

MINUTES of the COMPLAINTS COMMITTEE MEETING
Wednesday 14 October 2015 at 10.30 a.m.
Gate House, 1 Farringdon Street, London EC4M 7LG

Present: Sir Alan Moses (Chairman)
Richard Best
Lara Fielden
Janet Harkess
Gill Hudson
David Jessel
Jill May
Elisabeth Ribbans
Neil Watts
Peter Wright **Absent for Items 7 and 14**
Nina Wrightson

In attendance: Elizabeth Bardin, Governance Manager and Minute-taker
Charlotte Dewar, Director of Operations
Ben Gallop, Senior Complaints Officer
Bianca Strohmann, Senior Complaints Officer
Matt Tee, Chief Executive

Also present: **Members of the Executive:**

Ciaran Cronin
Niall Duffy
Alistair Henwood
Vikki Julian
Robyn Kelly
Hugo Wallis

Observers:

Jonathan Grun, Editors' Code of Practice Committee
Neil Marshall, Consultant

1. Apologies for Absence

An apology for absence was received from Matthew Lohn.

2. Declarations of Interest

Peter Wright declared an interest in items 7 and 14 due to his connection with Associated Newspapers. He would leave the meeting for these items.

3. Update by the Chairman

The Chairman welcomed the attendance of Jonathan Grun, Secretary to the Editors' Code of Practice Committee, and Neil Marshall, who had recently conducted a review of IPSO's complaints process. He thanked Jonathan Grun for his work on the Editors' Code and welcomed the prospect of collaborating with Jonathan on a revision to the Editors' Codebook.

He reported that he and the Chief Executive had visited News UK to meet the new Chief Executive Officer of that organisation.

He concluded by stating that he wished to acknowledge the vital part played by the complaints executive, under the Director of Operations' tutelage and leadership, in the successful management of the daily complaints. He said that their commitment and belief in their work was inspiring.

4. Update by the Director of Operations

The Director of Operations briefly discussed the previous week's gathering of the Board and the Complaints Committee members and noted that although the development of IPSO's standards function had been a primary focus of the programme, important work remained to be done on developing and improving the complaints function, including the implementation of accepted recommendations of the Complaints Review.

5. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 9 September 2015 as a true and accurate record.

6. Matters Arising

No matters arose.

Peter Wright left the meeting for the following item

7. Complaint 04839-15 HRH The Duke of York v Daily Mail

The Chairman opened the discussion by stating that this complaint raised an important issue regarding both the terms and the process of establishing an act of intrusion. A detailed debate followed.

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

Peter Wright re-joined the meeting

8. Complaint 04361-15 Lincolnshire Police v Lincolnshire Echo

The Committee gave consideration to this complaint and ruled that the complaint should be upheld. A copy of its ruling appears in **Appendix B**.

9. Complaint 04756-15 Portes v Daily Express

The Committee discussed issues raised by the complainant under Clause 1 (Accuracy) sections (i) and (ii). The Committee concluded that a correction proposed by the newspaper was not sufficiently prominent under the terms of Clause 1 (ii), particularly given the front-page prominence of the article under complaint.

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

10. Complaint 03568-15 A Man v Surrey Advertiser

The Committee debated the likelihood of the combination of details which appeared in the coverage leading to identification of the complainant. It concluded that the details were not likely to contribute to the complainant's identification as a victim of sexual assault.

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

11. Complaint 04601-15 Butler v Watford Observer

The Committee discussed the complaint at length and concluded that there had not been a breach of the Editors' Code.

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

12. Complaints Review

Having been agreed by the IPSO Board at its meeting in June, a review of IPSO's complaints process was duly commissioned and undertaken. The

52-page report of the findings by Neil Marshall was presented to the Committee by Mr Marshall. The overall report was favourable to the current complaints process.

Thirty-six recommendations in total were offered for consideration and advice by the Committee, with comments by the Executive in response briefly noting whether it proposed to accept or reject the recommendation; they had been overwhelmingly accepted. NM stated that he was aware that his brief was not to decide on the process of regulation, but to examine and explain how the current complaints system operates. He expressed his gratitude to the Committee and IPSO staff for the time given to his review, and the openness with which it was given.

The Committee discussed several issues raised by the review. It considered the form in which recommendations are made by the Executive to the Complaints Committee on individual complaints and agreed that the process by which it considers complaints is robustly independent, and that there is transparency in the decisions reached. The Chairman pointed out that the process used was essentially the same as that used in the courts, with decisions fortified by the aid of qualified assistance. The Committee concluded that the process was sufficiently coherent, independent and transparently recorded to negate the need for a revision of the process.

The Committee considered the possibility of delegating some powers relating to the complaints process to the Executive or to smaller subgroups of the Committee.

The potential beneficial aspects of forming sub-groups of committee members to undertake further post-investigation analysis of decisions was addressed, and it was generally felt that the frequency of meetings, and the quality of debate over the decisions reached before and during such meetings, was sufficient to ensure confidence in the process, and that there was a continuing benefit to having the full Committee discuss the issues raised by individual complaints.

