

MINUTES of the COMPLAINTS COMMITTEE MEETING
Wednesday 2 March 2016 at 10.30 a.m.
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
Peter Wright
Nina Wrightson

In attendance: Elizabeth Bardin, Executive Assistant to Chairman
Charlotte Dewar, Director of Operations
Ben Gallop, Senior Complaints Officer
Michelle Kuhler, PA to CEO and minute taker
Bianca Strohmman, Senior Complaints Officer
Matt Tee, Chief Executive

Also present: Members of the Executive:

Xavier Bastin
Ciaran Cronin
Niall Duffy
Isabel Gillen-Smith
Alistair Henwood
Vikki Julian
Robyn Kelly
Holly Pick
Liam Tedds
Charlotte Urwin
Hugo Wallis

Observer: Jonathan Grun, Editors' Code of Practice Committee

1. Apologies for Absence

Apologies for absence were received from Elizabeth Ribbans and Gill Hudson.

2. Declarations of Interest

No declarations were recorded.

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 24 January 2016 as a true and accurate record.

4. Update by the Chairman

Rules changes

The Chairman explained that the recent changes to IPSO's Rules and Regulations had now come into effect. He reported that he had visited the Regulatory Funding Company (RFC) in January, and had expressed his appreciation for the manner in which the RFC had assisted in facilitating negotiations between IPSO and its members, to achieve important change.

External affairs

The Chairman updated the Committee on his recent media appearances, on Broadcasting House (R4 newspaper review) and The Media Show, as well as his interview with The Guardian. He reported that he had attended a meeting at the House of Lords, of peers interested in the regulation of the press, chaired by Lord Lipsey.

IPSO's Board

The Chairman reported back from the Board's discussion of the Committee's approach to achieving consensus. He informed the Committee that their contribution to the Board's discussion had been incredibly valuable and had been carried out with care and integrity. The Board decided that wherever possible decisions should be reached by consensus. However, in cases where, after significant discussion that Committee appeared to be deadlocked, there should be a vote.

Staffing

The Chairman reported that the Director of Operations, Charlotte Dewar was due to go on leave and thanked her for her excellent work in ensuring IPSO would be in a strong position while she was away. He explained that Ben Gallop and Bianca Strohmann would be taking on the role of Heads of Complaints, and would be leading the complaints function in Charlotte's absence.

The Chairman concluded his report by introducing and welcoming the new Complaints Officer, Isabel Gillen-Smith.

5. Update by the Director of Operations

The Director of Operations informed the Committee that the updated Complaints Committee Handbook was now ready for publication on IPSO's website. She updated the Committee on correspondence following the Committee's earlier decision in *Mend v The Sun*.

6. Matters Arising

There were no matters arising.

7. Complaint 11883-15 Taylor v Gravesend News Shopper

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

8. Complaint 07582-15 Saltos v Crawley News

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

9. Complaint 07513-15/12341-15 Clark v Thanet Extra / Whitstable Gazette

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

10. Complaint 06008-15 Oldman v Mirror.co.uk

The Committee discussed the complaint and ruled that the complaint should be upheld. A copy of its 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

(i) Complaint 11838-15 Portes v Daily Express

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

13. Date of Next Meeting

The date of the next meeting was confirmed as Wednesday 13 April 2016

The meeting ended at 12.50 p.m.

