
MINUTES of the COMPLAINTS COMMITTEE MEETING
Tuesday 28 November at 10.30am
Gate House

Present

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

In attendance:

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

Also present: Members of the Executive:

- Sarah Colbey *(remotely)*
- Rosemary Douce *(remotely)*
- Tom Glover *(remotely)*
- Sebastian Harwood *(items 1-7)*
- Natalie Johnson
- Rebecca Munro
- Molly Richards
- Hira Nafees Shah *(remotely)*

Observers:

- Jonathan Grun, Editors' Code of Practice

1. Apologies for Absence and Welcomes
Apologies were received from Helyn Mensah and Asmita Naik.
2. Declarations of Interest
There were no declarations received.
3. Minutes of the Previous Meeting
The Committee approved the minutes of the meeting held on 10 October 2023.
4. Matters arising
There were no matters arising.
5. Update by the Chair – oral
Welcomed everyone to the meeting, in particular the new members Manuela Grayson and Bulbul Basu. He congratulated and thanked David Hutton who has accepted a role as Deputy Chair of the Committee.

Congratulations also to Molly Richards who has been promoted to Senior Complaints Officer.
6. Update by the Head of Complaints – oral
Emily Houlston-Jones, Head of Complaints, updated members of the committee on complaints in the pipeline, including a Clause 10 complaint related to the gambling industry.

She informed members of the committee that testimonials would be welcome from committee members for the 2023 annual report, those that would like to participate can email Molly and Rebecca.
7. Complaint 19985-23 Sparks v The Daily Telegraph
The Committee discussed the complaint and ruled that the complaint should be upheld. **A copy of the ruling appears in Appendix A.**
8. Complaint 20214-23 Lunn v the Jewish Chronicle
The Committee discussed the complaint and ruled that the complaint should be upheld. **A copy of the ruling appears in Appendix B.**
9. Complaint 20293-23 Mendes v Western Mail
The Committee discussed the complaint and ruled that the complaint should not 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

The Deputy Chair for the benefit of the new members, mentioned that on occasional there may be a need for a pre-meeting, this is generally only for approximately half-an-hour and notification in advance will be sent.

12. Date of next meeting

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

APPENDIX A

Decision of the Complaints Committee – 19985-23 Sparks v The Daily Telegraph

Summary of Complaint

1. Grace Sparks 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 "'Disabled' drivers claim £40k cars for free", published on 8 July 2023.
2. The article – which appeared on page 15 – included a sub-heading which read: "Fury at 'exploitation' of taxpayer-funded scheme to help depression sufferers with issues around mobility". The opening line of the article reported that "[m]inisters have been accused of wasting taxpayer money on a 'profligate' benefits system, as it emerged that people who say they are immobilised by anxiety or depression can claim £40,000 cars on benefits". The article then continued: "Those with a mental health condition deemed serious enough to severely restrict their mobility can also get insurance for up to three drivers and breakdown, servicing and MOT cover as part of a 'worry-free' package covered by the taxpayer".
3. The article then reported that "claimants need[ed] to apply for Personal Independence Payment (PIP), a disability benefit to help with extra living costs, and secure an 'enhanced' mobility allowance. They may also need to pay an upfront fee". It reported that these "benefits cover[ed] the cost of leasing the car for a set period. Towards the end of the lease, the claimant may be able to buy their vehicle for its current market value." The article stated that there was "no need to have a physical disability to access the scheme" and that "[t]he Government says people may also qualify for PIP mobility payments if they 'have difficulty getting around because of a cognitive or mental health condition, like anxiety'".
4. The article also reported that one of the cars available on the scheme was an "Alfa Romeo Tonale selling for £40,000" and that "[c]laimants can lease the vehicle for free if they cash in their mobility allowance and make an advance payment of £3,999. Alternatively, they could use their benefits to lease a hybrid Ford Fiesta, worth around £25,000, with no upfront costs".
5. The article went on to report that a "2020 survey", "conducted by [a named] independent advice company", of "more than 1,000 people who had claimed or tried to claim the PIP mobility allowance on mental health grounds", found that "nearly a third of those who cited anxiety as their primary condition were granted the enhanced rate, which would make them eligible for the car scheme". It then

stated that for “depression, the figure was 22 per cent”, rising to “30 per cent for bipolar disorder”, “38 per cent for personality disorder”, “41 per cent for post-traumatic stress disorder”, and “43 per cent for autistic spectrum disorder”.

6. The article also included comments by a Conservative MP and a former Brexit Party MEP on the scheme. The article reported that the former “suggested there was a risk of the scheme reaching more people than intended”, stating: “Although a great many people in need have benefited from Motability’s work over the years, that does not mean it should be exempt from scrutiny”. The article reported that the latter said: “There has to be a safety net for those who genuinely need help but it’s clear that vast numbers of the healthy population are taking advantage of a profligate system which shows no respect for the workers footing the bill”.

7. A similar version of this article also appeared online, under the headline “People on benefits with mental health problems given cars worth £40k”. The sub-headline to this version of the article read: “A survey found that nearly a third of those who cited anxiety as their primary condition would be eligible for the vehicle scheme”.

8. A link to the online article was also published on the publication’s X – formerly known as Twitter – account. However, the publication was not able to provide a copy of this post as it first appeared or confirm its exact wording.

9. The complainant was one of a number of individuals who raised concerns about the article; in line with IPSO’s usual procedures, she was selected as IPSO’s lead complainant for the purpose of investigating the complaint.

10. The complainant said the article was inaccurate and misleading, in breach of Clause 1. She said that both versions of the headline were significantly inaccurate: claimants could not claim a vehicle “for free”, as reported by the print headline; nor were they “given” cars, as reported by the online headline. The complainant said that these claims were, in fact, contradicted by the text of the article, which referred to a rental scheme and the option to buy the car at the end of the lease.