The Committee discussed briefly the recommendations that IPSO consider further increasing its transparency, including in relation to the publication of more detailed material about its procedures and the possibility of opening Committee meetings to the public. The Committee agreed that IPSO should be transparent about how it handles complaints and reaches decisions.

With respect to meetings, it concluded that, although opening meetings to the public would have benefits in increasing transparency, this was outweighed by the risk that the free and open discussion of complaints would be inhibited, with a negative effect on the quality of decision-making. The Chairman stated his belief that it was not necessary to make public the detailed consideration which went into reaching a decision on complaints,

pointing out that neither judges nor juries had the presence of the public while they were reaching their decisions. It was also emphasised that of paramount importance was the frequently personal, sensitive and confidential nature of the papers under discussion, which would make the presence of the general public inappropriate.

The Chairman brought the discussion to a close by inviting the Committee to thank Neil Marshall for his tremendous work on the review. He informed the Committee that the next stage would involve the joint endeavours of the Chief Executive, the Director of Operations and the Complaints Committee in creating and implementing a plan to put before the Board, for further consideration by the Committee thereafter. He stressed that nothing was concrete at this point, and that the whole initiative was still a work in progress.

13. Complaints not adjudicated at a Complaints Committee meeting

The Committee confirmed its formal approval of IPSO Papers listed in **Appendix F**. The approval of the relevant complaints was duly noted.

14. Any Other Business

Peter Wright left the meeting for the following item.

Various v the Sun

The Committee was asked to discuss whether it should proceed with consideration of these third-party complaints about accuracy. They had initially been referred to The Sun's internal complaints process by IPSO's Executive. The Sun requested that the decision of the Executive be reviewed by IPSO's Complaints Committee and asked that the Committee decide whether the complaint should be considered, because it related directly to a third party who had not complained to IPSO. The Committee had initially done so via its weekly papers, but was asked to confirm its decision following discussion at the meeting.

The Chairman drew the Committee's attention to a list of pertinent questions noted by the Director of Operations, which related to the considerations IPSO applies when considering whether to proceed with Clause 1 complaints from third parties. Having discussed the matter at length, the Committee concluded that the first party to the complaint was in a position to complain on his own behalf, and noted that he did not do so. In the absence of a complaint from the first party, the Committee did not consider that it would be possible to fully investigate the issues raised

by the complaint. It therefore declined to deal with the matter further and asked that the Executive close the complaints.

Peter Wright re-joined the meeting.

15. Date of next meeting

The next meeting will be held on Wednesday 18 November 2015 at 3.30 p.m.

The meeting ended at 12.43 p.m.

Elizabeth Bardin
Governance Manager
15 October 2015

Appendix A

Decision of the Complaints Committee 04839-15 HRH the Duke of York v Daily Mail

Summary of complaint

1. HRH the Duke of York complained to the Independent Press Standards Organisation that the Daily Mail had breached Clause 3 (Privacy) of the Editors' Code of Practice in relation to four articles published between 20 and 26 June 2015.
2. The articles reported that the complainant's daughter had held a party to celebrate her 25th birthday at the Royal Lodge in Windsor Park, the complainant's home. They discussed details of the party, including its Disney theme and the attendance of various celebrity guests.
3. On 19 June, before publication of the articles, the newspaper chartered a helicopter to fly over the grounds of the Royal Lodge and take aerial photographs of preparations for the party happening at the complainant's home and garden.
4. The complainant said that this represented an intrusion into his privacy. He had not known of, or consented to, the flight over the grounds, which were a private place. The complainant said that the house was secluded and not visible to the naked eye from any part of the public highway, and that access to the house and gardens was restricted, including with fencing, and controlled by security. He said that the helicopter had flown so low over the garden, on four occasions, that those working in the garden feared it was in distress.
5. The complainant said that information included in the coverage about the layout of the party, concerning the arrangement of tents and a fairground in the garden, had come from the flight; he had a reasonable expectation of privacy in relation to information concerning events and activities taking place at his home. This was demonstrated by the extreme lengths to which the newspaper was forced to go in order to obtain the information. Publication of these details further breached Clause 3. The complainant said that there was no possible public interest justification for these intrusions into his private life.
6. The newspaper denied that either the use of the helicopter or the information published in the article breached Clause 3. It said the complainant's daughter was eighth in line to the throne and a senior member of the Royal Family. The public had an interest in being informed about a lavish party for her birthday, which she had attended dressed as Snow White accompanied by seven dwarves, and which was always likely to attract attention. It noted that it had contacted the complainant's former

wife's press contact before publication, who had raised no objections on privacy grounds to the reporting of the story.

