

**MINUTES of the COMPLAINTS COMMITTEE MEETING**  
**Wednesday 18 November at 3.30 p.m.**  
Gate House, 1 Farringdon Street, London EC4M 7LG

**Present:** Richard Best, Deputy Chairman, in the Chair  
Lara Fielden  
Janet Harkess  
Gill Hudson  
David Jessel  
Matthew Lohn  
Elisabeth Ribbans  
Neil Watts  
Peter Wright  
Nina Wrightson

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

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

Xavier Bastin  
Ciaran Cronin  
Niall Duffy  
Alistair Henwood  
Robyn Kelly  
Holly Pick  
Charlotte Urwin  
Hugo Wallis

**Observers:** Jonathan Grun, Editors' Code of Practice Committee

1. Apologies for Absence

An apology for absence was received from Sir Alan Moses, due to a judicial commitment, who appointed Richard Best as his proxy for the purpose of representing his views to the committee. An apology was also received from Jill May. Neil Watts gave advance warning of a late arrival due to transport problems.

2. Declarations of Interest

None were recorded.

3. Update by the Director of Operations

Following the Chairman's opening of the meeting with a welcome to Jonathan Grun, the Director of Operations reported that the progress on the Complaints Procedure would be put before the Board at the next Board meeting, along with proposals for the implementation of the Complaints Review. She noted that one of the recommendations of the Review was the creation of a handbook for Committee members; this would be a priority for action over the next few months.

**Neil Watts joined the meeting at 15.47.**

The Chief Executive reported that changes to the Editors' Code and to the Regulations were currently being discussed by the Regulatory Funding Company. The Code changes would need to be agreed by the Regulatory Funding Company and IPSO's Board before taking effect.

The Director of Operations continued with the update that work continued on plans for an arbitration pilot scheme. The success or otherwise of the pilot scheme would determine the implementation of a full scheme.

4. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 14 October 2015 as a true and accurate record.

5. Matters Arising

No matters arose.

6. Complaint 05814-15 Brocklehurst v The Sun

**Sir Alan Moses had read and considered this complaint; his views were relayed to the Committee by the Chair.**

A further paper (Paper No. 506), containing additional correspondence, was tabled. The Committee discussed the complaint and the matter of front page rulings, considering due prominence of corrections and/or adjudications resulting from decisions. The Committee agreed to the issuance of guidance to publications on due prominence, and to the authority of the complaints Executive to determine whether such guidance had been followed.

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

7. Complaint 04036-15 Solash v The Times

**Sir Alan Moses had read and considered the complaint; his views were relayed to the Committee by the Chair.**

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

8. Complaint 04589-15 Hardy v The Sunday Times

**Sir Alan Moses had read and considered the complaint; his views were relayed to the Committee by the Chair.**

The Committee discussed the complaint fully but as no consensus could be reached and two members were absent from the meeting and discussion, the proposal was made and carried that an e-mail vote should be taken by all members of the Complaints Committee. If that was not conclusive this complaint would be carried forward to the meeting on December 16.

The ruling will be published when it is confirmed.

9. Complaint 05599-15 Watson v Sunday Mirror

**Sir Alan Moses had read and considered the complaint; his views were relayed to the Committee by the Chair.**

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

10. Complaint 05726-15 – Boyd v Express.co.uk

**Sir Alan Moses had read and considered the following complaint; his views were relayed to the Committee by the Chair.**

A paper (Paper No. 504) was tabled. The Committee discussed the complaint and ruled that the complaint should not be upheld. A copy of its final ruling appears in **Appendix D**.

11. Complaints not adjudicated at a Complaints Committee meeting

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

12. Any Other Business

1. Update on Rules Changes

The Director of Operations expounded on her written paper to the Committee and reported that the proposed changes to the Rules are currently being studied by the industry, with an expectation of agreement in the near future.

She informed the meeting that engagement with questions had taken place at an early stage with the Complaints Committee, followed by the inclusion of the Board, and that it was envisaged that an appropriate infrastructure would be in place to allow the changes to be implemented.

The Chairman said he believed the proposed changes would have a positive impact on the work of the Committee and expressed his thanks for the persistence of all those involved in this piece of work.