11. The complainant also said the sub-heading of the online version of the article was inaccurate: there was no evidence that a survey had been conducted by the publication, or that anxiety was a primary condition that qualified claimants for the enhanced mobility allowance. The complainant also said the findings of the survey were misrepresented by the article. She disputed the survey had found that claimants would be eligible for the scheme on the sole basis of a diagnosis of either anxiety or depression. She also disputed that the survey was relevant – as it was conducted three years prior to the article’s publication – or supported the claims made within the article.

12. The complainant also said the article inaccurately reported “there [was] no need to have a physical disability to access the scheme”. She said the guidelines for awarding mobility rates of PIP were limited to physical mobility impairment, and specifically excluded psychological distress. However, the complainant accepted that the government had itself acknowledged that claimants with a mental health condition may qualify for the scheme, where it impacted that person’s mobility.

13. The complainant also said the article was misleading to report that the scheme came “with insurance cover for up to three named drivers”, as she said this presented a sensible measure as something readers should be outraged about; the additional insurance coverage was necessary as some disabled individuals entitled to use the scheme may not be able to drive, therefore their carers should be insured without an additional financial burden being placed on the claimant.

14. In addition, the complainant said the article quoted two politicians in an inaccurate and misleading way, as it presented their comments as fact and without challenge. She said the article constituted “manufactured outrage” by the publication, which harmed the disabled community.

15. While the publication said the text of the article accurately reported how claimants applied to the scheme, it accepted the headline was inaccurate. To address this, on 28 July – 20 days after the article was published and 9 days after the publication received the complaint from IPSO – it published the following correction in its Correction and Clarifications column on page 2:

article headlined “Disabled’ drivers claim £40k cars for free’ (Jul, 8) was incorrect. In fact, disabled claimants, deemed eligible, are able to claim subsidised leasehold cars . We are happy to correct the record.”

16. On 27 July, the publication also amended the headline of the online article to read “People on benefits with anxiety or depression could claim subsidised cars”. It also amended the following sentence within the text of the article: “Claimants can lease the vehicle for free if they cash in their entire mobility allowance and make an advance payment of £3,999” by removing the words “for free”.

17. At the start of IPSO’s investigation, on 5 September, the publication offered to publish the following correction under the headline of the online article:

The headline previously stated that people on benefits were given cars worth £40k. This headline has been changed to accurately reflect the fact that cars can be leased to eligible individuals.

18. The complainant did not consider that the actions taken by the publication were sufficient, as she did not consider the locations of the published and proposed corrections to be sufficiently prominent.

19. In response, on 27 September, the publication offered to publish the following standalone correction online, which would be published on its homepage for 24 hours. It said this correction would also be added to the top of the online article, beneath the amended headline:

This article has been amended. The headline previously stated that people on benefits were 'given cars worth £40k'. The article also previously reported that the lease for a £40k vehicle was free. Both these points were incorrect. In fact, disabled claimants deemed eligible are able to claim subsidised leasehold cars. Those Claimants wishing to lease a £40k vehicle have to make an advance payment of £3,999 in addition to cashing in their entire enhanced mobility allowance. We apologise for these errors and are happy to correct the record."

20. While the publication was unable to provide a copy of the original post on X, it accepted this had reproduced the original headline of the online article. It said this post had been automatically amended when the headline of the online article had been amended on 27 July. In an effort to resolve the matter, on 27 September, the publication also offered to publish a link to the above standalone correction on its X account.

21. The publication did not accept that the complainant's further concerns breached Clause 1. The publication denied the article misrepresented the eligibility of claimants to the scheme, particularly those with "cognitive or mental health condition, like anxiety", and said the article accurately reflected the government's own guidance on the subject: "You do not have to have a physical disability to get the mobility part. You might also be eligible if you have difficulty getting around because of a cognitive or mental health condition, like anxiety". The publication also denied that the article's coverage of insurance under the scheme was inaccurate or misleading. It said the text of the article made clear that claimants were able to get insurance for up to three people as well as the costs of breakdown, servicing, and MOT.

22. The publication said it was entitled to report on the survey and maintained that the article – including the sub-headline of the online article – accurately reported the findings of the survey in question, with the text of the article including a breakdown of its results. To support its position, it provided IPSO with a link to the survey, which stated: "[m]ore common conditions, including anxiety and depression do lead to awards of PIP mobility. Autistic spectrum disorder and PTSD attracted the highest proportion of awards. Nonetheless, 60% of claimants with depression and 67% of claimants with anxiety as their main condition got an award of the mobility component". It also denied that the article stated, or suggested, the survey was conducted by – or for – the publication. Instead, the

article made clear the “poll” was “conducted” by a named “independent advice company” in 2020.

23. While the publication recognised the complainant disagreed with the views of the MP and the former MEP, it said it was entitled to report them; they were clearly presented as comment and distinguished as such. It said the article made clear the claim that ministers have been “accused of wasting taxpayer money on a ‘profligate’ benefits system” was not a claim of fact; rather, it was conjecture and presented as such, by way of the use of inverted commas in the sub-heading and with this claim attributed to the former MEP later within the text of 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.

Findings of the Committee

24. The headline of the print version of the article made the clear assertion that ‘disabled’ drivers can “claim £40k cars for free”, while the online headline stated that those with mental health problems would be “given cars” worth this amount. This was inaccurate; in fact, claimants deemed eligible could claim subsidised leasehold cars through the Motability Scheme by contributing some or all of the benefits received through Personal Independence Payments (PIP) together with an additional payment in some circumstances.

25. Committee was clear: a publication cannot rely upon the text of the article to correct an inaccurate headline. While the Committee noted that the text of the article – in print and online – stated that the Scheme operated by providing subsidised leasehold cars to those eligible, this was not sufficient to correct the inaccurate headlines. The publication of the headlines amounted to a failure by the newspaper to take care not to publish misleading or distorted information, raising a breach of Clause 1(i).

