

MINUTES of the COMPLAINTS COMMITTEE MEETING
Wednesday 11 January 2017 at 10.30 am
Gate House, 1 Farringdon Street, London EC4M 7LG

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

In attendance: Charlotte Dewar, Director of Operations
Ben Gallop, Head of Complaints
Michelle Kuhler, PA to CEO and minute taker
Bianca Strohmann, Head of Complaints
Matt Tee, Chief Executive Officer
Charlotte Urwin, Head of Standards

Also present: Members of the Executive:

Ciaran Cronin
Niall Duffy
Vikki Julian
Madeline Palacz
Holly Pick
Liam Tedds
Hugo Wallis
Alistair Henwood

Observers: Jonathan Grun, Editors' Code of Practice Committee
Claire Singers, IPSO Board Member

1. Apologies for Absence

Apologies for absence were received from Gill Hudson.

2. Declarations of Interest

Peter Wright declared an interest in Item 10. He left the meeting for this item.

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 14 December.

4. Update by the Chairman - oral

The Chairman welcomed Claire Singers and Jonathan Grun to the meeting. He also welcomed Charlotte Dewar on her return to the office following her leave and thanked Ben Gallop and Bianca Strohmann for all their work in Charlotte's absence.

The Chairman confirmed that the new version of the Editors' Codebook had been published. He also noted that the Government's consultation seeking views on Section 40 of the Crime and Courts Act had recently closed.

5. Update on Editors' Code Consultation – oral

The Head of Standards requested feedback on the subject from any members of the Committee that would like to do so, and for them to submit this via email as soon as possible in order to ensure it could be included in materials prepared for the Liaison Committee's consideration of the issue.

6. Matters Arising

There were no matters arising.

7. Complaint 09910-16 Versi v The Sun

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

8. Complaint 14422-16 Versi v The Sun

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

9. Complaint 09529-16 A man v Wales Online

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

10. Request for review 11869-16 Heenan v Daily Mail

The Committee discussed this complaint and decided to re-open the matter.

11. Discussion: the IPSO External Review

The Chairman introduced this item and said that he believed that the external review provided a constructive view of IPSO's progress at the end of its second year.

The Committee held a general discussion on the review.

12. Complaints not adjudicated at a Complaints Committee meeting

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

13. Any other business

There was no other business.

14. Date of Next Meeting

The date of the next meeting was confirmed as Wednesday 22 February 2017.

The meeting ended at 12.30pm

**Michelle Kuhler
PA to CEO**

Appendix A

Decision of the Complaints Committee 09910-16 Versi v The Sun

Summary of complaint

1. Miqdaad Versi complained to the Independent Press Standards Organisation that The Sun breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "We're kind, Gary, but we hate being conned", published on 24 October 2016.
2. The article was a comment piece in which the columnist, Trevor Kavanagh, discussed the migrant camp in Calais and his concern that refugees were lying about their age in order to gain access to Britain. The columnist said "generous Brits will help anyone in need, especially desperate kids with no family. They just don't like being taken for a ride...or being accused of 'racism' by the likes of Gary Lineker when they cry foul". He said that Home Office figures had shown that "two out of three of those elbowing their way to the front of the queue are lying about their age", and that the "abysmal failure of the Border Force and Immigration" to address the issue had stoked anger over "the abuse of our hospitality".
3. The article was also published online under the headline "Trevor Kavanagh: Gary Lineker forgets that we're not racist – we just don't like being conned".
4. The complainant said that the article had inaccurately quoted Home Office immigration statistics. He said two out of three refugees seeking asylum had not been found to have lied about their age. In fact, out of 3,472 asylum claims received, 933 individuals had their ages checked, and 636 were found to be adults, which represented 18.3 per cent of the total. The complainant noted that a correction had been published in print, but was concerned that it had not been published online and the article had not been amended.
5. The newspaper accepted that an error had been made in the reference to the Home Office statistics. The columnist had relied on a BBC report, which had stated that the Home Office "received 3,472 asylum claims from unaccompanied individuals claiming to be children in the year to June 2016. Of those, 933 claimants had checks carried out on their age and 636 were found to be adult". The columnist had taken the second sentence to mean that two out of three claimants were found to be adults, but he accepted that his interpretation had been incorrect.
6. When the newspaper became aware of the error, it published the following correction in its Corrections & Clarifications column on 27 October 2016, on page two in print:

On Monday we stated Home Office figures show two in three migrants seeking to get into Britain from Calais are lying about their age. In fact the figures of two-thirds refers to migrants required to complete an age assessment after an age dispute and we are happy to make this clear.