13. Date of next meeting

**The date of the next meeting was confirmed as Wednesday 16 December 2015 at 10.30 a.m.**

**The meeting ended at 5.40 p.m.**

Elizabeth Bardin  
Governance Manager  
19 November 2015

## APPENDIX A

**Decision of the Complaints Committee  
05814-15 Brocklehurst v The Sun****Summary of complaint**

1. Rosemary Brocklehurst complained to the Independent Press Standards Organisation that The Sun breached Clause 1 (Accuracy) in an article headlined "Court Jezter", published on 15 September 2015.
2. The front page article reported that Jeremy Corbyn MP had agreed to join the Privy Council following his election as Labour leader. It stated this was "so he can get his hands on £6.2million of state cash", in the form of "Short money", which is funding allocated to opposition parties for parliamentary duties. It also reported that Mr Corbyn was a "hypocrite" because he would "kiss Queen's hand to grab £6.2m". It noted that "it is claimed" that a refusal by Mr Corbyn to accept Privy Council membership "would have triggered a constitutional crisis and jeopardised £6.2million of annual Labour funding". It quoted a QC who commented that "rejection of Privy Council membership could raise issues relating to the constitutional status of the official opposition".
3. The article was also published in the same form online.
4. The complainant said that there was no basis for the claim that Mr Corbyn had accepted Privy Council membership in order to secure £6.2million of funding. She said that Short money is available to all opposition parties with seats in Parliament, provided that its members have sworn the Oath of Allegiance. The complainant said the article had misleadingly used the quotation from the QC to suggest a link between Privy Council membership and Short money eligibility; in fact there is no requirement for Privy Council membership.
5. According to a Houses of Parliament Library document, Short money is available to all opposition parties that secured either two seats, or one seat and more than 150,000 votes. For the period 2014/15, £16,689.13 is paid to qualifying parties for every seat won (with an additional payment for every 200 votes gained). £777,538.48 is available to the Leader of the Opposition's office, with an additional sum split between the opposition parties for travel expense.
6. The complainant was also concerned that the article contained a digitally produced image showing Mr Corbyn wearing a jester's hat and denied that there was any evidence to support the assertion that Mr Corbyn was a "leftie who hates the royals".
7. While accepting that it could have been clearer in certain respects, the newspaper defended its coverage overall as legitimate speculation based on accurate information. It emphasised that the article had referred to Privy Council membership as the only way Mr Corbyn could "secure" his position as Leader of

the Opposition. In its view, this was justified by the following reasoning: had he refused Privy Council membership – and therefore not been party to the important information discussed during Privy Council meetings – he would not have been able to carry out his duties as Opposition Leader, and his position as Leader would not have been “secure”. This would raise constitutional concerns regarding his – and by extension, the Party’s – role in Opposition, as referred to by the QC. This, in turn, could affect his party’s entitlement to Short money, which is intended to support the party’s Opposition role.

8. The newspaper argued that there was a direct link between the Office of the Leader of the Opposition and Short money: around £700,000 of the total would be allocated to the running costs of its Leader’s office and would be available only if he secured his position as Leader of the Opposition by joining the Privy Council; had Mr Corbyn failed to do so, the entire £6.2m available to Labour could have been at risk.
9. The newspaper said that, since it was able to demonstrate a link between Privy Council membership and Short money, it was entitled to speculate that Mr Corbyn had accepted membership in order to secure this funding.
10. The newspaper accepted, however, that the article had not made clear that only around £700,000 of the total sum received by the Labour Party would fund the Leader of the Opposition’s office. It therefore offered, shortly before the Committee’s consideration of the complaint and at the conclusion of IPSO’s investigation, to publish the following clarification in print on page two in the newspaper’s “Corrections & Clarifications” column, which also noted that Privy Council membership does not form part of the formal criteria for Short Money:

#### *Jeremy Corbyn and the Privy Council*

*In an article of 15<sup>th</sup> September, headlined “Court Jezter”, we said that Jeremy Corbyn decided to join the Privy Council in order to get his hands on Short Money, the fund (in total amounting to £6.2million) provided by the State for the Opposition. This was based on our argument that his Privy Council membership was integral to his role as Leader of the Opposition. We are happy to make clear that only £700k of Short Money goes directly to the Office of the Leader, with the remainder paying for other aspects of the official opposition, including research and the Whips’ Office. The formal criteria for Short Money does not explicitly include reference to membership of the Privy Council at all. Some experts have said that Corbyn’s non membership would have had no impact on Labour’s receipt of the money.*

The newspaper made this offer more than a month after being notified of the complaint.

11. The newspaper denied that the image of Mr Corbyn was misleading; it had obviously been manipulated to lampoon him. Further, given his previous public

statements opposing the monarchy and his political position generally, it was not misleading to characterise him as a “leftie who hates royals”.