26. Committee also considered that both versions of the article, as a whole, misrepresented the basis for eligibility to the Scheme. The assessment criteria made clear that claimants were unable to qualify if they only had a mental health condition; a diagnoses of depression or anxiety alone would not make a claimant eligible under the Scheme. While the Committee acknowledged that the article made a reference to claimants “with a mental health condition deemed serious enough to severely restrict their mobility” also qualifying for insurance under the Scheme, this was not sufficient to rectify the misleading impression given by the article as a whole that a diagnosis of a mental health condition was sufficient to qualify for the Scheme. In the Committee’s view, this impression was created by the article’s presentation of the survey results from 2020 as well as the inclusion of the term ‘disabled’ within quotation marks in the headline of the print article, which suggested that those who were eligible could not be considered to have a condition which affected their mobility. In these circumstances, the manner in which the Scheme was presented, particularly where its assessment criteria was publicly-available, represented a failure to take care not to publish inaccurate or misleading information, in breach of Clause 1 (i) of the Code.

27. In circumstances where the cumulative effect of the coverage had given an inaccurate and misleading impression of the conditions of and eligibility to a taxpayer-funded Scheme, including within both headlines, this was considered significant and thereby required correction under Clause 1 (ii) of the Code.

28. The Committee next considered whether the remedial action taken by the publication was sufficient to meet the terms of Clause 1(ii). The print correction had been published promptly (nine days after it had received the complaint from IPSO) and with sufficient prominence (where it appeared in the newspaper’s established Corrections and Clarification column). However, its wording did not fulfil the requirements of Clause 1(ii): it did not address the significantly misleading impression given by the article as a whole regarding the eligibility of the Scheme, or adequately correct it. The Committee therefore found a further breach of Clause 1(ii).

29. Nor did the Committee consider that the actions taken by the publication in relation to the online version of the article satisfied the terms of Clause 1(ii). The publication had amended the headline, upon receipt of the complaint from IPSO, and then offered to publish a correction beneath the headline at the start of IPSO’s investigation, on 5 September. However, the Committee considered that the publication of a standalone correction was necessary to meet the requirements of Clause 1(ii). The Committee noted that headlines, given their prominence and potential to mislead, are given particular consideration under the Code. In addition, headlines often appear on website homepages, affording them an additional level of prominence. The publication had offered – on 27 September, 83 days after the article was published, and 29 days after IPSO had launched its investigation – to publish a standalone correction. In these circumstances, the Committee concluded that the publication’s offer to publish a

correction was not sufficiently prompt, and there was a breach of Clause 1(ii) regarding the online version of the article.

30. The Committee expressed concern that the newspaper had been unable to provide a copy of the social media post as it was first published on X and had only accepted that this post had reproduced the original headline of the online article during IPSO's investigation. For the reasons outlined above, this headline, which was then shared on X, misrepresented the Scheme. As such, the Committee considered the newspaper had failed to take care not to publish inaccurate information under Clause 1 (i). For the same reasons given above, this was significant and, as such, the X post required correction under the terms of Clause 1(ii).

31. The X post had been automatically amended when the headline of the online article had been amended on 27 July – 19 days after it was first posted on social media, and upon notification of the complaint from IPSO. On 27 September, the publication had then offered to publish a link to the standalone correction on its X account. The Committee did not consider that these actions were sufficiently prompt to meet the terms of Clause 1(ii), given the delay between when the publication was notified of the inaccuracy and when it offered to put the correct position on record, as it was required to do under the Code. As such, there was a further breach of Clause 1(ii) in relation to the X post.

32. The newspaper was entitled to publish the views of the two politicians, provided that such comments were distinguished as such – in line with the terms of Clause 1(iv). In this instance, the views of these individuals were clearly attributed to the respective person and distinguished as their comments, through the use of quotation marks. While the Committee understood the complainant disagreed with their inclusion and disputed their suitability to speak on matters concerning the disabled community, publications are allowed to include the views of individuals where fact is distinguished from comment. There was no breach of Clause 1 on this point.

33. The Committee did not consider that the article was inaccurate to report that the Motability Scheme included "insurance cover for up to three named drivers" as this accurately reflected how the Scheme operated: claimants were able to insure up to three named drivers on the leased vehicle. Further, the Committee noted that the text of the article made clear which organisation had conducted the survey and when. There was no breach of Clause 1 on these points.

Conclusion

34. The complaint was upheld.

Remedial Action Required

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

36. The Committee had found that the article – both online and in print as well as the newspaper's post on X – had significantly misrepresented the conditions of and eligibility for the Motability Scheme. This misrepresentation formed the basis for the article's criticism of the Scheme. Given the prominence and nature of the breach, and where the remedial action taken – and offered by – the publication did not fulfil its obligations under Clause 1(ii), the Committee concluded that an adjudication was the appropriate remedy.

37. The Committee considered the placement of this adjudication. The print article had featured on page 15. The Committee therefore required that the adjudication should be published on page 15 or further forward in the newspaper. The headline to the adjudication should make clear that IPSO has upheld the complaint against the Daily Telegraph and refer to the complaint's subject matter. The headline must be agreed with IPSO in advance.

38. 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. The publication should contact IPSO to confirm amendments it intends to make to the online material to avoid the continued publication of material in breach of the Editors' Code of Practice.

39. A link to the 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 Daily Telegraph, refer to the complaint's subject matter and include a link to the online adjudication.

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

Grace Sparks 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 "'Disabled' drivers claim £40k cars for free", published on 8 July 2023. A similar version of this article also appeared online, under the headline "People on benefits with mental health problems given cars worth £40k" and was shared on the newspaper's official "X" account.

The complaint was upheld, and IPSO required The Daily Telegraph to publish this adjudication to remedy the breach of the Editors' Code.

