has done an evidence review and now recommend testing of all going into care homes, and segregation whilst awaiting result. This is obviously a good positive step & we must put into the doc". The publication understood the reference to the "doc" to be a reference to the Government's "Coronavirus (COVID-19): adult social care action plan", which was subsequently published on 15 April.

13. The publication noted that the article also set out the response to this message from the complainant's aide: "I wasn't in testing mtg. Just to check: officials are saying your steer is to *remove* the commitment to testing on admission to care homes *from the community*, but *keep* commitment to testing on admission to care homes *from hospital*. Is that right?". It said this was followed by another message from the aide which said: "Update: we can say in the doc that it's our ambition to test everyone going into a care home from the community where care homes want ('in the comings weeks' is the suggested timeframe I've been told)". The complainant then said: "Tell me if I'm wrong but I would rather leave it out and just commit to test & isolate ALL going into care from hospital. I do not think the community commitment adds anything and it muddies the waters". The publication said that, the following day, the action plan was published and contained no commitment to test people being admitted into care homes from the community.

14. The publication said the complainant did not dispute that he had sent and received the above referenced messages, which it said showed that the CMO's advice was rejected; this was clear from the messages. The publication said the complainant had not suggested that the CMO changed his view that the evidence showed that there should be "testing of all going into care homes, and segregation whilst awaiting result". Rather, it said it appeared his position was that the CMO was present at a subsequent meeting at which it was decided that the advice was not practicable.

15. The publication asserted that the article did not suggest the complainant rejected the CMO's advice out of malice or spite, and that reasonable readers would understand that he would be balancing competing policy considerations. It

said this did not make the word "rejected" inaccurate: The advice the complainant referred to – namely, the fact that the testing could not be operationalised due to limited testing capacity – was not "scientific advice" as that term would be generally understood, but advice about the logistical challenge of implementing the actual scientific advice. The publication said the scientific advice was that there should be testing of all patients, but the complainant – who was, at the time, the Secretary of State for Health and ultimately responsible for decision making – rejected that because it was not practicable to do. The publication said that it was not, as the complainant suggested, that the CMO's view of the science had changed, and that it was no longer considered necessary to test people entering into care homes from the community.

The publication said the article also made clear the complainant's reasoning for rejecting the advice: "Mr Hancock said in his book, Pandemic Diaries, that the 'tragic but honest truth' at the start of April was that 'we don't have enough testing capacity'". The publication also said that, in taking care over the accuracy of the article, it had regard for other information outside of the messages themselves. For instance, it said it had noted the contents of the complainant's book – and the reasoning he gave in the book for why he had not taken forward the advice – as well as evidence given to Parliament committees on care homes and testing, and comments made by members of the government at the time these decisions were being made.

16. The publication said that the complainant had incorrectly applied the terms of Clause 1 (iii) to his complaint. It said that that this portion of the Code provides individuals with the opportunity to reply to inaccuracies post-publication. It does not extend to giving individuals pre-publication right of reply. It said that, in any event, there is no regulatory or legal obligation to seek a response to matters contained in an article prior to publication. It said a pre-publication approach to the complainant for comment was unnecessary as the WhatsApp messages "spoke for themselves". In addition, it said it included the complainant's reasons for rejecting the advice, as set out in his book.

17. The complainant, in his response to the publication's position, highlighted a WhatsApp message he sent on 8 April 2020. This said: "I'm up for this and the capacity to do this is growing fast". He said this made his intentions clear in regard to testing: he wanted to do it, capacity allowing. He said the publication had access to this message and, therefore, had the opportunity to highlight messages to offer insight into his actual view.

18. The complainant also highlighted that the CMO had since stated while giving evidence at the Covid-19 Inquiry: "In every pandemic, every epidemic, the ability to diagnose, for example, is essential and we had a very good capacity to do a very small amount of diagnoses really quickly, and we did not have the ability to scale up, and I could repeat that across multiple other domains." He

said this supported his position that the scientific advice was that there was not the testing capacity to test all of those going into care homes in April 2020.

19. The complainant also provided a timeline setting out the events of 14 April – the day on which the WhatsApp messages were sent. He said that this illustrated that, while the messages were being exchanged, there were additional meetings taking place during which the care homes testing policy was discussed.

20. During IPSO's investigation, once the Covid Inquiry began, the complainant highlighted an email which was sent by a staff member at the Department of Health and Social Care [DHSC] at 6:49pm on the day during which his messages had been sent. He said that this email summarised a meeting which had taken place after his first messages. The email summarising the meeting said:

"Dear all

I have just talked to [named individual] in SofS [Secretary of State] office about this, informed by a meeting with PHE [Public Health England], CQC [Care Quality Commission], NHS England and others from testing world on how we operationalise this.

We agreed:

We can press ahead straight away with hospitals testing patients who are going to care homes.

We should aspire to, as soon as capacity allows (and we have worked out an operational way of delivering this), that everyone going into a care home from the community could be tested. We think the numbers on this are under 8,000 a month.

It's really important that we keep this aspiration in, as we need to build care home confidence that we are doing our best to help them keep their residents safe - and this will be an important part of it.

This was also the advice earlier today via CMO."

21. The complainant also provided further emails which were sent on this date to support his position. These further emails were all sent prior to the above email. They included an email sent at 12:41pm from a staff member at the DHSC, the subject of which was "Meeting on Operationalising new policy on testing for care home residents", it said:

"In light of the prevalence/ transmission of Covid in care homes, the CMO has asked us to move to a policy of:

- Testing all individuals before admission to a care home

- Testing all symptomatic residents in a care home

This will be announced tomorrow as part of the social care action plan publication. Hitherto, local PHE health protection teams have been undertaking some measure of testing in care homes. But it is clear that there is insufficient capacity to do this at the scale now asked, and we will need to develop a different operational model to deliver this new ask. I don't know realistically what that is, but I am copying you all as people who might be able to help generate ideas, and help us access eg. community health, CQc, the testing community.... please can you set up a meeting this afternoon if possible of people on the copy list, or people they recommend... Suggested agenda

1. Scope of new testing ask

2. modelling numbers

3. options for operationalising

4. next steps"

22. Another email sent from another staff member at DHSC at 6:21pm said:

"Can we nail down the admissions stuff. My understanding was that we were going to move to all new admissions to care homes to be tested. Either way, can we make the top line: Health Secretary to offer testing for "everyone who needs one" in social care setting.