### Relevant Code provisions

#### 12. Clause 1 (Accuracy)

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

### Findings of the Committee

13. The Editors’ Code specifically protects the right of the press to be partisan; critical and robust political commentary is a characteristic feature of many newspapers and magazines. The newspaper was entitled to speculate about the potential consequences of a refusal by Mr Corbyn to join the Privy Council, and whether similar reasoning had played a role in his decision to accept membership.
14. These were not, however, the terms in which the article was framed. It stated that Mr Corbyn had joined the Privy Council as “the only way ... [he] could secure his position as the official Leader of the Opposition – with all the perks that go with it”. The front-page headline said he “WILL kiss Queen’s hand to grab £6.2m”. This amounted to a factual claim that the party’s receipt of Short money was conditional on Privy Council membership. While the article included some explanation of the link the newspaper had drawn between the two – including the quotation from the QC – it did not acknowledge that Short money is not formally conditional on Privy Council membership. The presentation of the claims in this form, without clarifying information, constituted a failure to take care not to publish misleading information.
15. Further, the article had referred repeatedly to the sum of £6.2m in the context of Mr Corbyn’s role as Opposition Leader, but had not clarified that the great majority of the funding relates to the Party as a whole, as an opposition party, rather than the Leader of the Opposition specifically. It had also failed to clarify that Short money is allocated based on the number of seats won by a party in opposition, rather than any specific role leading the Opposition, and would therefore be unaffected by any concerns over Mr Corbyn’s status as Opposition Leader. This represented a further failure to take care not to publish misleading information.
16. It was significantly misleading to claim, as fact, that Labour’s access to Short money (either the £6.2m, or the £777,538.48) was conditional on Mr Corbyn’s joining the Privy Council; the two were not directly connected. The correct position

on the requirements for obtaining Short money and the basis on which it is allocated was available in the public domain.

17. The coverage was significantly misleading; in such circumstances, the newspaper's offer to publish a correction was appropriate. However, it had only made the offer of correction at a late stage in the complaints process, more than a month after being notified of the complaint, and only after IPSO had notified both parties that the matter would be passed to the Committee for a ruling. Given the nature of the misleading statements the complaint demonstrated, the newspaper had failed to make the offer sufficiently promptly, and this represented a breach of Clause 1(ii).
18. The image of Mr Corbyn wearing a Jester's hat, and the characterisation of Mr Corbyn as a "leftie who hates royals" were not significantly misleading, given his political stance, and his views on the monarchy. These concerns did not raise a breach of Clause 1.

### **Conclusion**

19. The complaint was upheld.

### **Remedial action required**

20. 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. The newspaper had not offered a correction promptly and therefore had failed to comply with its obligations under Clause 1(ii). The Committee required the publication of an adjudication.
21. The Committee considered the placement. The misleading information identified was repeated throughout the article, and appeared as the lead story on the newspaper's front page. It was significantly misleading, formed the principal basis for the personal criticism of Mr Corbyn set out in the article, and resulted from a significant failure to take care not to publish misleading information, given that the factors that formally affect the allocation of Short money were known to the newspaper. For these reasons, the Committee required that a reference to the adjudication be published on the front page, directing readers to the full adjudication, which should appear on page four or further forward. Both the headline to the adjudication inside the paper and the front-page reference should make clear that IPSO has upheld the complaint, and refer to its subject matter. The headline, the placement on the page, and prominence, including font size, of both the adjudication and the front page reference 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 24 hours; it should then be archived online in the usual way.
22. 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.



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

*Following the publication of an article in The Sun on 15 September, headlined "Court Jezter", Rosemary Brocklehurst complained to the Independent Press Standards Organisation that The Sun 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 Jeremy Corbyn had accepted Privy Council membership after becoming Labour leader "so he can get his hands on £6.2m" of Short money. It said that, had Mr Corbyn refused membership, a "constitutional crisis" would have been triggered, jeopardising the £6.2m.*

*The complainant said that Labour's access to Short money was not determined by its leader's Privy Council membership. Instead, most of it is made available based on the number of seats secured by Labour in the last election.*

*The Sun said that the article could have been clearer, but was based on accurate information. If Mr Corbyn had not accepted Privy Council membership, his position as Opposition Leader would not have been "secure" – this would have triggered the "constitutional crisis", and risked his party's access to the £6.2m. Nonetheless, it offered at a late stage in the complaint to publish a clarification which made clear that the criteria for Short Money does not include reference to Privy Council membership.*

*IPSO's Complaints Committee found that it was significantly misleading to claim that Labour's access to the £6.2m depended on whether Mr Corbyn was a member of the Privy Council. The two were not formally connected and the article did not make clear how a majority of the funding was in fact allocated. The Committee upheld the complaint as a breach of Clause 1.*

*The newspaper failed to correct the significantly misleading coverage promptly and IPSO required The Sun to publish this adjudication.*