The complainant said the article misrepresented the Motability Scheme, designed to provide people entitled to mobility welfare payments with access to a vehicle. She denied that claimants could claim a vehicle "for free", as reported by the print headline; or that they were "given" cars, as reported by the online headline. She also said the article was inaccurate to report that "people who say they are immobilised by anxiety or depression can claim £40,000 cars on benefits" and that a survey found that "nearly a third of those who cited anxiety as their primary condition were granted the enhanced rate, which would make them eligible for the car scheme". While she accepted that those with a mental health condition – such as anxiety and depression – could qualify for the Scheme, she said that the threshold for qualification exceeded these conditions on their own.

The Daily Telegraph said that the text of the article – both online and in print – accurately reported how claimants applied to the Scheme. However, it accepted the headlines were inaccurate. The newspaper had published a correction, in print, and in its established Corrections and Clarifications column, 9 days after it had received the complaint from IPSO. It also amended the online headline and offered to publish a correction beneath the headline. Later, during IPSO's investigation into the matter and 83 days after the article was published, the newspaper offered to publish a standalone correction on its website. It also offered to publish this correction on its "X" account.

IPSO found that the article – both online and in print as well as the newspaper's post on X – had significantly misrepresented the Motability Scheme: claimants did not receive vehicles for free. Instead, those deemed eligible were able to claim subsidised leasehold cars through the scheme, and they had to meet at least some of the cost, either via giving up a portion, or all, of their Personal Independence Payments (PIP), or by paying additional amounts on top of their allowance.

Further, in IPSO's view, the references in the article, taken together, including the findings of a survey from 2020, suggested that those with mental health conditions, such as anxiety and depression could qualify for the scheme. However, the assessment criteria for the Scheme make clear that claimants are unable to qualify if they only have a mental health condition; diagnoses of depression or anxiety would not make a claimant eligible under the Scheme, unless these conditions also affect their mobility.

For these reasons, the Committee considered that the newspaper's characterisation and presentation of the Scheme – information that was publicly available – represented a failure to take care not to publish inaccurate and misleading information, and a breach of Clause 1(i).

Given the article misrepresented the conditions of taxpayer-funded scheme, this was considered significantly misleading and, as such, required correction under Clause 1(ii) of the Editors' Code.

The Committee concluded that the action taken – and offered – by the newspaper did not fulfil its obligations under Clause 1(ii). While the print correction had been published promptly and with sufficient prominence, it did not acknowledge the significantly misleading impression given by the headline and the article as a whole regarding the eligibility criteria of the Scheme, or adequately correct it. Further, the newspaper's offer to publish a standalone correction – in relation to the online article and X post – was not considered sufficiently prompt, particularly given the prominence and significance of the breach: a standalone correction was required and had only been offered 83 days after the article was published, and 29 days after IPSO had launched its investigation into the matter. The Committee therefore found a further breach of Clause 1(ii).

The complaint under Clause 1 was upheld.

Date complaint received: 13/07/2023

Date complaint concluded by IPSO: 05/02/2024

APPENDIX B

Decision of the Complaints Committee – 20214-23 Lunn v The Jewish Chronicle

Summary of Complaint

1. Hugo Lunn complained to the Independent Press Standards Organisation that The Jewish Chronicle breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Student who called Jews 'apex predators in capitalism' gets research role at top university", published on 16 June 2023, and an article headlined "Student who called Jews 'apex predators in capitalism' faces university probe", published on 21 June 2023.

2. The first article under complaint appeared on page 6, and reported that the complainant – who was described as having "been president of DUFMA [Durham University Free Market Association]" – had been "exposed for his involvement in a far-right 'free market' group in which he called Jews 'apex predators in capitalism'", and subsequently admitted to the university to undertake a research role. It went on to report that "shocking messages shared by [...] Hugo Lunn included one post which said, 'Hitler would be more efficient if he privatised his death factories' and another that referred to 'the Jewishtocracy'." It also reported that, "[i]n another remark, Lunn [...] appeared to mock a student who had been offended [...] saying 'he got triggered, the cuck'".

3. The article then reported that the complainant "used many aliases in the group chats, including the 'Grand Mufti of the Free Market', 'Hasdrubal' and 'Nebuchadnezzar – a reference to Nebakanezer II, notorious for being a cruel enemy of the Jewish people and destroying Jerusalem.'" It also reported that the complainant "was identified after leaks of the chat emerged – which the [newspaper] has seen – in which other group members addressed him using his real name." The article closed by stating that "Lunn refused to comment on the record", and was accompanied by a photograph of the complainant.

4. The article also appeared online in substantially the same format, under the headline "Anger as student who called Jews 'apex predators in capitalism' readmitted to Durham University". This version of the article was published on 15 June 2023, and included an additional sub-headline, which read: "Hugo Lunn, who once referred to the 'Jewishtocracy', was allowed back for a PhD course". It also included screenshots, showing the chat groups referred to in the article.

5. The second article under complaint – which appeared online only – reported that "Durham University is 'urgently' examining its decision to re-admit a student who called Jews 'apex predators in capitalism'". It went on to report that the complainant "was allowed to begin his PhD [...] despite being criticised over his posts in a far-right group chat while it is believed he was [a] student at the

university. He was subject to a complaint about the posts which included a statement saying, 'Hitler would be more efficient if he privatised his death factories' and a reference to 'the Jewishtocracy'."

6. The second article went on to report that the complainant referred to the aliases which appeared in the first article under complaint, and quoted from another message the complainant allegedly sent: "'he got triggered, the cuck'." The article was accompanied by screenshots showing the group chats, and closed with the statement: "Lunn refused to comment on the record".