Then the three bullets should be

• All symptomatic care residents will be tested for COVID-19 as testing capacity continues to increase

• All new care home admissions will be tested as a matter of course/All patients discharged from hospital into care homes to be tested before as a matter of course

• Social Care staff to be next in line for frontline worker testing as CQC contacts all 30,000 care providers in the coming days to offer tests"

23. Another email sent from another staff member DHSC at 6:35pm said:

"Testing in care homes Secretary of State was clear just now: Testing all symptomatic care home residents — PHE capacity Testing all people discharged from hospital into care homes — NHSE capacity We need to think for the next phase about how we operationalise a next phase of testing all people being admitted to a care home from any location."

24. To further support his argument, the complainant said that the then Chief Executive of NHS England during the early stages of the pandemic had said during the Covid Inquiry: "If you're going to have testing, how should you allocate a limited number of tests and I think the Secretary of State has said that he made that decision on 11th March, as to who would be prioritised and that did not include people being discharged into care homes. He did so on clinical advice but that was the decision he took." The complainant highlighted that it was claimed he acted "on clinical advice".

25. The complainant also provided a portion of the witness statement which he had submitted to the Covid inquiry:

"It has wrongly been claimed that I rejected clinical advice on care home testing. On the day in question, 14 April 2020, I welcomed new advice to test those going into care homes […]. The advice changed due to an inability to operationalise the original proposal, and I acted on this subsequent advice articulated through official government channels not over WhatsApp […]. The fact this all happened on one day shows how rapidly we were working to keep people safe, according to the best advice. To suggest otherwise is both misleading and untrue."

26. The complainant also provided a transcript of the following exchange between himself and a barrister during the inquiry. He noted that he was under oath when the exchange occurred:

Barrister: Subsequently -- and I don't want to go through the detail of them -- there were announcements about testing of symptomatic care home staff.

Complainant: Yes.

Barrister: 15 April, there was an action plan for adult social care. There was an announcement on 28 April for asymptomatic staff and resident care homes for over-65s. Another announcement on 7 June, all about testing.

Complainant: Yes.

Barrister: Was the core point this: that whilst the government could announce a policy of testing, because, for the very reason you've identified, there was a shortage of testing, it could give no guarantees as to whether testing in reality would meet that aspiration? Out with your control, there may and were occasions -- or maybe many occasions -- when testing was not available due to the exigencies of the system, but that's nothing to do with the policy announced by government. Is that a fair summary?

Complainant: It's a little bit more complex than that, and if I might have the opportunity to set it out a little bit. The -- it is certainly true that, especially in a pandemic, if you make a policy decision at the centre then it takes time and it is sometimes uneven in how that is promulgated. That's true across all policy, especially when done at pace. Nevertheless, even having said that, the testing

policies were -- that we put in place for adult social care were essentially based on clinical advice of what tests would be reliable and effective, combined with the operational advice of how many tests were available. So, for instance, there was a discussion on 14 April when clinical advice for the first time said: yes, you can test asymptomatic people and a negative test will be reliable; really important, apropos our earlier discussion. But then we combined that with the operational advice as to how many tests were available, by that stage around 35,000. And you can see, for instance in [DHSC email of 14 April, 6:49pm] that then the clinical advisers, in this case the CMO, came back and then signed off on and issued new advice as to what the policy should be for testing. policy was, what order of priority we used tests in, was based on clinical advice throughout.

Barrister: All right. That is understood, and nobody has suggested otherwise. The point I'm making is a different one, which is the DHSC, your clinical advisers, whoever it was who promulgated the policies, could not day in, day out, practically at residential care sector level –

Complainant: Yeah.

Barrister: -- guarantee everybody a test or practically make them available. This was an extremely complex, difficult system, and you could not ensure or guarantee that there would be tests available for everyone in accordance with the policy.

27. The publication reviewed the further material the complainant had provided and said that it was still satisfied that the article included no significant inaccuracies. It highlighted the aide's message to the complainant where they said: "officials are saying your steer is to *remove* the commitment to testing on admission to care homes *from the community*". It said the complainant's own colleagues understood that the decision had been the complainant's – this was clear by the reference to "your [the complainant's] steer", rather than a refence to this being Prof Whitty's "steer".

28. The publication said that the complainant had not suggested that the CMO had changed his view but that he was present at a subsequent meeting at which it was decided his advice was not practicable. The publication noted that the complainant had provided no memo or other record of what was said and by whom at this meeting.

29. Turning to the speech made by the Health Minister in Parliament, the publication said that she had not said that scientific advice changed. In fact, it said she repeated the clinical advice given by the CMO that everyone going into care homes from the community should be tested. This, it noted, was the exact position set out in the article under complaint: there was advice, and the complainant had chosen not to put it into effect: "I would rather leave it out and just commit to test & isolate ALL going into care from hospital. I do not think the community commitment adds anything and it muddies the waters".

30. In response to the complainant's witness statement, the publication said that his statement did not say scientific advice changed. Rather, it said that he acted on subsequent advice that the initial scientific advice couldn't be implemented for operational reasons. It said that the distinction between clinical and operational advice occurred again in the complainant's exchanges in oral evidence with the barrister. The publication said it contradicted his mantra to the public that he was following scientific advice and throwing a protective ring around care homes. In this exchange, it said that the barrister was talking about the Chief Scientific Advisor's frustration that clinical advice was being ignored in respect of the movement of persons between care homes. It said that the clinical advice in February 2020 was that movement between care homes was a significant issue and should be stopped. During this exchange, the complainant gave an insight into the difference between clinical advice and operational advice, a difference he appeared to acknowledge and accept.

31. In response to the oral evidence of the former Chief Executive of NHS England, the publication said that, while the complainant believed this showed that the clinical advice changed, it did not. It said it showed that once the decision was made to reject the CMO's advice for operational reasons the complainant sought advice on how to allocate the tests. It said this did not support the complainant's position that the clinical advice changed or that he did not reject the advice.

32. In response to the 6:49pm DHSC email, the publication said the advice referred to as having been received from the CMO was not advice that people entering care homes from the community should not be tested. Rather, it said the reference to Prof Whitty related to maintaining the ultimate goal to test all entering care homes. It said this email also showed that the scientific advice did not change, and that the CMO was clearly maintaining his scientific position that all entering care homes should be tested.

33. The complainant said that the publication's understanding of this email was incorrect: the ultimate goal of testing all of those who entered care homes was not scientific advice. Rather, this was the line which would be taken for the purposes of external communications. He maintained that Prof Whitty's advice at the time was that it was not possible to test all of those going into care homes and therefore they must limit the tests to people entering care homes from hospitals.