Michelle Kuhler
PA to CEO
15/03/16

APPENDIX A

Decision of the Complaints Committee 11883-15 Taylor v Gravesend News Shopper

Summary of complaint

1. Naomi Taylor complained to the Independent Press Standards Organisation that the Gravesend News Shopper breached Clause 1 (Accuracy) and Clause 5 (Intrusion into grief or shock) of the Editors' Code of Practice in an article headlined "Gravesend father blames lack of help after depressed daughter found hanged in bedroom", published online on 4 December 2015, and headlined "Woman found hanged had suffered depression", published in print on 9 December 2015.
2. The online version of the article reported the inquest of Kayley Fothergill, the complainant's daughter. It said that the inquest heard that Ms Fothergill had depression, and had hanged herself in her bedroom "following a drinking session". It reported that Ms Fothergill's stepfather "accused doctors of a lack of concern and understanding ... after she allegedly visited the doctors several times for help". It said that Ms Fothergill's mother had found her "at around 2.10am", and that it was thought that she had been there since "just before 8pm". It included comments from the investigating police officer who told the court that a neighbour had seen Ms Fothergill through a window, and had described her as hanging like a "plastic doll". The article also included information about the method of suicide.
3. The article appeared in substantively the same form in print, but did not include reference to the neighbour's description of Ms Fothergill.
4. The complainant said the article included a level of detail about Ms Fothergill's suicide which was excessive, and that it was insensitive in breach of Clause 5 for the article to include the neighbour's description of Ms Fothergill. The complainant also said that it was insensitive for the article to have been published at all; she had contacted the newspaper at the time of publication and had asked for the article to be withheld.
5. The complainant said that the article had incorrectly reported the time of Ms Fothergill's death and when her body had been found; it was also inaccurate to report that she had found Ms Fothergill, and Ms Fothergill had not been found hanged as described in the article.
6. The newspaper expressed its condolences for the complainant's loss. It said that, when publishing inquest reports, it took great care to ensure that no unnecessary and insensitive details were included. In this instance, while it understood that any description of Ms Fothergill following her death could have been distressing for the family to read, it took the view that the inclusion of the neighbour's description – which was primary evidence given to the investigating police officer by an eyewitness – was both necessary and justified. This illustrated the tragic nature of her death, and the neighbour's anguish at seeing her through the window.

7. The newspaper did not accept that the article contained excessive detail of the method of suicide used by Ms Fothergill. It said that the information published about the method omitted significant details heard during inquest proceedings, and would not be sufficient to allow imitation.
8. The newspaper noted that in any case, it had exercised discretion when selecting the material for publication. It said that during the inquest proceedings, the court had heard a great many details about Ms Fothergill's life and personal circumstances which the newspaper had decided not to publish. It said that this demonstrated that sympathy and discretion had been exercised prior to publication.
9. The newspaper noted that following the inquest, another member of the family had requested that the inquest should not be reported at all. The newspaper said that the publication deadline had already passed by the time it had been contacted by the complainant. It was therefore unable to consider her request to withhold publication in the newspaper, and said that in any case it would not have acceded. It said that the coroner made clear that publishing reports on the inquest was a matter of editorial discretion. Further, prior to publication, the reporter had confirmed with the coroner's court that no reporting restrictions were in place.
10. The newspaper said that the details included in the article had been heard at the inquest. The reporter had taken detailed notes during the proceedings, and had reproduced accurately the details relating to the time of death, who had discovered the body and when, and how Ms Fothergill had been found hanged. The newspaper provided a copy of these notes in support of its position. It offered to correct any points which could be shown to have given an inaccurate representation of the inquest proceedings.

Relevant Code provisions

11. 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 5 (Intrusion into grief or shock)

- i) In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. This should not restrict the right to report legal proceedings, such as inquests.
- ii) When reporting suicide, care should be taken to avoid excessive detail about the method used.