## APPENDIX B

**Decision of the Complaints Committee  
04036-15 Solash v The Times****Summary of complaint**

1. Richard Solash, Director of Communications of the Parliamentary Assembly for the Organisation for Security and Co-Operation in Europe (OSCE PA) acting on behalf of OSCE PA Secretary General Spencer Oliver complained to the Independent Press Standards Organisation that The Times breached Clause 1 (Accuracy) and Clause 2 (Opportunity for reply) in an article headlined "Fifa isn't the only fiefdom to cast its shadow", published on 1 June 2015.
2. The article was an opinion piece in which the columnist expressed the view that the Fifa scandal was one example of the tendency of international bureaucracies to become the "personal fiefdoms of their presidents or directors-general, and sink into lethargy or corruption, followed by brazen defiance when challenged"; the sub-headline referred to "leaders who believe they are above the law". The columnist alleged that a number of organisations fitted this pattern, including UNESCO, the Inter-Governmental Panel on Climate Change, the World Health Organisation, and the OSCE PA, described as a "smaller example" of the phenomenon.
3. The article included a number of claims about Mr Oliver's term as Secretary General. Noting that he had served continuously for all the organisation's 22 years, it alleged that he had "fended off challenges and tried to frustrate attempts to reform the constitution". It said at the age of 77, Mr Oliver had "reluctantly conceded that he might like to think about letting somebody else play with the limos and tax-free, Danish-diplomatic status that go with the job", but claimed that he "seems intent on influencing the choice of his successor".
4. The complainant denied that the OSCE PA was a "personal fiefdom", and said that that the newspaper's justification for this description was based entirely on inaccurate allegations about Mr Oliver's conduct as Secretary General. He said that the OSCE PA does not have a constitution; it has rules of procedure. Mr Oliver had not tried to "frustrate attempts to reform" the OSCE PA's rules of procedure. He had not made any attempts to "influence the choice of his successor", nor did he have access to "limos". He said that OSCE PA in fact maintains an ordinary van, a mini-van and a hatchback for the use of its staff, and there are no drivers. He said that Mr Oliver paid full US taxes, but had Danish diplomatic status, as did all expatriate employees of the OSCE PA. The complainant said that by referring to Mr Oliver among a group of proven wrongdoers at other organisations, it had suggested that he was guilty by association.
5. The newspaper said that the article was based on material provided by a credible and well placed confidential source, and denied that there was any breach of the Code. It said that the complainant had not demonstrated any inaccuracies, beyond

minor points relating to the amenities provided to Mr Oliver. The newspaper said that, prior to publication, the journalist had seen emails from an individual who Mr Oliver had attempted to dissuade from standing in the contest to succeed him. The source told the journalist that Mr Oliver had frustrated attempts to reform the constitution of the OSCE PA and had showed him emailed evidence from other well-placed individuals in support of this position. The newspaper said it was unable to provide further details because of the need to protect its confidential sources.

6. The newspaper denied that the article contained any significant inaccuracies. It noted that in 2010, a Latvian politician had contested the election for Secretary General of the OSCE PA, and lost to Mr Oliver. The newspaper said that it had it "on good authority" that Mr Oliver opposed any limitation of the Secretary General's term of office. Following the eventual adoption of a rule in 2013 limiting the term of office, the newspaper said it was confident that Mr Oliver had stated that the new rule did not apply to him because he was in office before it came into force. It also said that a reference in the rule to there being "exceptional circumstances" in which a further renewal of the term of office may be considered was included after pressure from Mr Oliver's "allies" on the Rule Committee.
7. The complainant accepted that Mr Oliver had defeated another candidate in the 2010 election but denied that Mr Oliver opposed a rule change limiting the Secretary General's term of office, or that the reference to "exceptional circumstances" was included after pressure from Mr Oliver's "allies". It noted that the newspaper had failed to provide evidence to substantiate these assertions.
8. The complainant said that Mr Oliver did not believe he had stated that the new rule on the Secretary General's term of office did not apply to him, and that the newspaper had failed to substantiate its assertion that Mr Oliver had made such a statement. He said that there was however a general understanding that Mr Oliver could seek further re-election on the basis of his contract, and the rules of procedure in force at the time he was elected and re-elected. The complainant said that Mr Oliver had supported every rule change proposed by the Rules Committee of the Assembly except for one proposed change at the meeting of the Standing Committee of the OSCE PA in February 2015. The rule change related to the manner in which amendments would be considered by the assembly in annual sessions, which Mr Oliver believed would be impractical and unworkable; the proposal was withdrawn in view of Mr Oliver's opposition. The complainant said that Mr Oliver only attempted to dissuade one potential candidate from standing in the contest to succeed him.
9. During direct correspondence with the newspaper, the complainant and Mr Oliver had requested a retraction and an apology for the alleged inaccuracies. The newspaper responded by offering to publish a clarification, pending Mr Oliver's confirmation on whether he has use of official cars and on whether he had tax-free Danish-diplomatic status. The complainant responded on 16 June, providing the requested clarification, and reiterated his request that the newspaper publish a formal retraction and apology. The newspaper offered to publish the following

clarification in its "Corrections and clarifications" column to address the complainant's concerns:

*In an opinion column about the unaccountability of international quangos ("Fifa isn't the only fiefdom to cast its shadow", Jun 1) Matt Ridley mentioned the 22-year tenure of Spencer Oliver as secretary general of the Parliamentary Assembly of the Organisation for Security and Co-Operation. This was not intended to imply any wrongdoing on Mr Oliver's part. Mr Oliver states that he pays full US taxes on his OSCE PA salary and that the vehicles to which he had access while in office comprised a 13-year-old van, a six-year-old minivan and a two-year-old hatchback, rather than the "limos" to which our article referred. We are happy to make this clear.*

The newspaper also offered to publish a clarification which included the words: "[Mr Oliver] is happy with the outcome of the process for choosing the lead candidate for his successor." Nevertheless, the newspaper did not accept that it was significantly misleading to refer to Mr Oliver's access to "limos", and his "tax-free status". The complainant rejected this offer on the basis was not a retraction or apology, and did not deal with all of the alleged inaccuracies.

### Relevant Code provisions

#### 10. Clause 1 (Accuracy)

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

#### Clause 2 (Opportunity to reply)

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

### Findings of the Committee

11. The article had included the OSCE PA and its Secretary General among a group of organisations which it claimed were "personal fiefdoms", whose leaders "believe they are above the law" and are subject to "lethargy or corruption, followed by brazen defiance when challenged". As support for this characterisation, it had referred to the length of Mr Oliver's tenure in office and claimed that Mr Oliver had "fended off challenges and tried to frustrate attempts to reform the constitution", and more recently "seems intent on influencing the choice of his successor". It had also referred to the amenities of his role – "limos

and tax-free, Danish-diplomatic status” in a manner that tended to support the description of the OSCE as a “fiefdom”. By its account, these claims – and by extension the allegation that the OSCE fit the pattern described in the column – were based on information provided by a confidential source, which it was obliged to protect under the terms of Clause 14.

12. The newspaper had been unable to substantiate its claim of fact that the complainant had “tried to frustrate attempts to reform the OSCE PA’s constitution”. It relied on information provided by a confidential source, which it said included emails from other well-placed individuals, in support of this claim and explained that the statement referred to Mr Oliver’s opposition to a possible limitation of the Secretary General’s term of office. However, this was disputed by Mr Oliver.
13. The newspaper was entitled to make use of information provided by a confidential source. However, it had relied on this source without taking additional steps to investigate or corroborate the claims on which the article’s characterisation of Mr Oliver was based, which might include obtaining additional on-the-record information or contacting the complainant to obtain his comment before publication. As the newspaper was unable to disclose the information provided by its source, it was unable to demonstrate that it had taken care not to publish inaccurate information.
14. It was inaccurate to report that Mr Oliver enjoyed access to limos in his role, and the reference to his tax-free status misleadingly suggested he paid no tax, when in fact, he paid full taxes in the USA. Taken in isolation, these were potentially trivial points, but taken together, they significantly contributed to the broader implication that Mr Oliver enjoyed a “personal fiefdom”, and that he enjoyed various lifestyle benefits as a consequence. They were significantly misleading in this broader context.
15. It was not in dispute that Mr Oliver had successfully defeated another candidate in his re-election to the role of Secretary General in 2010, and that he had not been successfully challenged for the role during his 22 years as Secretary General. It was therefore not misleading to claim that Mr Oliver had “fended off challenges”, during his time as Secretary General. Neither was it misleading for newspaper to claim that Mr Oliver seemed “intent on influencing the choice of his successor”, where the complainant accepted that he had attempted to dissuade a candidate from running in the election to succeed him.
16. However, the length of Mr Oliver’s tenure, and his ability to “fend off challenges”, were not sufficient alone to justify the very serious allegation that the OSCE, under Mr Oliver’s leadership, had become a “personal fiefdom” that had “sunk” into “lethargy or corruption”. The complaint was upheld as a breach of Clause 1 (i).
17. The Committee welcomed the newspaper’s offer to clarify the taxes Mr Oliver paid, and his access to “limos”. However, the clarification offered was insufficient: it did not address the most serious unsubstantiated claim that Mr Oliver had “tried to

frustrate attempts to reform the OSCE PA's constitution". The complaint was upheld under Clause 1 (ii).