7. The newspaper said that due to an oversight, the correction was not initially published online. When the complainant alerted the newspaper to this, it added the wording to the online article and to the online Clarifications and Corrections section. Initially, it did not consider that it was appropriate to amend the columnist's actual words, and argued that the appended correction made the factual position clear. However, during IPSO's investigation, it also amended the inaccurate reference to the Home Office statistics, which had appeared in the subheading, as a caption and in the text.

Relevant Code provisions

8. Clause 1 (Accuracy)
 - i. The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
 - ii. A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.
 - iii. A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.
 - iv. The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

Findings of the Committee

9. The columnist had failed to take care in interpreting Home Office statistics, and had stated that two out of three individuals claiming to be children in order to gain asylum in the UK had been lying about their age. In fact, two out of three migrants who had been required to carry out an age assessment had been found to be adult, which represented fewer than one in five of the total.
10. This error had given a significantly misleading impression of the number of asylum seekers who had incorrectly said they were children in order to gain refuge. It also represented a central point, which the columnist had relied upon, to support his position that there had been an "abysmal failure" on behalf of the Border Force and immigration authorities to address the issue. The Committee noted that the inaccuracy had been given greater emphasis in the online article as it had been repeated three times, including in the subheading.
11. The newspaper had failed to take care over the accuracy of the article in breach of Clause 1 (i). A correction was required in order to avoid a breach of Clause 1 (ii).
12. When alerted to the error, the newspaper had published a correction in print, eight pages further forward than the original article. The Committee noted that the correction had set out the correct position in relation to the two-thirds figure, noting that this related specifically to the individuals whose ages had been queried. It expressed some concern that the correction had not carried the further corrective information that the proportion overall was closer to one fifth. On balance, however, it concluded that the wording included sufficient clarifying information to

comply with the terms of Clause 1 (ii). It had also been published in print promptly and with appropriate prominence, which met the requirement of Clause 1(ii).

13. The Committee noted that due to an oversight, a correction had not been appended to the online article in the first instance. When alerted to this, the newspaper had appended a corrective footnote, but it had failed to correct the statistics, which had appeared three times in the article, on the basis that it was “inappropriate” to amend the words of a columnist. Given that the inaccuracy clearly related to an assertion of fact, the Committee rejected the newspaper’s reasoning for the delay, and considered that the newspaper had failed to correct a significant inaccuracy promptly. This represented a breach of Clause 1(ii) in relation to the online article.

Conclusion

14. The complaint was upheld.

Remedial action required

15. Having upheld the complaint, the Committee considered what remedial action should be required.
16. The newspaper had promptly published a correction in print, which made the correct position sufficiently clear. However, it had failed to correct the online article promptly. In this case, the Committee determined that the publication of an adjudication online was an appropriate remedy.
17. The adjudication should be published in full on the newspaper’s website, with a link on its homepage for 24 hours; thereafter it should be archived in the usual way. The headline to the adjudication should refer to the subject matter of the article and make clear that IPSO had ruled against The Sun in relation to the complaint; it should be agreed with IPSO in advance. The terms of the adjudication for publication are as follows:

Following the publication of an article headlined “Trevor Kavanagh: Gary Lineker forgets that we’re not racist – we just don’t like being conned”, Miqdaad Versi complained to the Independent Press Standards Organisation that The Sun breached Clause 1 (Accuracy) of the Editors’ Code of Practice.

IPSO’s Complaints Committee upheld the complaint, and has required The Sun to publish this adjudication online.

The article was a comment piece in which the columnist discussed the migrant camp in Calais and his concern that refugees were lying about their age in order to gain access to Britain. He said that Home Office figures had shown that “two out of three of those elbowing their way to the front of the queue are lying about their age”.

The complainant said two out of three refugees seeking asylum had not been found to have lied about their age, as reported. In fact, out of 3,472 asylum claims received, 933 individuals had their ages checked, and 636 were found to be adults,

which represented 18.3 per cent of the total. While a correction had been published in print, the online article had not been corrected.