Relevant Clause Provisions

Clause 1 (Accuracy)

i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.

ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.

iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.

iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

Findings of the Committee

34. The headline claim that the complainant "rejected" the Chief Medical Officer's "advice on care home tests" was a serious one.As it considered whether this claim was supported by the text of the article, and whether it was otherwise significantly inaccurate or misleading, the Committee considered in detail the content of the full article; the material provided by the publication to substantiate this claim; and the material provided by the complainant which he said provided a more complete account of the events in question.

35. The Committee noted first that its consideration, and the publication's handling of the story, were inevitably framed by the available evidence. Neither the Committee nor the publication had access to all the material relevant to the complainant's considerations as to whether people entering care homes from the community should be tested – such as the precise advice Prof Whitty had given, or the minutes and summaries of meetings where testing and care homes were discussed. Some of this evidence was not available to the complainant, and some he was not at liberty to disclose, though he had been able to provide some emails and a number of documents which had entered into the public domain via the Covid Inquiry, and which the Committee therefore considered as part of its deliberations.

36. Notwithstanding the difficulty both sides faced in providing supplementary and further information to support their positions, the Committee noted that the article reported on the contents of WhatsApp messages that had been exchanged between the complainant and his aides, the content of which was not in dispute by either party. It was clear from reading the article in conjunction with the headline that the headline claim was based on information gleaned from these WhatsApp messages: for instance, the article reported that that the complainant "rejected the Chief Medical Officer's advice to test all residents going into English care homes for Covid, leaked messages seen by The Daily Telegraph reveal" [emphasis IPSO] before going on to reproduce the contents of these messages. Though the text of an article cannot be relied upon to correct an inaccurate or misleading headline, it can contextualise claims made in headlines and add supplementary information which aids the understanding of the headline in question.

The Committee were of the view that the basis for the headline's claim that the complainant had "reject[ed]" the scientific advice was clearly set out in the article. The article had expressly referenced and had published the relevant WhatsApp messages upon which this claim was based, which made clear the exchanges which had taken place between the complainant and his aides and allowed readers to interpret the content for themselves; it had also provided additional context about testing capacity at the time, which contextualised the complainant's position on the issue.

37. The article quoted the WhatsApp messages in full, which gave an indication of the scientific advice which had been provided by the Chief Medical Officer and the complainant's response, for instance "'Chris Whitty has done an evidence review and now recommend testing of all going into care homes, and segregation whilst awaiting result. This is obviously a good positive step & we must put into the doc.'" and another which said: "'Tell me if I'm wrong but I would rather leave it out and just commit to test & isolate ALL going into care from hospital. I do not think the community commitment adds anything and it muddies the waters'". This response was sent following previous advice given by the Chief Medical Officer that all those going into care homes should be tested. The complainant appeared to be aware, therefore, that from a scientific perspective, it was the view of the CMO that all those entering care homes should be tested, including those entering from the community, and further that a public commitment should be made to implement this step, when operationally feasible, as part of the announcement. The Committee noted the complainant's position that the advice that had been given by the Chief Medical Officer was not operationally achievable due to limited testing capacity and that his position was included in the article, which quoted his book 'Pandemic Diaries': Mr Hancock said in his book, 'Pandemic Diaries', that the 'tragic but honest truth' at the start of April was that 'we don't have enough testing capacity'". For these reasons, and given that the claim was clearly made by reference to the available WhatsApp messages which had been reproduced in the article, the Committee did not consider it inaccurate for the publication to characterise the complainant's actions as rejecting the advice of the Chief Medical Officer, and the headline was supported by the article. There was no breach of Clause 1.

38. The Committee also considered whether the publication should have contacted the complainant prior to the publication of the article as part of the Code's requirement to take care not to publish inaccurate, misleading or distorted information. The Committee noted that a right or reply or an obligation to contact the subject of the article prior to publication is not an explicit requirement of Clause 1, though this may be necessary as part of Clause 1(i)'s requirement to take care over the accuracy of the articles. However, where – as noted above – the article did not include any inaccurate, misleading, or distorted information, there was no case to answer under the terms of Clause 1 (i) in relation to the complainant not having been contacted prior to publication. There was no breach of Clause 1 (i) on this point.

39. The complainant said that the article breached Clause 1 (iii) as the publication had not approached him for comment and had also ignored his attempts to contact them prior to publication of the article. Clause 1 (iii) relates to the actions a newspaper should take following the publication of a significant inaccuracy, and says that a fair opportunity to reply to such inaccuracies should be given when reasonably called for. As the complainant's concerns related to the fact that the publication had not contacted him prior to the article's publication, rather than that they had not offered him an opportunity to reply to alleged significant inaccuracies post-publication, the Committee therefore considered that this sub-Clause was not engaged.

Conclusions

40. The complaint was not upheld.

Remedial action required

41. N/A

Date complaint received: 12/06/2023

Date complaint concluded by IPSO: 09/05/2024

Independent Complaints Reviewer

The complainant complained to the Independent Complaints Reviewer about the process followed by IPSO in handling this complaint. The Independent Complaints Reviewer decided that the process was not flawed and did not uphold the request for review.

APPENDIX B

Decision of the Complaints Committee – 21530-23 Carragher v Sunday Mail

Summary of Complaint

1. Tracy Carragher complained to the Independent Press Standards Organisation that the Sunday Mail breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Sex pest's ally in push to be an MP", published on 8 October 2023.

2. The article – which appeared on page 2 of the newspaper underneath a banner which read "COUNCILLOR PASSES SNP VETTING" – reported that the complainant, who it described as an "SNP councillor accused of ignoring sex assault claims", was "looking to stand in the next General Election despite being involved [in a] scandal" involving a named former SNP councillor. The article stated that the complainant had "passed the party's internal vetting procedures for the next election but the Sunday Mail understands she has not yet been selected as a candidate", adding that this was "the second time the [complainant] has tried to become an MP after a failed bid in 2019".

3. The article then reported that "in February the Sunday Mail told how [another named councillor] claimed he had told [the complainant] months earlier that he had been sexually assaulted and harassed by [the former councillor] but she had taken no action". It then stated that the complainant "denied [this individual's] account".