7. On 13 June, three days prior to the publication of the first article, a journalist acting on behalf of the newspaper contacted the complainant via Facebook at 2:21 pm. This message included the following:

"I'm writing an article for the Jewish Chronicle in which we report that Durham University is readmitting you for a History PhD despite knowing you had perpetuated antisemitic conspiracy theories in official university societies. In the story I report that you said the following in [...] group chats: - 'Pinochet used private concentration camps. Hitler would be more efficient if he privatised his death factories [...] I remember [named individual] coming to Poland and some based libertarian said [...] and he got triggered, the cuck'. - 'As for Jews they are the apex predators in capitalism [...]"

"1. Do you confirm these were said by you (under many aliases to avoid being directly linked to the messages?"

[...]

"Please provide any comment you wish to make by Wednesday 14th June midday at the latest. We will be publishing this from Thursday onwards."

8. The journalist then contacted the complainant via email at 10:02am on 14 June; the email set out the same questions as above. The complainant replied to this email seven hours later and prior to the publication of the first article under complaint; his reply included the following:

"First of all let me say that I believe journalists should be entitled to write whatever works of fiction they come up with. [...] In a way I am glad I missed your deadline for reply, because the following is intended to be first and foremost a clarification for your eyes only. I do not authorise you to print or share this email or any excerpt from it in any way shape or form without obtaining clear permission first. [...] News that images purported to be 'screens' of a chat or number of chats that I had been in some way involved in had reached me a few years ago. The interpretation I arrived at is that those images were doctored or entirely manufactured."

9. The complainant then sent the publication another email on 19 June, after the publication of the first article under complaint but prior to the publication of the second article. This included the following:

"I am writing to you today to request that you declare what your action would be in the event, overwhelmingly likely might I add, that Durham University finds me without blame. [...] I would like to work with you and others to establish the real perpetrator or perpetrators of this lamentable event or series of events and ensure they are brought to justice. Nevertheless I hope you understand I simply cannot settle for less than complete exoneration, which would have to include you withdrawing your allegations regarding my person [...] in the meantime I would like to ask you cease using my image [...] as the illustration for your article."

10. The journalist responded on the same day, and said: "I am writing an article that Durham University is now investigating the matter. Do you have anything you would like to add for the record?"

11. The complainant then sent two further emails; the first included the following:

"I would like to repeat my previous spiel that I do not authorise you to print or share this email or any excerpt from it in any way shape or form without obtaining clear permission first. This also applied to the previous email that I sent today. Incidentally, I do not think this statement nor failing to reply to your initial request within the 5 hour window that you provided constitute 'declining to comment' and so perhaps you could remove that remark from the article you published as a sign of good will".

12. On 10 July 2023, the complainant sent a complaint to the newspaper. In this email, he alleged that the articles included inaccurate information and "implied [he was] an antisemite", and inaccurately attributed antisemitic comments to him. He said he had not made any of the comments the article attributed to him, nor had he used any of the pseudonyms listed in the article. He then said that the second article under complaint repeated this allegation, and also inaccurately suggested it had been accepted by the university that he had posted the comments – when in fact, the university was seeking to establish who had made the comments. The complainant said the second article also implied that the university was aware of the allegations when they admitted him to the research role, which he said could not be the case as the allegations had first been made by the articles under complaint.

13. The complainant accepted that, at one point in the screenshots, the person who made an offensive comment reported on in the article was called 'Hugo' by another group member. However, he said that this did not mean that he had made the posts: he was not the only individual called Hugo in DUFMA, and – at any rate – he believed that the screenshots had been altered, and the name Hugo inserted. He further noted that, while the article claimed that he had mocked a named student, he did not know the named student, nor did he know

anyone by this name who was a member of a Durham University political society during his time there.

14. Turning to the other alleged inaccuracies, he said he had never been president of DUFMA; rather, he was its secretary, and had only been so for a single academic year, two years prior to the screenshots coming to light. He also disputed that he had “refused to comment on the record” to the publication. He said that he had responded to both requests for comment from the publication, and believed his responses should have indicated to the publication that he wished for it to ask his permission before sharing his response – rather than that he was refusing to give a comment to publish.

15. The complainant then contacted IPSO on 27 July, and raised additional points under Clause 1: he said that he had been given less than five hours to respond to serious allegations against him, and that contacting him via Facebook was not an acceptable form of asking for a comment, particularly as he was not Facebook friends with the journalist and her messages were therefore quarantined by Facebook.

16. The complainant also said it did not follow that he had used all of the pseudonyms listed in the article; the screenshots showed some of these pseudonyms interacting with each other and with him. He also said that the pseudonym accounts used different profile pictures, and there was no basis for the publication’s belief that all the accounts belonged to a single individual or that he was that single individual. He further noted that he was not provided with screenshots of the messages when the publication reached out for his comment prior to publication.

17. He also said that, since he had complained directly to the newspaper, the university had found that its decision to admit him for further study did not breach the admissions regulations.

18. The publication did not accept a breach of the Code. It noted that the complainant had held a senior position in DUFMA, and the society had been closed by Durham University Student Union as its members had been found to have used antisemitic, racist, and misogynistic language. With regard to the specific alleged inaccuracies, it said it was satisfied that it had taken care to ensure its reporting was accurate: a journalist working on behalf of the publication had contacted the complainant via Facebook and email, prior to the publication of both articles, and had given him the opportunity to comment on a proposed story which would report that the complainant had posted antisemitic messages using various aliases. The basis for publishing the two articles, the publication said, was: “compelling documentary evidence”; several screenshots showing the conversations; and also four sources, whom it considered to be “highly credible”, and who had positively identified the complainant as having posted the messages the articles reported on.

19. The publication did not accept that the second article reported or implied that the university had accepted that the complainant had posted the comments. It said it felt it was clear that – in the sentence “Durham University is ‘urgently’ examining its decision to re-admit a student who called Jews ‘apex predators in capitalism’” – the claim that the complainant had “called Jews apex predators” was clearly attributed to the publication rather than the university.