7. The newspaper said that it had received the information included in the article about the layout of the party from a confidential source and provided a draft of the article, containing these details and written prior to the flight, to substantiate its position. It said the flight was chartered to obtain images to illustrate the article and to ensure the information was accurate. The helicopter was chartered to fly the day before the party, when it was understood that the family were attending Royal Ascot.
8. It provided copies of the photographs taken by the helicopter, which showed tents, buildings and fairground structures; in two instances an individual apparently working on the party infrastructure was visible. It said that the helicopter had flown at 600ft, although the company had a Civil Aviation Authority exemption to fly as low as 262ft for photographic work. Obtaining images in this manner was not intrusive; many news stories – such as storms, road accidents, plane crashes, festivals, sporting events and public gatherings – are routinely and un-controversially illustrated by aerial photography. Aerial photographs of people's homes are a matter of routine and are taken, for example, by Google Earth. In any event, none of the images had been published after the newspaper had been contacted by the complainant's representatives to raise objections.

Relevant Code Provisions

9. Clause 3 (Privacy)
 - (i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.
 - (ii) Editors will be expected to justify intrusions into any individual's private life without consent. Account will be taken of the complainant's own public disclosures of information.
 - (iii) It is unacceptable to photograph individuals in private places without consent.*

Note – private places are public or private property where there is a reasonable expectation of privacy.

Findings of the Committee

10. The Code requires editors to show appropriate respect for an individual's private and family life, and specifically cites respect for the home as part of this obligation, reflecting the fact that an individual's home is a particularly private space. This extends to the garden or grounds of a home, although the extent to which an individual will have a reasonable expectation of

privacy in relation to the grounds or garden of a home will vary, generally according to their visibility, or potential visibility, to members of the public.

11. The grounds of Royal Lodge, the complainant's home, were not publicly accessible, nor visible to the public. For that reason the complainant had, on 19 June, a reasonable expectation that the grounds would be respected as a private place, notwithstanding his absence at the time.
12. In light of this conclusion, the essential issues arising under Clause 3(i) and (ii) were whether the use of aerial photography in this case amounted to an intrusion into the complainant's private life and whether that intrusion was justified.
13. Aerial photography can be a legitimate tool, which enables reporting on otherwise inaccessible events or places; however, it carries a specific risk of intrusion because it allows a photographer to disregard those physical barriers which would otherwise seem to offer protection from intrusion and scrutiny and which, therefore, give rise to a reasonable expectation of privacy.
14. Aerial photography of an individual's home or garden will not always amount to a breach of Clause 3, and the Committee emphasised that its decision on any particular complaint will be based on the circumstances. However, editors must consider the risk of intrusion and the extent of any such intrusion, in order to judge whether this would, in the circumstances, be justified. The nature and purpose of the aerial photography will be an important factor.
15. In this instance, the helicopter's repeated flights over the private space of the grounds of the complainant's home, intended to capture images of the preparations for the event he intended to hold there, was a clear intrusion, regardless of whether the complainant was there. The effect of such an intrusion was to deprive him of the security of his private space, in which he could engage in activities, away from the public gaze.
16. It was irrelevant that the photographs were not in the event published and that they were innocuous. In this case, the flight itself was intrusive because it served to undermine the complainant's reasonable expectation of privacy. It, therefore, required justification.
17. The newspaper's explanation that it sought to confirm details of the party, and to illustrate the story, was not sufficient to justify this intrusion. Any public interest served by the information published in the articles was not proportionate to the intrusion caused by the flight. In any event, those details could and were discovered by means which did not involve the intrusion identified by the Committee.

18. The coverage of the party, which included the arrangement of the tents and costumes, was trivial and had been sourced separately; its publication did not constitute a further intrusion. The Committee did not uphold the complaint about the published coverage.

19. But in the absence of justification for the aerial photography, the newspaper had failed to respect the complainant's private and family life and home.

Conclusions

20. The complaint was upheld.

Remedial action required

21. Where the Committee had upheld the complaint as a breach of Clause 3, the appropriate remedial action was publication of an adjudication. While no material had been published in breach of the Code, given the nature of the breach identified, the adjudication should be published as a news item within the first 10 pages of the print newspaper, and for 12 hours on the homepage of the newspaper's website (it should be archived and searchable, as normal, thereafter). The headline must make clear that IPSO has upheld the complaint, and refer to its subject matter; it must be agreed with IPSO in advance.

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

Following the publication of four articles between 20 and 26 June 2015, the Duke of York complained to the Independent Press Standards Organisation that the Daily Mail had intruded into his private life in breach of Clause 3 (Privacy) of the Editors' Code of Practice.

IPSO's Complaints Committee upheld the complaint as a breach of the Code, and has required the Daily Mail to publish this adjudication to remedy that breach.

The articles reported that the complainant's daughter had held a party to celebrate her 25th birthday at the Royal Lodge in Windsor Park, the complainant's home.

On 19 June, before publication of the articles, the newspaper chartered a helicopter to fly over the grounds of the Royal Lodge and take aerial photographs of preparations for the party happening at the complainant's home and garden.