4. The article also included the comments made by a representative of the Progressive Change North Lanarkshire party, reportedly "set up in the wake of the scandal": "Our whole group was astonished at the fact that Tracy Carragher appears to have passed SNP candidate vetting for the Westminster elections. She neglected a complaint of sexual harassment, protected [the named councillor] and refused to acknowledge her role as leader to appropriately investigate his alleged actions then threatened to suspend the person who reported their experience with [the named councillor] to her […] What exactly are SNP HQ vetting if they choose to ignore this behaviour consistently?"

5. The article also included the following statement from an SNP spokesperson: "We do not comment on internal party process". It also reported that the complainant "was asked for comment."

6. The article was accompanied by a photograph of the complainant standing next to the former councillor. It was also accompanied by images of previous

Sunday Mail front pages, from March 2023 and July 2023, which reported on the allegations against the former councillor.

7. The article also appeared online in substantially the same form, under the headline "SNP councillor who ignored sex pest claims in running to become an MP at general election". The sub-heading of this version of the article read: "SUNDAY MAIL EXCLUSIVE: The party's Tracy Carragher was accused of ignoring sex assault claims now at the centre of a police investigation but has been cleared to stand as a candidate".

8. A link to the online article was also published on the publication's X – formerly known as Twitter – account. A post accompanying the link read: "SNP councillor who ignored sex pest claims in running to become an MP at general election".

9. The complainant said the article was inaccurate and misleading in breach of Clause 1. She denied that she was "running" to become an MP; she had not sought nomination for the forthcoming general election in any constituency. She also noted that the article had been published after the SNP's nomination process had closed and after the date when she could have been selected as a prospective parliamentary candidate for the party. The complainant accepted that she had previously passed the party's parliamentary vetting process, and she had been included on the approval list for potential parliamentary candidates for "some years now".

10. The complainant also said the headline of the online article inaccurately reported that she had "ignored sex pest claims"; she denied that she had received any such complaint that she had subsequently ignored. She was also concerned that the newspaper had presented such a serious allegation as a statement of fact, and considered that this also represented a breach of the Code.

11. On 17 November 2023 – and its first substantive response during IPSO's complaints process – the publication said it had amended the online article on 14 November, 22 days after the publication initially became aware of the complainant's concerns. The headline was changed to: "SNP councillor accused of ignoring sex pest claims in running to become an MP at general election". Nevertheless, the publication noted that the sub-headline and text of the online article, including the opening sentence, made clear that this was not a claim of fact but an allegation against the complainant: she had been "accused of ignoring sexual assault claims". The publication also noted that it had approached the complainant for comment regarding this allegation, via e-mail and telephone, in May 2023 when it had first covered this story. It had then received a response from her party on the matter, which denied the allegation. It said that the text of the article – both online and in print – made clear that she "denied" the claims made against her.

12. The publication did not accept that the article inaccurately reported that the complainant was "in the running" to become an MP: the complainant had passed the party's internal vetting process and, therefore, was eligible for selection – a point, it argued, the text of the article made clear. It added that two sources had advised that the complainant was considering running for election in another area. The publication could not disclose the identity of its sources, where it had a moral obligation to protect their identity under the terms of Clause 14 of the Editors' Code of Practice. However, it said that the sources were: from the complainant's local party branch; considered "extremely reliable"; and had "first-hand knowledge" that the complainant was actively looking at other areas to stand for election. The publication said the complainant was eligible for selection for elections to the Scottish Parliament and local government, but as these were not until May 2026 and May 2027 respectively, it was reasonable for the article to refer to the next general election, which is due by January 2025 at the latest and which the complainant was eligible to stand in.

13. On 29 November 2023, 37 days after first becoming aware of the complaint, the publication then offered, in an effort to resolve the matter, to publish the following standalone online correction on its homepage for 24 hours:

Tracy Carragher - A correction

A previous headline of our article, 8 October reported as fact that SNP councillor, Tracy Carragher, had 'ignored sex pest claims'. Although the article made clear that [a named councillor] claimed he had told Carragher months earlier that he had been sexually assaulted and harassed by [named individual] but she had taken no action' and that Carragher denied this, the headline should not have reported this as fact. We are happy to make clear that Tracy Carragher was accused of ignoring the sex pest claims, which she denies. The headline has been amended accordingly.

14. The complainant did not accept the proposal as a resolution to the complaint. She said this was because the wording of the correction did not include an apology, nor did it address her other concern: that she was "in the running" and "looking to stand" as an MP for the SNP in the next general election. She also considered that the correction should appear within the publication's Corrections and Clarification column online and in print. She further requested the removal of the online article as well as the accompanying post on X – which she noted had not been amended or corrected.

15. The publication did not consider it was appropriate to offer an apology. However, on 15 December it offered to remove the X post in question and to publish a link to the standalone correction on its X account to resolve the complaint.

Relevant Clause Provisions

Clause 1 (Accuracy)

i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.

ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.

iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.

iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

Findings of the Committee

16. First, the Committee emphasised that it was not making a finding on the accuracy of the allegations made against the complainant. Its role was to decide whether there had been a breach of the Editors' Code.

17. The Committee considered whether the articles – in print and online – were inaccurate to report the complainant was "in [a] push to be an MP" and "in the running to become an MP", respectively. The Committee appreciated the publication's position that this information came from confidential sources. It stressed it would not ask a publication to disclose the identity of a confidential source, and that it was mindful of Clause 14, which places a moral obligation on journalists to protect such sources of information. However, in this instance, simply relying on the word of confidential sources, without taking any further steps to verify the information provided – for instance, by contacting the complainant or the party for their position – was not enough to demonstrate the publication had taken care over the accuracy of the information. This had resulted in the publication of inaccurate information as – at the time of the article's publication – the complainant's position was that she was not "in the running" to become an MP, nor was she "push[ing]" to become one. The Committee was also concerned the publication had not acknowledged in its correspondence that the complainant had not been approached for comment for the article under complaint, but had been approached for comment about a separate article published in May 2023. It therefore found a breach of Clause 1(i).

18. Where the crux of the article was the complainant's alleged attempt to become an MP, and reporting that the complainant was currently in the running to become an MP in the next general election gave the article its topicality, the inaccuracy was significant and in need of correction in order to avoid a breach of Clause 1(ii).