Findings of the Committee

12. The Committee recognised the importance of the principle of open justice, which is protected explicitly by the terms of Clause 5. As such – and while the Committee acknowledged the complainant’s concern about the article in the circumstances – the editorial decision to publish a report of the inquest following the family’s request not to do so did not raise a breach of Clause 5.
13. While Clause 5 protects the press’ right to report legal proceedings, it requires that publication is handled sensitively in cases involving personal grief or shock. The Committee noted the newspaper’s position that it was necessary to include the comparison of Ms Fothergill to a “plastic doll”. It took the view, however, that this comparison was gratuitous; given the potential for such an emotive description to cause distress, its inclusion represented a failure to handle publication sensitively. The Committee upheld this aspect of the complaint as a breach of Clause 5 (i), in respect of the online article.
14. The important right of the newspaper to report the public hearing of an inquest was a relevant issue for the Committee to consider when approaching the separate and distinct issue as to whether the details of Ms Fothergill’s suicide were excessive within the meaning of Clause 5(ii).
15. There is no means of drawing a clear black line between details which may be published, in compliance with Clause 5(ii), and those which may not. The rule does not forbid the publication of all details but it does recognise that a line may be crossed. While the Committee is able to provide guidance through its decisions the nuance of each case will vary and consideration of the details given by the newspaper must be considered in the context of the case as a whole.
16. The Committee noted the newspaper’s position that the article did not reproduce in the same level of detail the method of Ms Fothergill’s suicide, as was heard during inquest proceedings. It welcomed the consideration given by the newspaper to which details to omit and noted that the purpose of Clause 5 (ii) is to prevent the publication of material that might lead others to imitate a method of suicide. It took the view that the level of detail included in the article about the specific method of Ms Fothergill’s suicide did not go so far as to be excessive under the terms of Clause 5 (ii).
17. The newspaper had provided copies of notes taken by the reporter during the inquest proceedings. The details reported in the article relating to the time of death and the circumstances in which Ms Fothergill’s body was found were corroborated by the notes. This demonstrated that the newspaper had taken care not to publish inaccurate information, and there was no breach of Clause 1 (i). The Committee noted that newspapers are not responsible for the accuracy of information given in court; rather they have an obligation to accurately report proceedings. In this instance, the Committee did not establish grounds to suggest that the newspaper had inaccurately reported the inquest proceedings, and there was no correction required under the terms of Clause 1 (ii).

Conclusions

18. The complaint was upheld under Clause 5.

Remedial Action Required

19. Having upheld the complaint, the Committee considered what remedial action should be required.
20. The newspaper had failed to handle publication sensitively in breach of Clause 5 (i).
21. In order to remedy the breach of the Code, the newspaper should publish the following adjudication on its 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. The headline must be agreed with IPSO in advance. It should make clear that the complaint has been upheld by IPSO and make reference to the subject matter. Should the newspaper intend to continue to publish the article online, without amendment, in light of this decision it should also publish the adjudication in full, beneath the headline.
22. The terms of the adjudication to be published are as follows:

Following the publication online of an article in the Gravesend News Shopper on 4 December 2015 headlined "Gravesend father blames lack of help after depressed daughter found hanged in bedroom", Naomi Taylor complained to the Independent Press Standards Organisation that the Gravesend News Shopper breached Clause 5 (Intrusion into grief or shock) of the Editors' Code of Practice.

The complaint was upheld by IPSO's Complaints Committee and the Gravesend News Shopper was required to publish this adjudication.

The article was a report of the inquest into the death of the complainant's daughter. It said that the complainant's daughter had hanged herself, and included a description of her body which a witness had given during inquest proceedings.

The complainant said that the description was insensitive in breach of Clause 5.

The newspaper said that the publication of the description was necessary, as it illustrated the tragedy of Ms Fothergill's death, and did not consider that it was insensitive to include it in the coverage.

The Committee noted that while the terms of Clause 5 protect the press' right to report legal proceedings, such as inquests, they do require that publication is handled sensitively in cases involving personal grief or shock. The Committee found that the description included in the article was gratuitous; given the potential for such an emotive description to cause distress, its inclusion represented a failure

to handle publication sensitively. The Committee upheld the complaint as a breach of Clause 5.