The complainant said that this represented an intrusion into his privacy. The house was secluded and not visible to the naked eye; access to the house and gardens was restricted and controlled by security. He said that the helicopter had flown so low over the garden, on four occasions, that those working in the garden feared it was in distress.

The newspaper denied that either the use of the helicopter or the information published in the article breached Clause 3.

It said the flight was chartered to obtain images to illustrate the article and to ensure the information was accurate. The helicopter was chartered to fly the day before the party, when it was understood that the family were attending Royal Ascot. Obtaining images in this manner was not intrusive; many news stories are routinely and un-controversially illustrated by aerial photography. In any event, none of the images had been published after the newspaper had been contacted by the complainant's representatives to raise objections.

IPSO's Complaints Committee noted that the Code required that the Daily Mail show appropriate respect for the complainant's private and family life. It specifically includes respect for the home; this reflects the fact that the home is a particularly private space.

Given that the grounds of the complainant's home were not publicly accessible, or generally visible to the public, the complainant was reasonably entitled to expect that the grounds of his home would be respected as a private place.

The Committee recognised that aerial photography can be a legitimate tool; however, it carries a specific risk of intrusion because it allows a photographer to disregard physical barriers which would seem to offer protection from intrusion and scrutiny.

In this instance, the helicopter's repeated flights over the private space of the grounds of the complainant's home, designed to capture images of the preparations for the party, was clearly intrusive, regardless of the fact that the complainant was not at home at the time. The effect of such an intrusion was to deprive him of the security of a private space, in which he could engage in activities, away from the public gaze.

The newspaper had failed to properly justify this intrusion, and the complaint was upheld.

Appendix B

Decision of the Complaints Committee 04361-15 Lincolnshire Police v The Lincolnshire Echo

Summary of complaint

1. Lincolnshire Police, on behalf of the family of Carly Lovett, complained to the Independent Press Standards Organisation that the Lincolnshire Echo breached Clause 5 (Intrusion into grief or shock) of the Editors' Code of Practice in an article headlined "Lincolnshire woman killed in Tunisia terrorist attack", published online on 26 June 2015.
2. The article reported that Carly Lovett had been killed earlier that day in a terrorist attack in Tunisia.
3. The complainant said that reporting Ms Lovett's death as fact before it had been confirmed to her family had caused enormous upset at an already highly distressing time. The article had been published at 8.57 pm, when the family knew only that Ms Lovett had been involved in the attack and had been injured. Shortly after midnight, Ms Lovett's fiancé, who was in Tunisia, had been taken to the hospital to see Ms Lovett, who at that stage had been identified as "a casualty". On arrival at the hospital he had been asked to identify her body. He had then informed the rest of the family of her death.
4. The newspaper denied that it had breached the Code. It said that it had waited several hours to publish the information, until it had received confirmation from multiple sources that it considered to be reliable that Ms Lovett had died and that the family were aware. A reporter had received a call at 2.30 pm from a reliable source, who had informed them that Ms Lovett had been involved in the attack and had died. Reporters had then contacted various family, friends and colleagues of Ms Lovett. One source, who was close to the family, had confirmed that Ms Lovett had been killed. At around 5pm, a reporter had visited what he believed to be the home of Ms Lovett's father. At this address, he had spoken to her step-father, who had declined his request to comment on Ms Lovett's "involvement" in the attack. At 6pm another source, a friend of Ms Lovett's, confirmed that Ms Lovett had been killed, and that her death was being discussed among friends as fact. Later that evening, the reporter spoke again to the first source, who confirmed that Ms Lovett's family were fully aware that she had died in the attack. A reporter had also telephoned Lincolnshire Police to make enquiries; they were not aware of any local involvement in the attack.
5. The newspaper noted that the attacks in Tunisia were of international importance, and that in such cases editors had a responsibility to keep the public informed. Its confidential sources were reliable and close to

the family. It said that it could not have known that Ms Lovett's family had retained some hope that she had survived the attack at the time of publication. Nonetheless, it apologised for any further distress that the article had caused to the family, and offered to write personal letters of apology to Ms Lovett's parents, as a means of resolving the complaint.

Relevant Code provisions

6. Clause 5 (Intrusion into grief or shock)

(i) In cases involving personal grief or shock, enquiries and approaches must be made with sympathy, and publication handled sensitively.

Clause 14 (Confidential sources)

Journalists have a moral responsibility to protect confidential sources of information.