19. The Committee considered the second aspect of the complaint: that the complainant had ignored claims of sexual assault and harassment against a fellow councillor. The Committee noted that the headline of the online article – and accompanying X post – stated, without qualification or reference to the fact that this was an allegation, that the complainant had "ignored sex pest claims". While the Committee noted that parts of the online article made clear the status of the allegation – attributing this to a named, former councillor and including her denial – this was not sufficient to rectify the misleading impression created by the online headline. The online version of the headline, therefore, presented the allegation against the complainant as fact, which constituted a failure to distinguish between comment, conjecture and fact, in breach of Clause 1(iv). The presentation of an unverified allegation against the complainant as established fact in the headline rendered it significantly misleading, given its prominence and where it related to the complainant's handling of claims of sexual assault and harassment. Therefore, the online headline required correction under Clause 1 (ii) of the Code.

20. In contrast to the online article, the print version of the article had, in the view of the Committee, accurately presented the claim made by a former councillor against the complainant as allegations: the text of the article stated prominently a named councillor had "claimed" he had told the complainant he had been sexually assaulted and harassed; and she denied this account. As such, there was no failure to take care in relation to the presentation of this claim. There was no breach of Clause 1 on this point.

The Committee next considered whether the remedial action undertaken by the publication was sufficient to avoid further breaches of Clause 1 (ii) of the Code. It noted that the newspaper had not corrected the print article – in relation to its claim that the complainant was in a "push to be an MP".

21. It also noted that although it had corrected the online article, it had not included an apology in the correction. Clause 1 (ii) of the Code makes clear that there are circumstances in which an apology may be called for. On this occasion, where the error in the online article and X post – reporting as fact that the complainant had "ignored sex pest claims" – was an allegation against the complainant which had the potential to be seriously damaging to her, an apology was required. The Committee expressed further concern that the correction to the online article had not been offered until 37 days after the publication was made aware of the complainant's concerns. This was not sufficient promptness as required by the terms of Clause 1 (ii) and, for these reasons, there was a breach of Clause 1 (ii).

Remedial action required

22. Having upheld the complaint, the Committee considered what remedial action should be required. In circumstances where the Committee establishes a breach of the Editors' Code, it can require the publication of a correction and/or

an adjudication; the nature, extent and placement of which is determined by IPSO.

23. The Committee found the publication – in the online article, and in the newspaper's post on X – had failed to distinguish comment from fact, and had not taken care over its reporting of significant and potentially damaging accusations against the complainant.

24. The allegations that the complainant had ignored sexual assault claims and was attempting to become an MP formed the basis of the online article and X post, and the inaccuracies were therefore significant. In these circumstances, a published apology was necessary to avoid a breach of Clause 1 (ii). Where the publication had failed to offer an apology, an adjudication was the remedy to the breach.

25. In reference to whether the complainant had ignored sexual harassment allegations, the print article made clear it was reporting on claims rather than fact, and did not breach the Code in this respect. However, the print article still centred around a significantly inaccurate claim, which was that the complainant was in the running to become an MP. This claim gave the story its topicality, and remained uncorrected by the publication. In these circumstances, the Committee considered that adjudication was appropriate.

26. The print article was published on page 2; so the adjudication should also be published on page 2. The headline to the adjudication should make clear that IPSO has upheld the complaint against the Sunday Mail and refer to the complaint's subject matter. The headline must be agreed with IPSO in advance.

27. Another adjudication should also be published online, with a link to this adjudication (including the headline) being published on the top 50% of the publication's homepage for 24 hours; it should then be archived in the usual way. This adjudication would remedy the alleged breach of the Code in relation to the inaccurate information that the complainant was in the running to become an MP and that she had "ignored" sex pest claims. If the newspaper intends to continue to publish the online article without amendment to remove the breaches identified by the Committee, a link to the adjudication should also be published on the article, beneath the headline. If amended to remove the breach, a link to the adjudication should be published as a footnote with an explanation that the article was amended following the IPSO ruling.

28. A link to the online adjudication should also be published by the newspaper's X account. This social media post should make clear that IPSO has upheld the complaint against the Sunday Mail, refer to the complaint's subject matter and include a link to the online adjudication.

29. The terms of the adjudication for publication in print are as follows:

Tracy Carragher complained to the Independent Press Standards Organisation that the Sunday Mail breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Sex pest's ally in push to be an MP", published on 8 October 2023.

The complaint was upheld, and IPSO required the Sunday Mail to publish this adjudication to remedy the breach of the Code.

The article reported the complainant, who it described as an "SNP councillor accused of ignoring sex assault claims" was "looking to stand in the next General Election despite being involved [in a] scandal" involving a named former SNP councillor. The article stated the complainant had "passed the party's internal vetting procedures for the next election but the Sunday Mail understands she has not yet been selected as a candidate", adding that this was "the second time the [complainant] has tried to become an MP after a failed bid in 2019".

The complainant said the article was inaccurate. She denied she was "running" to become an MP; she had not sought nomination for the forthcoming General Election in any constituency.

The publication did not accept it was inaccurate to report that the complainant was "in the running" to become an MP. It said the complainant had passed the party's internal vetting process and therefore was eligible for selection – a point, it argued, the text of the article made clear. It added two sources had advised that the complainant was considering running for election in another area. The publication said the complainant was eligible for selection for elections to the Scottish Parliament and local government, but as these were not until May 2026 and May 2027 respectively, it was reasonable for the article to refer to the next "general election", which the complainant would be eligible to stand in.

The publication, when reporting the complainant was in the running to become an MP, had relied on the word of confidential sources, without taking any further steps to check whether the information it reported was true – for instance, by contacting the complainant or the party for their position. IPSO found this was not enough to demonstrate the publication had taken care over the accuracy of the information. There was a breach of Clause 1(i). Where the crux of the article was the complainant's alleged attempt to become an MP, the inaccuracy was significant and in need of correction to avoid a breach of Clause 1(ii).

The print article centred around a significantly inaccurate claim, which was that the complainant was in the running to become an MP. This claim gave the story its topicality, and remained uncorrected by the publication. In these circumstances, the Committee considered that adjudication was appropriate.

30. The terms of the adjudication for publication online is as follows:

Tracy Carragher complained to the Independent Press Standards Organisation that the Sunday Mail breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "SNP councillor who ignored sex pest claims in running to become an MP at general election". This article was also was shared on the newspaper's official "X" account.

The complaint was upheld, and IPSO required the Sunday Mail to publish this adjudication to remedy the breach of the Code.

The article reported the complainant, who it described as an "SNP councillor accused of ignoring sex assault claims" was "looking to stand in the next General Election despite being involved [in a] scandal" involving a named former SNP councillor. The article stated the complainant had "passed the party's internal vetting procedures for the next election but the Sunday Mail understands she has not yet been selected as a candidate", adding that this was "the second time the [complainant] has tried to become an MP after a failed bid in 2019".