20. The publication further noted that, while the complainant had alleged that the screenshots were doctored, he had not provided any evidence to support this claim. In addition, he had made clear that he did not consent to the publication sharing his response in the newspaper, and had not offered any on-the-record statement for publication. For these reasons, the publication said it was “highly sceptical” of the complainant’s denials and therefore – having given the complainant an opportunity to respond to the allegations – it had reached the decision to publish the articles.

21. To support its position, the publication provided correspondence from the original complaint to the university, submitted in 2020. The letter was from a named individual, and the publication said that this individual was one of the four sources who had told it that the complainant had made the posts – the remaining three sources did not wish to be identified. In the complaint to the university, the source said that the account that made the posts referenced in the article was “actually an alt [alternate account] of last year’s leader of DUFMA, Hugo Lunn”. The named source had also, said the publication, told it directly that the complainant “went [b]y numerous different alias[es] while on the messages. Such as Supreme Ecclesiarch of the Free market, Grand Mufti of the Free Market and Maurycy. He went by a lot of different pseudonyms, none of which were directly traceable to his actual identity. And in public he downplayed a lot of his more troubling views precisely so he wouldn’t get tracked.” The publication said that another university student had since confirmed, via another individual, that the complainant had been president of the DUFMA.

22. The publication said there were further details which linked the complainant to the “alt” accounts. It said that the complainant was born and raised in Poland, and was an academic historian. One of the accounts, which had responded to a message directed at ‘Hugo’ had the name ‘Maurycy’, which the publication said linked it to the complainant; particularly as ‘Maurycy’ is a Polish given name. It provided a screenshot, showing a Facebook profile linked to Maurycy, which had ‘liked’ two pages linked to the complainant’s interests: one for a “relatively obscure Polish historian”, who had been referenced in the bibliography of a paper published by the complainant; and one for Pope Gregory VII, who was the subject of another academic paper published by the complainant. The ‘Maurycy’ message account had an Iraqi flag as its profile picture, as did another two of the accounts the publication had reported was the complainant. Other group members had also referred to this user as a “Polack”. Therefore, the publication considered there was sufficient basis to also link all these accounts with the complainant.

23. While the publication did not accept a breach of the Code, it did remove the photographs of the complainant from the online version of the article.

24. The complainant refuted the points made by the publication. He said that the screenshots had first emerged in November 2019 after being posted anonymously online; he said that, when they were first posted, they were identified with a 'pro-life' society at the university. He said that this demonstrated that there had always been doubt over the authorship of the messages. He accepted that he was one of the "leaders" of DUFMA in the 2017/2018 year, in his role as secretary, though he had at one point been introduced as the "Chancellor" in a debate between the University's political societies. In this role, he said he oversaw group chats associated with the society, which he occasionally contributed to. He said that any offensive messages could have easily escaped his notice, as there were several chats, often established on an ad-hoc basis for various university events.

25. The complainant also said that, since the article's publication, he had been "cleared" by a university inquiry, and provided the outcome of the inquiry in question. This said that the original complaint to the University, brought in August 2020 and investigated in October 2020, named the complainant – who had recently graduated – as the owner of one of the private groups "and accused him of posting under a number of aliases". It then said that concerns were raised in December 2022 about the complainant having been readmitted to study a graduate-level course, "on the grounds of his association with these previous posts".

26. The outcome noted that the "postings [under complaint] involve the widespread use of aliases" which made "it very difficult to definitively associate posts with individuals", and that the "many comments are extremely offensive, including some which are unambiguously antisemitic and racist, irrespective of context". The outcome then noted that the complainant was not investigated in relation to the comments in 2020, as he was not a student at the time the complaint was made. It then considered whether it was appropriate to now investigate the complainant; however, it concluded that this was not within the remit of the report – which was only an examination of whether admissions regulations had been breached – and an investigation may not be appropriate for several other reasons. It found that the regulations had not been breached, while noting that:

"The decision not to investigate Mr Lunn in 2020 was the correct application of procedure. His name, however, was clearly associated with the posts, with the allegation that he may have been responsible for some of the most offensive posts having been made. His exclusion from the investigation at the preliminary stage was solely because he had graduated, and there is little doubt that had he remained a registered student at the time, he would have been subject to that investigation."

27. The complainant also said that he did not know who one of the identified sources was, which made the veracity of his claims, in the complainant's view, doubtful.

28. During IPSO's investigation, individuals who had been members of the DUFMA contacted IPSO in support of the complainant. One said that they knew both the complainant and Maurycy, and that they were two different individuals. Another said that he did not recall the complainant taking part in one of the group chats which had been referenced in the article. He also said that he didn't believe that Maurycy and the complainant were the same individual, as they would sometimes interact and argue, and also because the complainant was "always very polite". The complainant said that he did not know whether Maurycy was a real individual or an alias used by someone else, though he suspected it was someone using an alias.

29. A third individual who contacted IPSO said they had been the source for the claim that the complainant was the president, though they said this was an "offhand remark" and they now knew that they were mistaken.

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

30. The Committee wished to be clear from the outset that its role was to decide whether the publication had breached the Editors' Code of Practice, rather than to rule on the allegations against the complainant.

31. The two articles attributed several antisemitic messages to the complainant as fact and without qualification. The basis for this attribution were claims made by four sources, and – although the publication had taken further steps to verify this information, such as reviewing the screenshots which were the source of the allegations and requesting the complainant's response to the allegations against

him – at the time of the publication it had not been established as a matter of fact that the complainant was an author of the posts. While an investigation into the posts had been undertaken by the university in 2020, the complainant had been excluded from the investigation as he was no longer a student at the university.

32. Therefore, at the time of publication, the allegations against the complainant remained unproven. By reporting these allegations as fact, rather than identifying them as unproven claims made by multiple sources, the articles failed to distinguish between comment, conjecture, and fact, and there was a breach of Clause 1 (iv).