Findings of the Committee

7. It was foreseeable, in the aftermath of a terrorist attack that had taken place overseas, that there would be uncertainty among the families of those involved back in the UK as to the fates of their relatives for some hours, or potentially days. Contradictory and premature reports were highly likely, given the chaos caused by the attack and the difficulties of communicating with overseas survivors and emergency services.
8. The newspaper was entitled to report on a local connection to the attack, and the Committee acknowledged that it had not intended to cause any distress. However, it had a responsibility to ensure in doing so that its report was accurate and that it was prepared with appropriate regard for the position of those most directly concerned: Ms Lovett's surviving family.
9. The claims by the newspaper's confidential sources that the family had been told, definitely, of Ms Lovett's death were evidently inaccurate. Neither the death nor the family's knowledge of it had been confirmed by any official source. As the newspaper had relied solely on confidential sources, it had been unable to show that it had taken appropriate care before it took the decision to publish to ensure that the family knew Ms Lovett had been killed. It had therefore failed to demonstrate to the Committee that it had acted with the level of sensitivity required by the Code.
10. The publication of the information that Ms Lovett had died, so soon after the attack and before it had been confirmed to her immediate family, was a serious failure to handle publication sensitively and a breach of Clause 5.

Conclusions

11. The complaint was upheld.

Remedial action required

12. Given the nature of the breach established in this instance, the Committee determined that the appropriate remedy was the publication of an upheld adjudication. Given the nature and seriousness of the breach, a link to this should appear on the home page of the publication for a period of 48 hours, after which it should be archived and remain searchable in the usual way. The headline must make clear that IPSO has upheld the complaint, and refer to its subject matter; it must be agreed with IPSO in advance.

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

Following the publication of an article on the website of the Lincolnshire Echo on 26 June 2015 headlined "Lincolnshire woman killed in Tunisia terror attack", Lincolnshire Police complained to the Independent Press Standards Organisation on behalf of the family of Carly Lovett that the Lincolnshire Echo breached Clause 5 (Intrusion into grief or shock) of the Editors' Code of Practice.

IPSO established a breach of the Editors' Code and has required the Lincolnshire Echo to publish this decision as a remedy.

The article reported that Carly Lovett had been killed earlier that day in a terrorist attack in Tunisia.

The complainant said that reporting Ms Lovett's death as fact before it had been confirmed to her family had caused enormous upset at an already highly distressing time. The article had been published at 8.57 pm, when the family knew only that Ms Lovett had been involved in the attack and had been injured. Shortly after midnight, Ms Lovett's fiancé, who was in Tunisia, had been taken to the hospital to see Ms Lovett, who at that stage had been identified as "a casualty". On arrival at the hospital he had been asked to identify her body. He had then informed the rest of the family of her death.

The newspaper denied that it had breached the Code; it said that it had waited several hours to publish the information, until it had received confirmation from multiple sources that it considered to be reliable that Ms Lovett had died and that the family were aware. A reporter had received a call at 2.30 pm from a reliable source, who had informed them that Ms Lovett had been involved in the attack and had died. Reporters had then contacted various family, friends and colleagues of Ms Lovett. One source, who was close to the family, had confirmed that Ms Lovett had been killed.

At around 5pm, a reporter had visited what he believed to be the home of Ms Lovett's father. At this address, he had spoken to her step-father, who had declined his request to comment on Ms Lovett's "involvement" in the attack. At 6pm another source, a friend of Ms Lovett's, confirmed that Ms Lovett had been killed, and that her death was being discussed among friends as fact. Later that evening, the reporter spoke again to the first source, who confirmed that Ms Lovett's family were fully aware that she had died in the attack. A reporter had also telephoned Lincolnshire Police to make enquiries; they were not aware of any local involvement in the attack.

The newspaper noted that the attacks in Tunisia were of international importance, and that in such cases editors had a responsibility to keep the public informed. Its confidential sources were reliable and close to the family. It said that it could not have known that Ms Lovett's family had retained some hope that she had survived the attack at the time of publication.

It was foreseeable, in the aftermath of a terrorist attack that had taken place overseas, that there would be uncertainty among the families of those involved back in the UK as to the fates of their relatives for some hours or even potentially days. Contradictory and premature reports were highly likely, given the chaos caused by the attack and the difficulties of communicating with overseas survivors and emergency services.

The newspaper was entitled to report on a local connection to the attack, and the Committee acknowledged that it had not intended to cause any distress. However, it had a responsibility to ensure in doing so that its report was accurate and that it was prepared with appropriate regard for the position of those most directly concerned: Ms Lovett's surviving family.

The claims by the newspaper's confidential sources that the family had been told, definitely, of Ms Lovett's death were evidently inaccurate. Neither the death nor the family's knowledge of it had been confirmed by any official source. As the newspaper had relied solely on confidential sources, it had been unable to show that it had taken appropriate care before it took the decision to publish to ensure that the family knew Ms Lovett had been killed. It had therefore failed to demonstrate to the Committee that it had acted with the level of sensitivity required by the Code.

The publication of the information that Ms Lovett had died, so soon after the attack and before it had been confirmed to her immediate family, was a serious failure to handle publication sensitively and a breach of Clause 5.