The complainant said the article was inaccurate. She denied she was "running" to become an MP; she had not sought nomination for the forthcoming general election in any constituency.

The complainant also said the headline of the article inaccurately reported she had "ignored sex pest claims"; she denied she had received any such complaint. She was also concerned the newspaper had presented such a serious allegation as a statement of fact.

The publication did not accept it was inaccurate to report that the complainant was "in the running" to become an MP. It said the complainant had passed the party's internal vetting process and therefore was eligible for selection – a point, it argued, the text of the article made clear. It added two sources had advised that the complainant was considering running for election in another area. The publication said the complainant was eligible for selection for elections to the Scottish Parliament and local government, but as these were not until May 2026 and May 2027 respectively, it was reasonable for the article to refer to the next "General Election", which the complainant would be eligible to stand in.

Regarding whether the complainant had ignored a complaint of sexual assault, the publication said the article made clear this was not a claim of fact but an allegation against the complainant: she had been "accused of ignoring sexual assault claims". The publication also said it had approached the complainant for comment regarding this allegation, via e-mail and telephone, in May 2023 when it had first covered this story. It had then received a response from her party on the matter, which denied the allegation. It said that the text of the article clear that she "denied" the claims made against her.

The publication, when reporting the complainant was in the running to become an MP, had relied on the word of confidential sources, without taking any further

steps to check whether the information it reported was true – for instance, by contacting the publication or the party for their position. IPSO found this was not enough to demonstrate the publication had taken care over the accuracy of the information. There was a breach of Clause 1(i). Where the crux of the article was the complainant's alleged attempt to become an MP, the inaccuracy was significant and in need of correction to avoid a breach of Clause 1(ii).

IPSO also noted that the headline of the article – and accompanying X post – stated, without reference to the fact this was an allegation, the complainant had "ignored sex pest claims". While parts of the article made clear the status of the allegation, this was not sufficient to rectify the misleading impression created by the online headline. The headline, therefore, presented the allegation against the complainant as fact, and constituted a failure to distinguish between comment, conjecture and fact, in breach of Clause 1(iv). The presentation of an unverified allegation against the complainant as established fact in the headline rendered it significantly misleading, given its prominence and where it related to the complainant's handling of claims of sexual assault and harassment. Therefore, the online headline required correction under Clause 1 (ii) of the Code.

On this occasion, where the error in the online article and X post – reporting as fact that the complainant had "ignored sex pest claims" – was an allegation against the complainant which had the potential to be seriously damaging to her, an apology was required. There was a breach of Clause 1 (ii).

Conclusions

31. The complaint was upheld under Clause 1.

Date complaint received: 11/10/2023

Date complaint concluded by IPSO: 02/04/2024

APPENDIX C

Decision of the Complaints Committee – 21023-23 A woman v South Wales Argus

Summary of Complaint

1. A woman complained to the Independent Press Standards Organisation that the South Wales Argus breached Clause 1 (Accuracy), Clause 2 (Privacy), Clause 4 (Intrusion into grief or shock), and Clause 6 (Children) of the Editors' Code of Practice in an article published on Friday 22 September 2023.

2. The article was an interview with a man with a terminal illness, who had donated money to a local hospice which was providing him with palliative care; it appeared on a double-page spread across pages 18 and 19. It described the man as a "single dad" to a child; the child's age and gender were also published. The child in question was under the age of 16. The article went on to include his child's first name. It stated that the man, "who was forced to give up work as his condition worsened, believes making the donation to the hospice is the very least that he can do."

3. It then included a quote from the man: "[I]t's my [child], […] that I really feel for. They are] having a particularly difficult and tough time, dealing with all of this on top of the everyday challenges that face today's [children]." The article closed with a statement from the hospice's Chief Executive:"[W]e are so very grateful to [man's name] for his tremendously generous donation. We wish him all the very best and are pleased that we are able to support him and his family."

4. The article included two photographs of the man and his child. The captions to both photographs included the child's name.

5. The article also appeared online in substantially the same form.

6. The complainant – the mother and custodial parent of the child referenced in the article – said the article breached Clause 6 because it had impacted her child's time at school. She said her child had been approached by other students in school who had learnt of their father's terminal illness after reading the article. The complainant said this had a profound impact on her child's ability to attend school and maintain their education. This meant that they had had missed school on several occasions, which had negatively impacted their ability to study for their upcoming assessments.

7. The complainant also said the article breached Clause 6. She said the child's father did not have parental responsibility for the child and the child had never lived with him, although was able to visit him for a few hours at a time. Neither she nor her child had been contacted before publication to ask for permission for

her child to be referenced in the article. The complainant considered the images and name of her child were used to "garner sympathy", and the article contained details about her child's private family life.

8. The complainant also said the article breached Clause 4 because it was published without any consideration for its impact on her child. She described her child as vulnerable. She further said the article breached Clause 2; she considered it had intruded into her child's private life by sharing private family details without consent.

9. She also said the article was inaccurate in breach of Clause 1, because it described her child's father as a "single dad". She said her child had never lived with their father and he did not have responsibility for her child's schooling, health, or finances. She also disputed that the man had been "forced to give up work as his condition worsened"; she said he had stopped working for unrelated reasons. The complainant also said it was inaccurate to say the hospice had supported her child, as she said her child had only attended one meeting there.

10. The publication did not accept that the article breached Clause 6 (i) by intruding into the child's schooling unnecessarily, as the article and photos had no connection to their education.

11. The publication did not accept it had breached Clause 6 (iii). It accepted that, during the interview, the child's father had referenced matters relating to their welfare. However, it said that the article as a whole was not about their welfare. Therefore, it did not consider that the terms of Clause 6 (iii) – which make clear that its provisions apply only in matters relating to a child's welfare – applied in this case. It said the article was positive and uplifting, and shared the story of a local father giving back to the local hospice that had cared for him during a terminal illness. It said it would be strange if the man was not able to refer to being a proud father in such a context.

12. The publication said it had not considered it necessary to make further enquiries regarding who the child's custodial parent was, as in the press release the hospice referred to the man as a "single dad". Nonetheless, it said that on the same day it learnt of the complainant's concerns, it had amended the online article to remove the photographs of the child and their name, as well as the reference to the man being a "single dad".

13. The publication also did not accept its article contained any inaccuracies. It said the information came from the hospice, a trusted local source, and it was entitled to rely on it. However, as a gesture of goodwill it agreed to remove the reference to the man being a "single dad".