The newspaper accepted that an error had been made in relation to Home Office statistics. Due to an oversight, a correction was not initially published online. When it was alerted to this, a correction was appended to the online article and published in the online Clarifications and Corrections section. However, the publication did not correct the references to the statistics because it considered it “inappropriate” to amend the columnist’s actual words, and it argued that the correction made the factual position clear. However, during IPSO’s investigation, it amended the inaccurate references to the Home Office statistics, which had appeared in the subheading, as a caption and in the text.

The Committee considered that the misinterpreted statistics had given a significantly misleading impression of the number of asylum seekers who had incorrectly said they were children in order to gain refuge. It also represented a central point, which the columnist had relied upon, to support his position that there had been an “abysmal failure” on behalf of the Border Force and immigration authorities to address the issue. The inaccuracy had been given greater emphasis in the online article as it had been repeated three times, including in the subheading. This represented a failure to take care over the accuracy of the article in breach of Clause 1 (i). A correction was required in order to avoid a breach of Clause 1 (ii).

While the newspaper had promptly corrected the inaccuracy in print, it had failed to do so online. Given that the inaccuracy clearly related to an assertion of fact, the Committee rejected the newspaper’s reasoning for the delay. The newspaper had failed to correct a significant inaccuracy promptly in breach of Clause 1(ii). The complaint under Clause 1 was upheld.

Note

Trevor Kavanagh is a member of IPSO’s Board. The Board has no role in the consideration of individual complaints, which are adjudicated on by the Complaints Committee. Mr Kavanagh played no part in the consideration of this complaint.

Appendix B

Decision of the Complaints Committee 14422-16 Versi v The Sun

Summary of complaint

1. Miqdaad Versi complained to the Independent Press Standards Organisation that The Sun breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "We're kind, Gary, but we hate being conned", published on 24 October 2016.
2. The article formed part of a larger comment piece in which the columnist, Trevor Kavanagh, discussed the migrant camp in Calais and his concern that refugees were lying about their age in order to gain access to Britain. In this item, the columnist commented on Fatima Manji's complaint that Kelvin MacKenzie had discriminated against her in an article about her wearing a hijab while presenting news coverage of the Nice terror attack. The columnist said "nobody seeing [Ms Manji] in full Muslim headdress could doubt it was provocative of Channel 4", and that Ms Manji had "singled herself out by dressing as she did". He quoted Ms Manji who had said "I do wear the headscarf as a symbol of my religious faith", and concluded with the line "She knew precisely what she was doing".
3. This item was also published online under the headline "Kelvin's Channel 4 battle".
4. The complainant expressed concern that the article had given the misleading impression that Channel 4 had chosen Ms Manji to present the news on the day in question in order to be "provocative". In fact, she had been rostered to do so ten days before the attack in Nice. In addition, he said the columnist had inaccurately asserted that Ms Manji had "singled herself out" by wearing her headscarf. He said she had stated publicly that she always wore a headscarf and had not done so on this occasion to provoke a reaction.
5. The newspaper considered that the complainant's concerns related to comments which clearly represented the columnist's opinion. It noted that IPSO had already adjudicated on and not upheld the complaint from Ms Manji to which the comment piece referred.
6. The newspaper did not consider that the article had implied that Channel 4 had intentionally chosen Ms Manji to present the news that day. It said that the columnist had known that she had been rostered on 10 days earlier.
7. The newspaper said that the article had expressed the columnist's view that as Ms Manji's choice of garment was personal and deliberate, she had "singled herself out". It said that it had accurately quoted Ms Manji who had said that she wore the headscarf "as a symbol of [her] religious faith"; it was therefore a "conscious act", and the columnist had simply drawn an inference from it. It said that as the columnist was not Ms Manji, his opinion was clearly nothing other than conjecture about her motivation; he had not made a statement of fact.

Relevant Code provisions

8. Clause 1 (Accuracy)
- v. The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
 - vi. A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.
 - vii. A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.
 - viii. The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

Findings of the Committee

9. The assertion that “nobody seeing [Ms Manji] in full Muslim headdress could doubt it was provocative of Channel 4” had clearly represented the columnist’s view of those with editorial responsibility for the programme; it was not a statement of fact.