Appendix C

Decision of the Complaints Committee 04756-15 Portes v Daily Express

Summary of complaint

1. Jonathan Portes complained to the Independent Press Standards Organisation that the Daily Express breached Clause 1 (Accuracy) in an article headlined “311 languages spoken in our schools”, published in print and online on 24 July 2015.
2. The article billed itself as a “special investigation”. In print, the front-page sub-headline referred to “classrooms where English is starting to die out”; the online headline claimed that “311 languages [are] spoken in our schools as English starts to die out”. The article reported that English-speaking pupils are “becoming a minority in hundreds of classrooms”, that in some schools English is “hardly heard at all”, and that there are schools where “foreign languages have overtaken English”. The article attributed these findings to a “decades-long open door policy on immigration”, and referred to data obtained from the Department for Education (DfE) about specific schools in relation to these claims, suggesting that in one school, “the number of English-speaking pupils is so low the Department will not disclose the figure”.
3. The complainant said that the article’s central claims were inaccurate, and that the article inaccurately suggested that in some schools, lessons are not taught in English. The data used by the newspaper only recorded the numbers of pupils whose first language was not English; it did not say that those pupils were unable to speak English. Many pupils would speak English fluently. Further, English is the language of instruction in all maintained schools in England, including those cited in the article.
4. The newspaper accepted that the article may have suggested inaccurately that pupils who did not speak English as a first language could not speak English at all, and that English is not spoken in some classrooms. It maintained however that the matter was clarified by references to pupils not speaking English “as a first language”. Readers would understand that such pupils were the subject of the article, and would therefore not have been significantly misled by the inaccuracies when reading the article as a whole. The phrase “as a first language” had been omitted in some instances as a matter of style, rather than deception. Nonetheless, the newspaper offered to clarify these points in the online version of the article, and to publish the following correction in print in its “Amplifications & Clarifications” column on its letters page, and online:

In our article “311 languages spoken in our schools as English starts to die out” published on 24 July 2015 we said that English speaking pupils were becoming a minority in hundreds of classrooms. In fact the statistics referred to pupils for whom English is an additional language and not all pupils so classified are unable to speak English. Whilst some pupils arrive in schools not speaking English, most learn it very quickly. The article may also have given the impression that lessons were not being taught in English, which is incorrect.

5. The complainant did not accept that the wording of the proposed correction was adequate. The newspaper had not acknowledged or apologised for a failure of editorial standards, and the proposal to publish the correction on the newspaper’s letters page would be insufficiently prominent, given that the article – and inaccuracies – had originally appeared on the front page.
6. The newspaper said that corrections have been published in the “Amplifications & Clarifications” column on the letters page in the newspaper for many years. Details of how readers can complain appear on this page, and they would be aware that corrections would be published there. It was therefore sufficiently established as a corrections column, and publishing the correction elsewhere in the paper was not necessary.

Relevant Code provisions

7. Clause 1 (Accuracy)
 - i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
 - ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and – where appropriate – an apology published. In cases involving the Regulator, prominence should be agreed with the Regulator in advance.

Findings of the Committee

8. The Committee did not accept that the coverage had merely omitted in some instances to specify that the data being reported referred to pupils’ not speaking English “as a first language”. It had made clear assertions of fact that English “is starting to die out” in schools and that English was “hardly heard at all” in some schools. These claims distorted the data cited by the newspaper, which did not include any information about the frequency with which English was spoken in schools, by either pupils or teachers. The coverage breached Clause 1 (i).

9. This was a particularly concerning case because the inaccuracies had been repeated throughout the entire article, including prominently in print in the front-page sub-headline, and because they were central to the report, on a matter of significant public importance.
10. The Committee noted the newspaper's position that not referring to English "as a first language" in all instances was a stylistic choice. However, as set out above, the article contained inaccurate claims about the data; the references to pupils not speaking English "as a first language" did not remedy these inaccuracies that such pupils had been the subject of the article's claims, and did not demonstrate that the newspaper had taken care to report the data accurately. The complaint was upheld as a breach under Clause 1 (i).
11. The Committee was also concerned by the newspaper's proposals to correct the inaccuracies. While it noted the newspaper's assertion that the "Amplifications & Clarifications" column had been published on its letters page for a number of years, there was no information published on the newspaper's letters page to signal to readers that this was where corrections would ordinarily appear, and the column itself was published infrequently. For these reasons, it did not amount to an established corrections column. Given its position in the newspaper, the letters page was not an otherwise sufficiently prominent location for the proposed correction, since the article had appeared prominently on the front page. The complaint was also upheld as a breach of Clause 1 (ii).

Conclusion

12. The complaint was upheld.

Remedial action required

13. 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. Given the nature of the breach identified in this instance, the Committee required publication of an adjudication. The article's central claim – which was both dramatic and significant – was substantially undermined by the inaccuracies and the newspaper had failed to comply with its obligations under Clause 1 (ii) to correct it. In such circumstances, a reference to the adjudication must be published on the front page, directing readers to the full adjudication, which should be published on page seven. The front-page reference should include a headline making clear that IPSO has upheld the complaint, and refer to its subject matter; it must be agreed in advance. It

should also be published on the newspaper's website, with a link to the full adjudication appearing on the homepage for 48 hours; it should then be archived online in the usual way.