14. It also said it did not believe it had intruded into the child's private life in breach of Clause 2. It said that the child's father had the right to talk about his life, illness, family life, and the support he had received from the hospice.

15. The publication also did not accept a breach of Clause 4. It said the father's family were aware of his illness, and he had spoken freely to the hospice and was happy for his story to be shared to support and promote its work. It said the article simply reported a generous gesture from a dying man in good faith.

16. While the publication did not accept it had breached the Code, it said that its reporting was in the public interest and any potential breach was therefore mitigated. It said there was a broad public interest in being free to report on events in the local community without undue restriction. More specifically, it said there was a particular public interest in people understanding the role of hospices within society. It said the ability to humanise an article has an impact on how people relate to it and that including details about the man being a father and showing him with his child enabled people to better relate to the story and, in turn, the work of the hospice. It said stories will sometimes involve children of those the hospice cares for and including the children in the story is part of how it could help readers relate to the work of the hospice. It said the photographs of the man with his child would elicit attention and empathy from readers and that, without the photographs, the impact of the story, and by extension, the educational and charitable benefits to the hospice, were diminished.

17. The publication said it did not have a specific discussion about the public interest in the article under complaint, or the photographs which accompanied the article, prior to publication – it considered that it had parental consent for the publication of the photographs, via the child's father, so did not believe that there would be the need to advance a public interest defence. However, it said that past conversations on similar topics would have been considered and the same logic applied to the article under complaint.

18. In response to the publication's public interest argument, the complainant said she supported the hospice, and her complaint was not to detract from its work. Rather, her concern was the impact the article had on her vulnerable child, who she felt was exploited for the purposes of publicising the article.

Relevant Clause Provisions

Clause 1 (Accuracy)

i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.

ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.

iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.

iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

Clause 2 (Privacy)*

i) Everyone is entitled to respect for their private and family life, home, physical and mental health, and correspondence, including digital communications.

ii) Editors will be expected to justify intrusions into any individual's private life without consent. In considering an individual's reasonable expectation of privacy, account will be taken of the complainant's own public disclosures of information and the extent to which the material complained about is already in the public domain or will become so.

iii) It is unacceptable to photograph individuals, without their consent, in public or private places where there is a reasonable expectation of privacy.

Clause 4 (Intrusion into grief or shock)

In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. These provisions should not restrict the right to report legal proceedings.

Clause 6 (Children)*

i) All pupils should be free to complete their time at school without unnecessary intrusion.

ii) They must not be approached or photographed at school without permission of the school authorities.

iii) Children under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.

iv) Children under 16 must not be paid for material involving their welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.

v) Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.

The Public Interest

There may be exceptions to the clauses marked * where they can be demonstrated to be in the public interest.

1. The public interest includes, but is not confined to: ▪ Detecting or exposing crime, or the threat of crime, or serious impropriety. ▪ Protecting public health or safety. ▪ Protecting the public from being misled by an action or statement of an individual or organisation.

▪ Disclosing a person or organisation's failure or likely failure to comply with any obligation to which they are subject.

▪ Disclosing a miscarriage of justice.

▪ Raising or contributing to a matter of public debate, including serious cases of impropriety, unethical conduct or incompetence concerning the public.

▪ Disclosing concealment, or likely concealment, of any of the above.

2. There is a public interest in freedom of expression itself.

3. The regulator will consider the extent to which material is already in the public domain or will become so.

4. Editors invoking the public interest will need to demonstrate that they reasonably believed publication - or journalistic activity taken with a view to publication – would both serve, and be proportionate to, the public interest and explain how they reached that decision at the time.

5. An exceptional public interest would need to be demonstrated to over-ride the normally paramount interests of children under 16.

Findings of the Committee

19. The Committee wished to express its sympathies to the complainant and her child for the distressing circumstances surrounding this complaint.

20. The publication had acted in good faith; it intended to publish a positive article, raising awareness of the work of the hospice. Nonetheless, it was still required to have regard for the terms of Clause 6.

21. The Committee did not accept the publication's argument that it had not breached Clause 6 (i) because the article did not refer to the child's education specifically. Clause 6 is intended to prevent unnecessary intrusion into the education of a school-age child; a child's time at school can be intruded into by an article's publication, regardless of whether it explicitly mentions their education. A prominent focus of the article – which, as the publication acknowledged, heightened the human interest in the story – was the fact the man had a child. The article featured images of the child, their name and included the father's reference to the child having "a particularly difficult and tough time". The Committee did not, therefore, consider that the child, and their experience of having a terminally ill parent, was incidental to the article. In such case, there

was a clear potential impact on the child's schooling which should have been considered prior to publication.

22. In this case, the Committee considered the impact on the child's schooling was clear – news of the father's illness had reached the child's peers, which had been upsetting and ultimately impacted their attendance. It further noted that the publication had not taken any steps, prior to publication, to ensure it had the consent of the child's custodial parent. Considering these factors, as well as the fact the publication was unable to demonstrate it had considered, or taken any measures to minimise, the impact the article might have on the child's education, given the emphasis the article placed on them and their relationship with their father, the Committee found a breach of Clause 6.

23. The Committee then considered whether the publication of the photographs could be justified by an exceptional public interest, which was required to over-ride the normally paramount interests of children under 16. The Committee acknowledged the publication's argument that the images heightened the human-interest element of the story and could draw the attention of readers to the work of the hospice. However, in order for a public interest defence to be accepted by the Committee, editors must explain in detail how they reached the decision to breach the Code at the time, which, in practice, means producing an account of the evidence available and the discussions that took place before the breach of the Code was authorised. This is particularly important in cases involving children, where the public interest must be exceptionally high. Where the publication was unable to demonstrate how it reached the decision that the publication of this material was in the public interest pre-publication, the breach of Clause 6 (i) was upheld.

24. The Committee acknowledged the complainant's concern that the newspaper did not seek permission from the custodial parent of her child before the publication of the photographs. It also noted that the article related to a matter pertaining to the child's welfare: the illness of a parent. Regardless of whether the man had custodial responsibility for the child, he was clearly their parent, and, as indicated by the visitation rights, had some degree of responsibility for them. In this case, the Committee did not consider the wording of the Clause to be clear as to whether the father would be considered a custodial parent or similarly responsible adult. As such, the Committee considered that there was not a sufficient basis to uphold the complaint on these grounds, particularly in circumstances where the intrusion into the child's schooling had already been addressed and adjudicated on by the application of the terms of Clause 6(i). However, the Committee noted its intention to contact the Editors' Code Committee to make it aware of this particular case.