33. Given the serious nature of the allegations against the complainant, not making clear that they were allegations, rather than accepted fact, represented significantly misleading information. Therefore, under the terms of Clause 1 (ii), the newspaper was required to correct this misleading information. No correction had been published on this point, and there was a further breach of Clause 1 (ii).

34. The Committee turned to the other inaccuracies alleged by the complainant. While the complainant said that the article had inaccurately described him as the president of the society, the Committee did not accept that this represented a failure to take care on the part of the publication, or that the inaccuracy was significant: the publication had been able to demonstrate that multiple individuals had told it that the complainant was the president; and it was accepted that the complainant had a leadership role at the society, which also involved him administrating the chat groups which were the source of at least some of the messages – therefore, describing him as the group’s “president” was not significantly inaccurate or misleading. There was no breach of Clause 1 on this point.

35. While the complainant had responded extensively to the reporter’s request for comment, his responses made clear that he did not wish for his responses to be published: “In a way I am glad I missed your deadline for reply, because the following is intended to be first and foremost a clarification for your eyes only. I do not authorise you to print or share this email or any excerpt from it in any way shape or form without obtaining clear permission first”. In such circumstances, the Committee did not consider that either article had inaccurately reported that the complainant had declined to comment: he was offered the opportunity to comment on the record, and in his responses had made clear that he did not wish for the newspaper to publish his comments. In addition, where the reporter had given the complainant the opportunity to comment on the record, the Committee did not consider that there had been a failure to take care over the accuracy of the articles – notwithstanding that the published articles presented the allegations against the complainant in a misleading manner. There was no breach of Clause 1 on these points.

Conclusions

36. The complaint was partly upheld under Clause 1 (iv) and Clause 1 (ii).

Remedial action required

37. 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.

38. In considering the appropriate remedy for the breach of the Code, the Committee was mindful of several factors. It noted that, while the allegations against the complainant were serious and the publication had reported these as fact, in a misleading manner, it had been able to show that there was a factual basis for linking the complainant with the posts: he had been identified by four separate sources as being the author of the posts, and he had links to the groups in which at least some of the posts appeared. In addition, the newspaper had taken clear steps to verify the accuracy of its sources' information. Albeit that the presentation of the allegations against the complainant were misleading, it had taken the appropriate steps – prior to publication – to verify the allegations against the complainant, including approaching him for comment and examining the posts themselves. Therefore, on balance, the Committee considered the publication of corrections to be the appropriate remedy to the breaches of the Code.

39. The wording of all corrections should set out the original misleading information, and make clear the correct position: namely, all should refer to the fact that the articles, in a misleading manner, reported allegations against the complainant as fact. All corrections should also make clear that at the time of publication, the allegations against the complainant had not been proven and there was no official finding linking the complainant to the posts. The wording should be agreed with IPSO in advance and should make clear that it has been published following an upheld ruling by the Independent Press Standards Organisation.

40. The Committee then considered the placement of these corrections. One of the articles appeared in print as well as online; therefore, a correction should be published in the newspaper's print edition. As the misleading information appeared on page 6 of the print edition, the correction should appear on the same page or further forward.

41. Both articles also appeared online, with the misleading information appearing in both headlines of the articles – giving the information greater prominence and weight. Given this, the newspaper should publish a standalone online correction, and a link to this correction should be published on the homepage for 24 hours before being archived in the usual way. In addition, if the publication intends to continue to publish the online articles without

amendment, corrections should be added to each of these articles beneath the headline. If the articles are amended to remove the misleading information, these corrections should be published as footnotes to the articles.

Complaint received: 27/07/2023

Complaint concluded by IPSO: 14/12/2023

APPENDIX C

Decision of the Complaints Committee – 20293-23 Mendes v Western Mail

Summary of Complaint

1. Rafael Mendes complained to the Independent Press Standards Organisation that the Western Mail breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Pair had £11,000 worth of drugs", published on 3 August 2023.
2. The article, which appeared on page 9, reported on the complainant's conviction for drug possession. It reported that the complainant and another individual "were found in possession of up to £11,000 worth of cannabis when pulled over by police" – before reporting that the pair were found to be in possession of "498g of cannabis, valued between £5,800 and £11,140". The article also reported that "a sentencing hearing at Cardiff Crown Court heard police also discovered £7,000 in a cash [...] as well as £100 worth of cocaine."
3. The article also appeared online in substantively the same format; this version of the article was published on 1 August 2023, under the headline "Pair pulled over by police found with £11,000 of cannabis".
4. The complainant said that the article contained several inaccuracies in breach of Clause 1. Firstly, he said that the article inaccurately reported that the cannabis was valued at "between £5,800 and £11,140"; he stated it was valued at approximately between £2000 and £3000, significantly lower than the reported amount.
5. The complainant also said that "there was a very small amount of cocaine found in the car" – meaning it was not possible to ascertain its value. Therefore, he said the reported figure of £100 was inaccurate. Finally, the complainant said the article inaccurately reported that £7,000 of cash was found in the car – he said that £740 had been found in the car.
6. The publication did not accept a breach of Clause 1. Firstly, it said that its reporter's notes, taken during the complainant's hearing, supported the article's claim that it had been heard in court that cannabis found was valued at "between £5,800 and £11,140". The publication provided IPSO with a copy of the reporter's shorthand notes. The notes said "Cannabis" and then, on the line beneath, "£5,800 - £11,140". The publication said that, given this, the article could not be significantly inaccurate to state that the defendants were found with £11,000 of cannabis. It also said that the article clarified that the value of the cannabis was between these two amounts.

7. Turning to the alleged inaccuracy regarding the value of cash found, the publication said this figure had been taken from the court charge list. The court charge list, which the publication supplied to IPSO, stated: "On 01/07/2023 at Cardiff you [the complainant] acquired, used or had possession of criminal property, namely £700".