14. Should the newspaper intend to continue to publish the article in its current form, the adjudication should also be published in full beneath the headline.
15. The terms of the adjudication to be published are as follows:

Following the publication of an article in The Daily Express on 24 July 2015, headlined "311 languages spoken in our schools", Jonathan Portes complained to the Independent Press Standards Organisation that The Daily Express had breached Clause 1 (Accuracy) of the Editors' Code of Practice. The complaint was upheld, and IPSO required the newspaper to publish this adjudication.

The front page article reported that English "is starting to die out" in schools. It also reported that there are some schools where English-speaking pupils are "becoming a minority"; where English is "hardly heard at all"; and where "foreign languages have overtaken English". The article said that this was taking place due to an "open door" immigration policy, and referred to Department for Education (DfE) data about specific schools in relation to these claims.

The complainant said that the article's central claims were inaccurate. It also inaccurately suggested that in some schools, lessons are not taught in English. The data referred to by the newspaper only recorded a pupils' first language; it did not say that those pupils would be unable to speak English. Further, English is the language of instruction in all maintained schools in England.

The Daily Express accepted that the article may have suggested inaccurately that pupils who did not speak English as a first language could not speak English at all, and that English is not spoken in some classrooms. It said that when reading the article as a whole, the inaccuracies would not have significantly misled readers. It offered to publish a correction both online and in its "Amplifications & Corrections" column on its letters page.

The Complaints Committee found that the article's claims that English "is starting to die out" in schools and that English was "hardly heard at all" in some schools were completely unsupported by the data the newspaper had cited. These claims distorted the data cited by the newspaper, which did not

include any information about the frequency with which English was spoken in schools, by either pupils or teachers.

This was a particularly concerning case because the inaccuracies had been repeated throughout the entire article, including prominently in the front-page sub-headline, and because they were central to the report, on a matter of significant importance. The newspaper's defence that the article was not misleading when read as a whole did not demonstrate that the newspaper had taken care to report the data accurately. The complaint was upheld as a breach under Clause 1.

The Committee was also concerned by the newspaper's proposals to correct the inaccuracies in its "Amplifications & Corrections" column on its letters page. There was no information published on this page to signal to readers that this was where the column would normally appear, and the column itself was published infrequently. Given its position in the newspaper, the letters page was not an otherwise sufficiently prominent location for the proposed correction, since the article had appeared prominently on the front page. This aspect of the complaint was also upheld under Clause 1.

Appendix D

Decision of the Complaints Committee 03568-15 A Man v Surrey Advertiser

1. A man complained to the Independent Press Standards Organisation that the Surrey Advertiser had breached Clause 11 (Victims of sexual assault) in two articles published in 2015.
2. The articles reported on the trial of a man for sexual offences against teenage boys that had taken place over a number of decades. One of the articles included details which narrowed the time period in which one of the assaults was alleged to have taken place; this time period was many years ago.
3. The complainant said that the articles had contained details which would be likely to contribute to his identification as a victim of sexual assault. This included the defendant's role in a named organisation, and information about the timeframes in which the defendant was said to have committed the crimes. In addition, the complainant explained that at the time of publication, there was information on the internet which provided details of his connection with the named organisation. After the publication of the first article, the complainant raised these concerns with the publication directly. After the publication of the second article, the complainant raised these concerns with the prosecution. The complainant said that the judge then issued a memorandum to all local papers in relation to the jigsaw identification of the victims in the case. The complainant said that during court proceedings, the judge made clear to the reporters present that naming the organisation was a form of jigsaw identification.
4. The newspaper said that it did not believe it was possible to identify the complainant from its coverage of the case, and denied that there was a breach of the Code. It said that the information the article included about one of the victims could apply equally to a number of individuals. It noted that the second article made clear that more than one individual shared the connection with the defendant which had enabled him to commit the alleged crime. It denied that the information about the complainant on the internet rendered the details in the articles likely to contribute to the identification of the complainant. It said that seven days after the publication of the second article, the requirements of s.1 (1) of the Sexual Offences (Amendment) Act 1992 were set out in writing at the request of a journalist in court. This was originally made as an order, which was later set aside as, while the judge was permitted to give guidance, the legislation

did not provide for the judge to do so in the form of an order. The newspaper said that in its further coverage of the case, the judge's guidance was kept in mind, but it denied the articles published prior to the judge's guidance breached the requirements of the Editors' Code.

Relevant Code Provisions

5. Clause 11 (Victims of sexual assault)

The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and they are legally free to do so.

Findings of the Committee

6. The Committee acknowledged that this had been a difficult time for the complainant, but considered that the details included in the articles were not likely to contribute to his identification as a victim of sexual assault. The details they provided on the relationship between the defendant and his victim, in the context of their mutual connection with the named organisation, could apply to a number of individuals over a time period taking place many years ago. The information available on the internet did not alter the fact that the details provided in the articles could apply to a number of individuals; as such, it did not significantly alter the likelihood that the information in the articles would contribute to the complainant's identification. There was no breach of Clause 11.