25. Turning to the complainant's concerns raised under Clause 1, the Committee noted the article did not state the hospice had supported the complainant's child specifically, but that the hospice's Chief Executive had referred to the support given to "the family" more generally. It also noted that it was not in dispute that

the child had met with individuals working at the hospice, and the article was broadly focused on their father's experience with the hospice rather than their own. In such circumstances the Committee did not consider it inaccurate or misleading for the article to report that the hospice had supported "the family", and there was no breach of Clause 1 on this point.

26. The Committee noted that the complainant was not acting on behalf of the terminally ill man in making her complaint. It had regard for this fact when considering an alleged inaccuracy regarding the man's reasons for giving up work. For this reason, the Committee considered it was not able to consider this aspect of the complaint, as to make a finding on the alleged inaccuracy – the man's reasons for given up work – the Committee would need his input, as he was best placed to know why he was no longer working. The Committee therefore made no finding on this point of complaint.

27. The Committee next considered whether it was inaccurate to refer to the man as a "single dad". It was not in dispute that: the man was the child's father; was not in a relationship with the child's mother; and that there was a parental relationship between the child and their father involving visitation. Considering these factors, the Committee did not consider this description to be inaccurate. There was no breach of Clause 1 on this point.

28. Neither Clause 4 nor Clause 2 stipulate that contact must be made with the custodial parents of children who are mentioned in articles, even in circumstances which parents may consider private or intrusive into their children's grief or shock. The information disclosed about the child in the article was restricted to their name and their age, and images of their likeness. It was not in dispute this information had been shared by their father. Considering this, the Committee did not consider including this information to be intrusive or insensitive. There was no breach of Clause 2 or Clause 4 on this point.

Conclusions

29. The complaint was upheld under Clause 6.

Remedial action required

30. Having upheld the complaint under Clause 6, the Committee considered the remedial action required. Given the nature of the breach, the appropriate remedial action was the publication of an upheld adjudication.

31. The Committee considered the placement of this adjudication. The print article had featured on pages 18 and 19 of the newspaper. The Committee therefore required that the adjudication should be published in print on page 18 or further forward. The headline to the adjudication should make clear that IPSO has upheld the complaint, reference the title of the newspaper, and refer to the complaint's subject matter. The headline must be agreed with IPSO in advance.

32. The adjudication should also be published online, with a link to this adjudication (including the headline) being published on the top 50% of the publication's homepage for 24 hours; it should then be archived in the usual way. If the newspaper intends to continue to publish the online article without amendment to remove the breach identified by the Committee, a link to the adjudication should also be published on the article, beneath the headline. If amended to remove the breach, a link to the adjudication should be published as a footnote correction with an explanation that the article had been amended following the IPSO ruling.

33. The terms of the adjudication for publication are as follows:

A woman complained to the Independent Press Standards Organisation that the South Wales Argus breached Clause 6 (Children) of the Editors' Code of Practice in an article published on Friday 22 September 2023. The complaint was upheld, and IPSO required the South Wales Argus to publish this adjudication to remedy the breach of the Editors' Code.

The article was an interview with a man with a terminal illness, who had donated money to a local hospice which was providing him with palliative care. The article described the man as a "single dad" to a child; the child's age and gender were also published, and the child in question was under the age of 16. The article went on to include his child's first name.

The article included two photographs of the man and his child. The complainant – the mother and custodial parent of the child referenced in the article – said the article breached Clause 6 because it had impacted her child's time at school. She said her child had been approached by other students in school who had learnt of their father's terminal illness after reading the article. The complainant said this had a profound impact on their ability to attend school and maintain their education. It meant that they had missed school on several occasions, which had negatively impacted their ability to study for their upcoming assessments. The publication did not accept that the article breached Clause 6 (i) by intruding into the child's schooling unnecessarily, as it said the article and photos had no connection to their education.

The Committee did not accept the publication's argument that it had not breached Clause 6 (i) because the article did not refer to the child's education specifically.

Clause 6 is intended to prevent unnecessary intrusion into the education of a school-age child; a child's time at school can be intruded into by an article's publication, regardless of whether it explicitly mentions their education. A prominent focus of the article which – as the publication acknowledged, heightened the human interest in the story – was the fact the man had a child. The article featured images of the child, their name, and included the father's reference to the child having "a particularly difficult and tough time". The

Committee did not, therefore, consider that the child, and their experience of having a terminally ill parent, was incidental to the article. In such a case, there was a clear potential impact on the child's schooling which should have been considered prior to publication. In this case, the Committee considered the impact on the child's schooling was clear – news of the father's illness had reached the child's peers, which had been upsetting and ultimately impacted their attendance. It further noted that the publication had not taken any steps, prior to publication, to ensure it had the consent of the child's custodial parent.

Considering these factors, as well as the fact the publication was unable to demonstrate it had considered, or taken any measures to minimise, the impact the article might have on the child's education, given the emphasis the article placed on them and their relationship with their father, the Committee found a breach of Clause 6.

IPSO upheld the complaint as a breach of Clause 6 (Children) of the Editors' Code and ordered the publication of this ruling.

Date complaint received: 02/10/2023

Date complaint concluded by IPSO: 02/04/2024

APPENDIX D

Paper no.	File number	Name v publication
3052	19985-23	Sparks v The Daily Telegraph
3036	18239-23	Burke v Liverpool Echo
3071	20130-23/20133-23/20134-23	Rothon v mirror.co.uk/walesonline.co.uk/manchestereveningnews.co.uk
3076	19789-23	Rothon v Basildon Echo
3101	20762-23	Dale v Telegraph.co.uk
3061	18554-23	Stephens MP v Scottish Daily Mail
3095	20669-23	Hibbert v birminghammail.co.uk
3105	21840-23	Mallabourn v dailystar.co.uk
3107	22501-23	Hmidan v Telegraph.co.uk
3075	20569-23	Lightfoot v edinburghlive.co.uk
3092	21022-23	A woman v Western Mail
3108	21446-23	Hussain v The Sun
3121	22032-23	Huey v The Belfast Telegraph
3111	21744-23	Austin v The Daily Telegraph
3114	21041-23	Joyce v Glamorgan Gazette
3120	22285-23	Robinson v Mail Online
3127	21877-23	Wieser v Mail Online
3082	20964-23	Irish FA v Sunday Life
3112	22008-23/22867-23	Hibbert v Express & Star (East & West)