10. The columnist had quoted Ms Manji stating “I do wear the headscarf as a symbol of my religious faith”. The Committee considered that the statements that she had “singled herself out” and had known “precisely what she was doing” related to the columnist’s view that she had known that she was making a religious statement by wearing the hijab based on her public comment that she wore the headscarf as a symbol of her religious faith. The columnist had not made the factual assertion that she had worn the hijab to be provocative; this was criticism levelled at Channel 4.

11. There was no failure to take care over the accuracy of the article. The Committee did not identify any significant inaccuracies or misleading statements which would require correction under the Code.

Conclusion

12. The complaint was not upheld.

Note

Trevor Kavanagh is a member of IPSO’s Board. The Board has no role in the consideration of individual complaints, which are adjudicated on by the Complaints Committee. Mr Kavanagh played no part in the consideration of this complaint.

Appendix C

Decision of the Complaints Committee 09529-16 A man v Wales Online

Summary of Complaint

1. A man complained on behalf of his daughter and grandchildren to the Independent Press Standards Organisation that Wales Online breached Clause 6 (Children) and Clause 9 (Reporting of crime) of the Editors' Code of Practice in an article headlined "Father and son jailed after teeth whitening company sold products which left patients with chemical burns", published on 16 September 2016.
2. The article reported that a businessman, and his father, had pleaded guilty to participating in a fraudulent business, and were both sentenced to 18-months in prison. It reported that the pair's business funded a "lavish lifestyle", including a large house that the businessman shared with his wife and two children, who were named.
3. The complainant, the father of businessman's wife and grandfather of their children, said that the article had published the names of his daughter and grandchildren when they were not genuinely relevant to the story. He also said that Clause 6 had been breached in relation to the naming of his grandchildren; he said that it represented an unnecessary intrusion into their time at school, and that their names had only been published in the article because of the notoriety of their father.
4. The newspaper said that the names of the complainant's daughter and grandchildren were mentioned in open court by the businessman's barrister as part of his mitigation. It said that as there were no reporting restrictions in place, it was entitled to report this information; it also said that as their names formed part of the businessman's mitigation, all three were genuinely relevant to the reporting of his conviction. However, as a gesture of goodwill, it removed the names of the children from the article.

Relevant Code Provisions

5. Clause 6 (Children)
 - i) All pupils should be free to complete their time at school without unnecessary intrusion.
 - ii) They must not be approached or photographed at school without permission of the school authorities.
 - iii) Children under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.
 - iv) Children under 16 must not be paid for material involving their welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.
 - v) Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.

Clause 9 (Reporting of crime)

- i) Relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story.
- ii) Particular regard should be paid to the potentially vulnerable position of children who witness, or are victims of, crime. This should not restrict the right to report legal proceedings.

Findings of the Committee

6. The Committee noted that the publication of the names of his daughter and grandchildren had caused the complainant concern. However, publications are, in the absence of reporting restrictions, entitled to include information revealed in open court in their reporting of proceedings. In this case, the names of the complainant's daughter and grandchildren were disclosed in open court as part of the businessman's mitigation and, as a consequence, they were genuinely relevant to the reporting of these particular proceedings. As such, the newspaper was free to identify them; there was no breach of Clause 9.
7. In circumstances where the children's names were revealed in open court as part of their father's mitigation, the publication of their names did not represent an unnecessary intrusion into their time at school, nor was the sole reason for the publication of their names the notoriety of their father. There was no breach of Clause 6.
8. Editors are able to exercise their discretion to omit details from articles in circumstances such as these. On receipt of the complaint, the newspaper deleted the names of the children from the article, a course of action that was welcomed by the Committee.

Conclusions

9. The complaint was not upheld.

Remedial Action Required

N/A

Appendix D

Paper No.	File Number	Name v Publication
857	07512-16	Belfast City Council v The Belfast Telegraph
861	08104-16	James v This is Local London
863	07537-16	Race v Sunday Express
864		Third party
865		Request for review
868	08190-16	Jones v Daily Express
869	08495-16	Mitchell v Daily Record
870	08231-16	Watson v Daily Record
871	08168-16	Williamson v The Spectator
873	04646-16	Da Silva v metro.co.uk
874		Request for review
875	08363-16	Christian Gospel (Australia) v Mirror.co.uk
876	06005-16	Haigh v Daily Express
877	08315-16	Welsh v The Times
881		Request for review
892		Request for review
893		Third party