

MINUTES

Complaints Committee, Independent Press Standards Organisation

Halton House, 20-23 Holborn, London EC1N 2JD

15 October 2014 at 10.30 am

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

Attending: Matt Tee, Chief Executive
Charlotte Dewar, Director of Complaints & Pre-publication Services

The following members of the executive attended as observers: Elizabeth Cobbe, Sam Falk, Ben Gallop, James Garmston, Robyn Kelly, Tonia Milton, Bianca Strohmman, Hugo Wallis.

1. Apologies

There were none.

2. Introductory remarks

- a. Alan Moses noted that the Complaints Committee had two crucial roles: to consider complaints that the Editors' Code of Practice had been breached in individual instances, and to feed conclusions about cases into policy discussions and consideration of standards issues.
- b. Matt Tee noted that he had had a busy start as Chief Executive of IPSO and outlined the elements of his role.
- c. Charlotte Dewar thanked Complaints Committee members for their contributions during IPSO's first month and provided an update on legacy complaints to the Press Complaints Commission.

3. Sunday Mirror and Brooks Newmark MP

The Committee discussed issues raised by this coverage and noted that it had not received a complaint from Mr Newmark. It agreed to make further inquiries into the matter, of its own volition.

4. Complaint 0109-14 Scott v The Daily Telegraph

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

5. Complaint 0071-14 Rice v Press Gazette

Peter Wright noted that he had formerly employed the complainant but had not been in contact with him for several years. The Committee agreed that this did not constitute a conflict of interest that should prevent his consideration of the complaint.

The Committee discussed the issues raised by the complaint but delayed issuing its decision pending the conclusion of correspondence with the parties.

6. Complaints not adjudicated at a Complaints Committee meeting:

The Committee formally approved the following IPSO papers, which had contained draft rulings for Committee members' approval or otherwise (except those complaints still the subject of queries by Complaints Committee members): 1, 2, 3, 7, 8, 9, 10, 11, and 12.

7. Publication of decisions:

The Committee affirmed the decision of the Board that all decisions reached by the Committee on complaints to IPSO should be published. It agreed that its general approach would be to publish its decision in full, but noted that it would give consideration to publishing some decisions in summary form in future if necessary.

The Committee discussed how it intended to approach requests from complainants for removal of identifying or other details from the Committee's published decisions. It agreed that it would consider such requests on a case-by-case basis, but would start from the standpoint that decisions should generally be published in full, except in cases involving intrusion into privacy. The Committee agreed on the need to be flexible to ensure that complainants were not deterred by a fear of publicity, and noted that in extreme cases it would be possible to summarise concerns in general terms to avoid potentially identifying or intrusive details.

8. Third party complaints:

The Committee discussed how IPSO's Regulations apply to the consideration of complaints from individuals not directly affected by the matters about which they wish to complain, and in particular the distinction drawn in Regulation 8 between complaints from third parties about accuracy and other kinds of complaints under the Editors' Code.

The Committee discussed two complaints as "case studies" and agreed in one instance to make further inquiries, of its own volition.

9. Experiences of the first month of IPSO (discussion):

The Committee members agreed that it would be helpful to share information about how members were commenting on cases decided in correspondence, and asked the executive to collate a complete copy of members' comments each week for review.

10. Any other business

There was none.

In his role as Chairman, Alan Moses declared the meeting closed.

APPENDIX A

Summary of complaint

1. Lisa Scott complained to the Independent Press Standards Organisation that The Daily Telegraph had breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Home rule? Scotland's voters are betting the house on independence", published on 8 September 2014 in print and on 7 September online.
2. The article was published prior to the referendum on Scottish independence and discussed the implications of independence for Scottish homeowners. As part of a discussion on mortgages, the article claimed that Scottish homeowners who had purchased property using the "Help to Buy" scheme would, in the event of independence, "be left in the extraordinary position of owing a foreign government [the UK] for part of their home" because the scheme was "underwritten by the UK taxpayer".
3. The complainant said that this was conjecture, as the true position would have been determined following negotiations between Scotland and the UK. The newspaper had failed to clearly distinguish this from fact, in breach of Clause 1 (iii) of the Code.
4. The newspaper explained that its claim related to the mortgage guarantee scheme for "Help to Buy", which was underwritten by the UK Treasury. The newspaper said it had sought confirmation of this from the Treasury before publication. While it did not provide a record of this contact, it was able to point the Committee towards the Treasury's Annual Report and Accounts 2013-2014, to which it had been directed by the Treasury, in support of its position. Absent specific agreement, in the event of Scottish secession, those mortgage guarantees would remain with the UK Treasury. While the transfer of such liabilities from the UK Treasury's balance sheet might have become the subject of negotiations following secession, this, like any issue of what may or may not have happened following Scottish secession, was conjecture. Readers would have understood the article in those terms.

Relevant Code Provisions

5. Clause 1 (Accuracy)
 - (iii) The press, while free to be partisan, must distinguish clearly between comment, conjecture and fact.

Findings of the Committee

6. The complainant did not dispute that the article had correctly reported the position in relation to the status of the mortgage guarantees, absent specific agreement which might have transferred these to an independent Scottish government. Nonetheless, she contended that the article was misleading as it failed to explain that the position could be changed following negotiations.
7. The article had explained that an independent Scotland would have had a number of months in which to negotiate the terms of its secession. It was clear therefore that the article was based, at least to some extent, on conjecture - the newspaper could not be in a position to take account of how those negotiations might affect the article's claims.
8. The article made a number of specific points regarding the way in which the financial arrangements it discussed might be altered by negotiations following a 'yes' vote.
9. The Committee noted in particular the article's explanation that Scotland might "possibly have to create a new currency", and the statement that while "in theory an independent Scotland would have 18 months to negotiate an amicable and orderly divorce from the UK, there is every possibility that such a separation would be more acrimonious". The article suggested that the nature of any negotiations might vary depending on the political impact in Westminster of an independence vote.
10. While this was not specifically drawn to the reader's attention in relation to the claims about the 'Help to Buy' scheme, the Committee was satisfied that in the context it was clear that the discussion of these arrangements, before the referendum and prior to any specific negotiations, was speculative. There was accordingly no failure to distinguish the claims as conjecture, and no breach of Clause 1 (iii) of the Code.