Conclusion

7. The complaint was not upheld.

APPENDIX E

Decision of the Complaints Committee 04601-15 Butler v Watford Observer

Summary of complaint

1. Gaybrielle Butler complained to the Independent Press Standards Organisation that the Watford Observer breached Clause 1 (Accuracy) and Clause 2 (Opportunity to reply) of the Editors' Code of Practice in a reader's letter headlined "Bushey synagogue will regret eruv", published on 3 April 2015.
2. The letter expressed grave concern about the proposals for the establishment of an eruv (a defined area in which Jewish people may carry or push objects while observing the Sabbath) in Bushey, North London. It was attributed to "Gay Butler, The working group for Bushey Residents Group"; the Group was lobbying against the eruv. The letter suggested that the eruv would disturb the local community and identify Bushey as a "Jewish area". It said that Jewish law was incompatible with democracy and is discriminatory.
3. The complainant said that, following a request from a journalist, she had submitted comments to the newspaper on behalf of the Residents Group, for inclusion in an article. She said that she had made clear to the journalist that the comments were being submitted on behalf of the Group, and were not from her personally; she did not want her name attached to them. She said that the publication of Bushey Residents Group's comments in the form of a letter bearing her name represented a breach of Clause 1. She was particularly concerned as she had received subsequent abusive messages, criticising the nature of the comments made in the letter.
4. The week after publication of the letter a number of readers' letters were published which were critical of the views expressed. The Group then submitted a further letter which was intended to address the points raised, but was told that it had missed the newspaper's deadline by two hours. The newspaper also said that it would not publish the letter the following week, as it believed that both sides to the debate had already had an appropriate opportunity to air their views. Given that the letter under complaint was not supposed to be published as a letter, the complainant believed that the Group had not had an opportunity to present fully its view on the debate, and this represented a breach of Clause 2.
5. The newspaper did not believe that it had breached the Code. It said that the fact that the comments submitted had been intended for publication was not in dispute. It said that the comments had been emailed after the print deadline for the next edition of the newspaper; therefore it was decided that the comments should instead be published the following week, as a letter. The complainant was the Group's spokesperson, and had read out a statement on behalf of the Group at a public meeting the same week that the letter was published. It said that it is the policy of the newspaper not to publish letters without a name, even when the letter

is submitted on behalf of a group. As such, the letter was published with the complainant's name, and noted her membership of the Bushey Residents Group. Nonetheless, the newspaper accepted that it would have been preferable to check the identity of the sender and whether or not the comments were intended as a letter for publication.

6. While the newspaper did not believe that it had published any significant inaccuracies, the week after the publication of the letter under complaint the newspaper printed the following clarification:

"We have been asked to point out that comments in the letter 'Bushey synagogue will regret eruv' published in last week's Watford Observer, was sent by the Bushey Residents' working group and not by one individual and, as such, it expresses the views of that group and not an individual."

7. The complainant was concerned that the clarification had not included her name, and so did not fully make clear the position.

Relevant Code provisions

8. Clause 1 (Accuracy)

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

- Clause 2 (Opportunity to reply)

A fair opportunity for reply to inaccuracies must be given when reasonably called for.

Findings of the Committee

9. It was accepted that the complainant had submitted the comments, albeit on behalf of the Residents Group. It was also accepted that they were meant for publication. It was not inaccurate or misleading for the newspaper to have attributed the comments to the complainant in circumstances where it was made clear that she was writing on behalf of the Group, and where the letter represented her views. This did not breach Clause 1.
10. The Committee was concerned by the newspaper's failure to inform the complainant in advance that it intended to publish the comment she had submitted as a letter. Publication in this form misleadingly suggested that she had chosen to engage with the newspaper using the medium of the letters page. However, as she had acted to introduce the views of the Residents Group into the ongoing

public debate, this distinction was not significant, and no clarification was required.

11. The terms of Clause 2 provide for an opportunity to reply to published inaccuracies; it does not require newspapers to continue publishing opposing views on a controversial topic. The concerns raised by the complainant in this regard did not raise a breach of Clause 2. Nonetheless, the Committee welcomed the prompt clarification published by the newspaper.

Conclusions

12. The complaint was not upheld.

Appendix F

392	04026-15	Baker v The Argus
395	03631-15	Lavington v Birmingham Mail
396	03804-15	Lese v The Sunday Telegraph
401	04424-15	A woman v Daily Record
402	04425-15	A woman v The Herald
403	04512-15	A woman v The Times
412	04365-15	Richardson v The Mail on Sunday
413	04170-15	Smurthwaite v The Daily Telegraph
415	05003-15	Al Fayed v The Sunday Times
417	04459-15	Rainford v Mirror.co.uk
424	04426-15	Johnson v Dartmouth Chronicle
425	05143-15	Lewis v The Daily Telegraph
428	04893-15	Carroll v Belfast Telegraph
430		Request for Review
431		Third Party