18. Clause 2 requires that a fair opportunity for reply to inaccuracies must be given when reasonably called; it does not require that newspapers seek to obtain comments prior to publication, nor does it require the publication of retractions or apologies. The complainant was in direct correspondence with the newspaper, but did not request an opportunity to reply to the inaccuracies. The newspaper had not denied the complainant a fair opportunity to reply, and there was no breach of Clause 2.

### Conclusions

19. The complaint was upheld under Clause 1.

### Remedial Action Required

20. The established inaccuracies supported the significant claim that Mr Oliver enjoyed a "personal fiefdom". In circumstances where the newspaper had failed to take care not to publish inaccurate information, and not offered to correct these significant inaccuracies, the Committee concluded that the appropriate remedy was an adjudication. The article was published on page 21 of the newspaper, and the Committee required the publication of an adjudication upholding the complaint on this page, or further forward in the newspaper. The headline must make 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 24 hours; it should then be archived online in the usual way. Should the newspaper intend to continue to publish the article online, without amendment, in light of this decision it should publish the adjudication in full, beneath the headline.
21. The terms of the adjudication to be published are as follows:

*Richard Solash, acting on behalf of OSCE PA Secretary General Spencer Oliver, complained to the Independent Press Standards Organisation that The Times breached Clause 1 (Accuracy) and Clause 2 (Opportunity for reply) in an article headlined "Fifa isn't the only fiefdom to cast its shadow", published on 1 June 2015. IPSO upheld the complaint as a breach of the Editors' Code and required The Times to publish this decision by its Complaints Committee as a remedy to the breach.*

*The article had included the OSCE PA and its Secretary General among a group of organisations which it claimed were "personal fiefdoms", whose leaders "believe they are above the law" and are subject to "lethargy or corruption, followed by brazen defiance when challenged". As support for this characterisation, it had referred to the length of Mr Oliver's tenure in office and claimed that Mr Oliver had "fended off challenges and tried to frustrate attempts to reform the*

constitution”, and more recently “seems intent on influencing the choice of his successor”. It had also referred to the amenities of his role – “limos and tax-free, Danish-diplomatic status” in a manner that tended to support the description of the OSCE as a “fiefdom”. By the newspaper’s account, these claims – and by extension the allegation that the OSCE fit the pattern described in the column – were based on information provided by a confidential source, which it was obliged to protect under the terms of Clause 14.

The newspaper had been unable to substantiate its claim of fact that the complainant had “tried to frustrate attempts to reform the OSCE PA’s constitution”. It was entitled to make use of information provided by a confidential source. However, it had relied on this source without taking additional steps to investigate or corroborate the claims on which the article’s characterisation of Mr Oliver was based, which might include obtaining additional on-the-record information or contacting the complainant to obtain his comment before publication. As the newspaper was unable to disclose the information provided by its source, it was unable to demonstrate that it had taken care not to publish inaccurate information.

It was inaccurate to report that Mr Oliver enjoyed access to limos in his role and the reference to his tax-free status misleadingly suggested he paid no tax, when in fact, he paid full taxes in the USA. Taken together, these points significantly contributed to the broader implication that Mr Oliver enjoyed a “personal fiefdom”, and that he enjoyed various lifestyle benefits as a consequence. They were significantly misleading in this broader context.

It was not misleading to claim that Mr Oliver had “fended off challenges”, during his time as Secretary General. Neither was it misleading for newspaper to claim that Mr Oliver seemed “intent on influencing the choice of his successor”, where the complainant accepted that he had attempted to dissuade a candidate from running in the election to succeed him. However, the length of Mr Oliver’s tenure, and his ability to “fend off challenges”, were not sufficient alone to justify the very serious allegation that the OSCE, under Mr Oliver’s leadership, had become a “personal fiefdom” that had “sunk” into “lethargy or corruption”. The complaint was upheld as a breach of Clause 1 (i).

The clarification offered by the newspaper was insufficient: it did not address the most serious unsubstantiated claim that Mr Oliver had “tried to frustrate attempts to reform the OSCE PA’s constitution”. The complaint was upheld under Clause 1 (ii).