8. The publication therefore accepted, a month after first being made aware of the complaint via IPSO, that it was clear from the court charge list that the amount of cash found was £700, rather than £7000 as reported in the article. It therefore amended the text of the online article to instead report that the complainant had been found with £700. It also added a footnote correction to the article, which read as follows:

"A previous version of this article reported that police had discovered £7000 in cash. This was incorrect. In fact, police found £700 cash. We are happy to clarify this and the article has been amended accordingly."

9. The publication also published a print correction the next day, which appeared on page 2 of the newspaper. The correction read as follows:

"Our article 'Pair had £11,000 worth of drugs', August 3, reported the conviction of [named individual], and Rafael Mendes, 22, after they were stopped by police in Cardiff and found in possession of drugs. The article also reported that the police discovered £7,000 in cash. This was incorrect. In fact, the police found £700 cash. We are happy to clarify this."

10. The publication said it was not inaccurate to report that the cocaine found in the complainant's car was valued at £100. Again, it stated that this figure was heard in court, and supported by its reporter's shorthand notes. The notes supplied to IPSO stated: "cocaine worth between £40 and £100".

11. Upon receipt of the publication's position, the complainant stated that the article was not "fair and balanced". He accepted, however, that the disputed values of the cocaine and cannabis were heard in court; but believed they were "not factually proven in court" and were "highly estimated".

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

12. First, the Committee considered the allegedly inaccurate headlines. The Committee noted the importance of headlines, given their prominence and visibility, and ability to potentially mislead readers. However, the Committee had regard for the fact that a headline can only ever be a summary of the information set out in an article; provided it is not distorted, misleading, or inaccurate, and is supported by the text of an article, summarising information in a concise manner will generally not breach the Code.

13. In this case, the headline reported that the complainant had been found with “£11,000 worth of drugs” (“£11,000 worth of cannabis” in the online version). The opening paragraph of the article made clear that the value of the cannabis given during the court proceedings was “up to £11,000”; the second paragraph expanded on this, by stating the value was “between £5,800 and £11,140”. It was also not in dispute that this value-range had been heard in court. In these circumstances, the Committee was of the view that headline accurately summarised the article, and that, when read as a whole, the value of cannabis given during the court proceeding was made clear. The headlines were not inaccurate and were supported by the text of the article; there was, therefore, no breach of Clause 1.

14. Next, the Committee considered the alleged inaccuracy arising from the article’s reporting of the amount of cash found in the complainant’s car. The Committee recognised that, by the publication’s own admission, the article had inaccurately reported that the complainant had been in possession of £7000. The publication had said that this information had been taken from the court charge list. However, the court charge list provided by the publication did not tally with the information reported in the article – it stated the complainant had been in possession of £700. The publication had accepted during IPSO’s investigation that this was an error.

15. While the article was inaccurate on the above point, the Committee noted that the error arose from the seemingly inadvertent addition of a single zero. While it was regrettable that the error had occurred, the Committee did not consider that inaccurately reporting the value of the cash represented a significant inaccuracy, nor did it consider that the typographical error constituted a lack of care taken over the accuracy of the article on the part of the publication, in circumstances where the charge the complainant had faced, as well as his sentence, were accurately reported. There was no breach of Clause 1

on this point. Notwithstanding this, the Committee welcomed the publication's decision to correct the error.

16. The article reported the value of the cocaine found in possession of the complainant was £100. While the article did not make clear that the figure heard in court was "between £40 and £100", the Committee had regard for the relatively small difference between the reported figure of £100 and £40; it also noted that, given the court had not established the exact value of the cocaine, it could not say with any certainty that the article was inaccurate on this point. In light of this, there was no breach of Clause 1.

17. The Committee also noted the complainant's concern that the article was not fair or balanced. Under the Editors' Code, articles do not need to be fair or balanced, as long as publications take care not to publish inaccurate, misleading or distorted information. Where the Committee did not uphold any alleged inaccuracies in the article, there was no breach arising from the fact that the article was not fair and balanced. There was no breach of Clause 1.

Conclusions

18. The complaint was not upheld.

Remedial action required

19. N/A

Date complaint received: 01/08/2023

Date complaint concluded by IPSO: 19/12/2023

APPENDIX D

<u>Paper no.</u>	<u>File number</u>	<u>Name v publication</u>
2990	14278-23/14281-23/14284-23/14285-23/14289-23/14297-23	Booley v express.co.uk/derbytelegraph.co.uk (Derbyshire Live)/mylondon.news/nottinghampost.com (Nottinghamshire Live)/dailystar.co.uk/walesonline.co.uk
3012	14049-23/14050-23	Kausar v manchestereveningnews.co.uk/express.co.uk
3020	19768-23	Bliss v The Times
3033	16741-23	Cunningham v dailyrecord.co.uk
3021	19593-23	Jordan-Gill v bounremouthecho.co.uk
3032	20255-23	White v The Daily Telegraph
2997	17587-23	A man and a woman v Sunday World
3016	16633-23	NHS Greater Glasgow and Clyde v Sunday Mail
3017	18586-23	Longthorpe v Daily Mail
3025	19361-23	Longthorpe v Mail Online
3040	19741-23	Dikme v eveningnews24.co.uk
2989	16764-23	Brame v hadleigh.nub.news
3023	19582-23	Understanding Animal Research v Daily Mirror
3043	20285-23	M Khan v The Sun
3037	19587-23	Ward v The Sun
3049	19498-23	Newman v The Sunday Telegraph
3051	20455-23	Chafe v Knutsford Guardian
3064	20464-23	Garland v Cambrian-news.co.uk
3041	20096-23	Kinsella v liverpoolecho.co.uk
3050	19677-23	A complainant v The Daily Telegraph
3035	18263-23	Wilson v Sunday Mail
3042	19620-23	Bryce v Daily Mail