APPENDIX B

Decision of the Complaints Committee 07582-15 Saltos v Crawley News

Summary of Complaint

1. Luis Saltos complained to the Independent Press Standards Organisation that the Crawley News breached Clause 3 (Privacy) and Clause 9 (Reporting of crime) of the Editors' Code of Practice in an article headlined "Player is stabbed during half-time", published on 28 October 2015. The article was also published online with the headline "Named: The Crawley footballer lucky to be alive after being stabbed at half time during cup match".
2. The article reported that the complainant had been stabbed in the neck during half-time at a football match he had been playing in for his non-league football club. The article contained comments from an individual described as the team's "assistant manager", who said that "[the complainant] is back home recovering. He was released from hospital on Sunday but will have to go back to see how the stiches are healing and there is a chance he may need to have a skin graft". The article reported that Sussex Police had appealed for any witnesses to the stabbing or burglary, and that a 17 year old had been arrested and charged with wounding with intent.
3. The online version of the article was substantively the same as the print version.
4. The complainant was concerned that the newspaper had identified him as the victim of the attack, and published details about his medical status and treatment, and claims about his further treatment. He said that he had been left a voicemail by a reporter from the newspaper, who had offered him the opportunity to discuss the attack. He said that he did not respond, as he had wanted to protect his anonymity. The complainant accepted that the newspaper could have published information provided by the manager or assistant manager of the club. However, he said that the individual described as the "assistant manager" in the article had no role in the football club, but was just a friend who often watched matches, and helped at the club.
5. On 26 October, the newspaper used Twitter to contact a player at the football club who had commented on the incident, and asked "would you or anyone at the club be happy to chat?". The player sent the newspaper a telephone number, and named an individual as the assistant manager. The newspaper then spoke to this individual, who confirmed that he was the assistant manager, and made the comments which were then used in the article. The newspaper said that it is generally accepted that a football manager, or assistant manager, whether at a professional or amateur level, has a duty to represent his player to the media.
6. The newspaper said that it had published an article on 26 October which reported the incident, without identifying the complainant. The article reported that an

ambulance spokesperson had said that the complainant had “suffered injuries, including a wound to his neck”, and that paramedics took him to hospital as a priority due to his potentially serious injuries. Before publication of the article under complaint, the reporter had left the complainant a voicemail making it clear that the newspaper intended to publish a follow up story and sought his comment. The newspaper said that the complainant had several opportunities to express his concerns about the article, but did not do so.

7. The newspaper said that there was a clear public interest in reporting on the crime, including naming the victim, where the police were appealing for witnesses. It provided a copy of the court register from Crawley Magistrates Court, which stated that a bail application had been heard for an individual charged with “unlawfully and maliciously wounded Luis Saltos with intent to do him grievous bodily harm”. The newspaper said that the decision to identify the complainant and report the nature of his injuries was made by the editor and the senior reporter, based on the facts known to them at the time.
8. The police witness appeal stated that the complainant had been stabbed in the neck “causing serious but not life-threatening injuries”.

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.

Clause 9 Reporting of crime

- (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.

The public interest

4. The Regulator will consider the extent to which material is already in the public domain, or will become so.

Findings of the Committee

10. The complainant's identity had been made public when the defendant's bail application was heard in court. There was no specific reason for protecting complainant's anonymity, such as those defined by the Editors' Code or by law. For this reason, the complainant's concerns about his identification as the victim did not raise a breach of Clause 3.

11. A number of details about the nature of the injuries, and the circumstances in which they occurred, had been put in the public domain by the police and ambulance services before publication of the article. Where these details were already in the public domain, publishing the first-hand account of the incident from the “assistant manager” did not intrude in to the complainant’s privacy.
12. The principal issue for the Committee to consider was whether the newspaper failed to respect the complainant’s privacy by reporting the “assistant manager’s” comments about his medical treatment. These comments did not represent additional private information about the complainant; they simply illustrated the severity of the complainant’s injuries, the details of which were already in the public domain. Reporting these residual details was therefore not intrusive.
13. In any event, the newspaper had obtained this information by speaking on the record to a man it had reasonable grounds to believe was the football team’s assistant manager. In these circumstances, the newspaper had not failed to respect the complainant’s privacy, and there was no breach of Clause 3.
14. Clause 9 (ii) relates to the potentially vulnerable position of children who witness, or are victims of, crime. The complainant was an adult and the terms of Clause 9 (ii) were therefore not engaged.