## APPENDIX C

### Decision of the Complaints Committee 05599-15 Watson v Sunday Mirror

#### Summary of complaint

1. Colin Watson complained to the Independent Press Standards Organisation that the Sunday Mirror breached Clause 4 (Harassment) of the Editors' Code of Practice on 8 September 2015.
2. The complainant said that a journalist working for the newspaper had persisted in telephoning his home after being asked to desist.
3. The complainant said that the journalist had called his home telephone on three occasions. On the first occasion, the complainant had answered the call and, believing it to be a sales call, had hung up. On the second occasion, the journalist had asked whether someone with what the complainant described as a "protracted hard-to-remember moslem name" lived at the complainant's address. The complainant told him that no one of that name had ever been resident at his address, that it was none of his business who lived in his house, and that he suspected the journalist was researching a story with a racist agenda. He told the journalist to "fuck off" and then hung up the telephone. The journalist then immediately called back; after the telephone was answered by the complainant's wife, the journalist claimed that he wanted to explain the reason why he was calling. The complainant's wife asked him his name and repeated their request not to be contacted; she then ended the call.
4. The newspaper did not believe that the journalist's actions amounted to harassment. The journalist had been researching Syrian President Bashar al-Assad's links to Britain, and had been told that the name Bashar al-Assad had been registered at the home owned by the complainant; this was worthy of further investigation. When the first call had ended abruptly, the journalist had assumed that there had been a problem with the line, and called back. The complainant then implied that the journalist had not reached the person for whom he was looking and accused the journalist of having a "racist agenda", ending the call by telling the journalist that he should "now fuck off". The journalist was concerned that his intentions had been misunderstood; he therefore called again to explain the reasons for his enquiries and to apologise for any offence that may have been caused. The complainant's wife answered the call, and the journalist identified himself when requested and tried to explain why he had been calling. He did not persist in asking questions regarding the story. The complainant's wife told him that neither she nor her husband wished to speak with him; the journalist assured the complainant's wife that he would not call again. No further calls had been made.



### Relevant Code provisions

#### 5. Clause 4 (Harassment)

- (i) Journalist must not engage in intimidation, harassment or persistent pursuit.
- (ii) They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on their property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.

### Findings of the Committee

6. It was apparent that there had been some misunderstanding during the second telephone call. On the complainant's own account, he had not recognised the name of the individual about whom the journalist was seeking information. He had assumed that the journalist was pursuing a racist line of enquiry, accused him of doing so, and had told him to "fuck off".
7. Clause 4 (ii) prohibits journalists from persistent attempts to contact an individual once they have been asked to desist. That request need not be framed in precise language; in this instance, the words "fuck off" were clearly sufficient to communicate to the journalist the complainant's desire to be left alone. In ruling whether the Code has been breached by any subsequent contact, the Committee will consider the specific circumstances of the case, as well as the purpose of Clause 4, which is to prevent harassment.
8. In light of the evident misunderstanding, the Committee accepted that the journalist wanted to clarify why he was calling. It was possible that the complainant might have been willing to assist the journalist once the purpose of the call had been explained. The Committee also accepted that the journalist would want to clarify his position in response to the allegation of racism.
9. There was no suggestion that the journalist had acted in a way that was aggressive or intimidatory, on the single occasion where he had conversed with the complainant. The alleged harassment comprised two calls in quick succession, and did not constitute persistent pursuit: the complainant accepted that the journalist did not repeat his earlier questions in the final call. Neither had the journalist been calling to put to the complainant an allegation which might foreseeably cause the complainant distress or anxiety; the journalist's query did not concern the complainant directly.
10. In the full circumstances, the journalist's attempt to clarify the reasons for his call did not amount to the type of conduct which Clause 4 seeks to prevent. There was no breach of the Code.

### Conclusions

11. The complaint was not upheld.

## APPENDIX D

**Decision of the Complaints Committee  
05726-15 Boyd v Express.co.uk**

**Summary of complaint**

1. Sean Boyd complained to the Independent Press Standards Organisation that Express.co.uk breached Clause 1 (Accuracy) and Clause 12 (Discrimination) of the Editors' Code of Practice in an article headlined "Warning: Britain 'faces new wave of gun massacres amid fears over firearms laws'", published on 15 September 2015.
2. The article reported on Her Majesty's Inspectorate of Constabulary's (HMIC) report "Targeting the risk: An inspection of the efficiency and effectiveness of firearms licensing in police forces in England and Wales". It reported that the failings identified in the HMIC report "come in the wake of horrific shootings in recent years", and referred to the case of Derrick Bird in 2010, in which 12 people were murdered. It included the comments of the individual who led the HMIC report, who had said that "unless things change, we run the risk of further tragedies occurring". The article was originally accompanied by an image depicting machine guns for sale on a wall display. The sub headline stated that "Britain faces a new wave of gun massacres unless the current firearms licensing system is overhauled, experts have warned".
3. The complainant said that the HMIC report did not claim that Britain "faces a new wave of gun massacres". In addition, he said that this claim implied there was a previous wave of gun massacres, which he denied. He said that the image which originally accompanied the article depicted illegal firearms, rather than firearms covered by the licensing system. The complainant was concerned that the article was an attack on law-abiding firearms owners, and implied that they had mental instabilities; he said that this discriminated against law-abiding gun owners.
4. The newspaper said that the individual who led the report had said that "unless things change, we run the risk of further tragedies occurring", and such tragedies included the murders in Cumbria. It was not misleading to claim that the report warned of a new wave of gun massacres in this context. It denied that this implied that there had been a previous wave of gun massacres. The newspaper denied that there was a breach of Clause 12. It said that Clause 12 is designed to protect individuals from discrimination, rather than groups such as fire-arms owners from generalised remarks.
5. The newspaper said that on the day the article was published, it received a telephone call complaining about the image of machine guns. After this call, the image was changed to one of a shotgun, and the following text was added as a footnote to the article, with the heading "correction":

*In the first version of this article we published a picture which showed a number of firearms which are illegal in the United Kingdom. Firearms which are illegal in Britain include machine guns. The image used to illustrate this article pictured a*

*machine gun. It was therefore misleading to illustrate the article with an image of a machine gun. This has been amended and we are happy to set the record straight.*

### Relevant Code Provisions

#### 6. Clause 1 (Accuracy)

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

#### Clause 12 (Discrimination)

- i) The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any physical or mental illness or disability.
- ii) Details of an individual's race, colour, religion, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.

### Findings of the Committee

- 7. The HMIC report noted that recommendations to upgrade the status of the Home Office guidance on firearms licensing made after Derrick Bird killed 12 people in 2010, and after Michael Atherton killed three people in 2012 had not been implemented. It claimed that history suggested that a similar pattern of inaction would follow the next fatal tragedy involving a firearm. The HMIC's press release on the report stated that "lessons from past tragedies have not always been learnt and this fails the victims of those events, including their families, unacceptably. Unless things change, we run the risk of further tragedies occurring." It was not misleading to refer to these incidents as "gun massacres", and the HMIC had warned of further such tragedies occurring. In these circumstances, the headline warning that "Britain 'faces new wave of gun massacres amid fears over firearms laws'", was not misleading; it accurately summarised the HMIC's comments. There was no breach of Clause 1 on this point.
- 8. The Committee acknowledged that the firearms depicted in the image which originally accompanied the article were illegal in the UK. However, the article reported on failures the HMIC had identified in the gun licensing system. These related to application backlogs, the medical checks of those applying to own guns and the number of firearms stolen or missing. The article did not criticise, or otherwise comment on the type of firearm available in the UK, nor did the article's claim that Britain faced "a new wave of gun massacres" rely on such a claim about the firearms available. Any misleading impression the image gave was not significant; it did not support any claim subsequently made in the article, and

served simply to illustrate that the article was about guns. There was no breach of Clause 1.

9. While it was not required under the terms of Clause 1 (ii), the Committee welcomed the newspaper's prompt recognition of the fact that the firearms depicted were illegal in the UK, its decision to replace it with an image of a shotgun, and its addition of a footnote clarifying the position.
  
10. Clause 12 protects individuals from discrimination on the basis of certain characteristics. The complainant's concern that the article discriminated against firearms owners did not engage the terms of Clause 12, and there was no breach of the Code on this point.

### **Conclusion**

11. The complaint was not upheld.

## APPENDIX E

Paper No.	File Number	Name v Publication
432	04219-15	Archibold v Edinburgh Evening News
434	N/A	Third Party
435	N/A	Request for Review
440	04896-15	Beaton v Press & Journal
442	N/A	Third Party
443	N/A	Request for Review
446	04389-15	Mooney v Grimsby Telegraph
447	04206-15 / 04322-15	Taylor v Mail Online & Daily Mail
449	N/A	Third Party
450	N/A	Request for Review
452	05717-15	Elliott v The times
453	04794-15	Sailor v Daily Mirror
456	04541-15	Banc De Binary v The Mail on Sunday
457	04776-15	Howell v Bristol Post
458	04777-15	Howell v Metro.co.uk
459	04850-15	Howell v Daily Express
460	N/A	Request for Review
461	N/A	Third party
462	05807-15	Carey v The Daily Telegraph
466	04986-15	Large v The Daily Telegraph
472	N/A	Third Party
473	N/A	Request for Review