Conclusions

15. The complaint was not upheld.

APPENDIX C

Decision of the Complaints Committee 07513-15 Clark v Thanet Extra

Summary of complaint

1. Martin Clark complained to the Independent Press Standards Organisation that Thanet Extra breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "High Street drink-driver was naked", published in print on 9 September 2015, and "Naked drink-driver Martin Clark, from Ramsgate, almost hit cyclist Whitstable High Street", published online on 14 September 2015.
2. The article reported that the complainant had been convicted of outraging public decency and drink driving after he was seen driving his car erratically on a busy high street while naked. It quoted from the victim impact statement of a witness, read out in court, who said that she and her daughter had also seen the complainant masturbating in his car. It reported that the complainant had admitted outraging public decency and drink driving, but denied masturbating.
3. The online article was substantively similar to the print version, but it did not contain any reference to the allegation that the complainant had been masturbating.
4. The complainant said that he attended court on 14 August to answer charges of drink driving and exposure. While he admitted the drink driving charge, and conceded he was naked at the time, he denied masturbating. However, he agreed to plead guilty to a lesser charge of outraging public decency for being seen naked in his car if the exposure charge in relation to the masturbation was withdrawn; he said that this offer was accepted by the prosecution in order to avoid a Newton hearing to establish the facts of the case prior to sentencing. The complainant said that when his sentencing hearing took place on 5 September, the prosecutor started to read out the victim impact statement of the witness who said she had seen him masturbating, but the court's legal advisor reminded the prosecutor that particular charge had been withdrawn at court on 14 August. He said that the legal advisor told the court, including the reporter present, that the details they had heard in relation to the allegation of masturbation should be disregarded.
5. The newspaper said that the prosecutor had read a victim impact statement in open court which referred to the complainant masturbating. It said that there was no order made directing its reporter not to report details of the victim impact statement. It said that after the prosecution had read the victim impact statement, the prosecutor said in open court that it had been decided, in order to save time and money, not to hold a Newton hearing to determine whether the complainant had been masturbating. It claimed that as a Newton hearing is a rarely used court process, its reporter did not fully understand its implication. It said that when the magistrates left the room to consider the complainant's sentence, the reporter was advised by the court's legal advisor to ensure that the complainant's denial about masturbating was included in the article, which it was.
6. The newspaper provided the reporter's notes from the hearing which included the advice given to the reporter by the legal advisor. The notes showed that the reporter had been told that the complainant had pleaded guilty to outraging public

decency because he was naked in his car, and had denied masturbating in public. The legal advisor also advised that the complainant was being sentenced on that basis.

7. The newspaper said that when the complainant called its news desk on 10 September, it agreed as a gesture of goodwill to carry a clarification under the heading "Court case clarification" on page 6 of the following week's newspaper which said:
An article in last week's Extra reported that Martin Clark, 44, of Ramsgate, had pleaded guilty to outraging public decency and drink driving after he was found naked in his car in Whitstable High Street. A witness who reported Clark to the police alleged that he was pleasuring himself, something which he strongly denied. His account, namely that he was not pleasuring himself, was accepted by the prosecution and was sentenced by magistrates on that basis. The Extra is happy to clarify this point.
8. The newspaper said the publication of the clarification on page 6, in a newspaper with a small news section, constituted due prominence in accordance with Clause 1(ii) of the Code. It said it also published an article online on 14 September – after the complainant had made contact – which reflected the complainant's version of events; it denied that the online article had ever reported that the complainant was accused of masturbating.
9. The complainant said that online article had been re-written to omit the masturbation allegation after he contacted the newspaper.

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.

Findings of the Committee

11. In the absence of any reporting restrictions at the sentencing hearing, the newspaper was entitled to report what had been said in open court; this remained the case even though a portion of the victim impact statement was read in error.
12. The reporter's notes, however, showed that the court's legal advisor had explained that the complainant had pleaded guilty to outraging public decency on the basis that he was naked in public, not because he had been masturbating; the legal advisor made clear that he was being sentenced by the magistrates on that basis. This information was not reported in the article, which created the misleading impression that the complainant had been prosecuted and convicted in relation to the allegation of masturbation. This was significantly misleading: it was a more serious offence than those to which he pleaded guilty, and the reporting of it

ignored the prosecution's acceptance that this allegation should not form part of the case against him. Given that the reporter's notes contained a clear note of the correct position as explained by the legal advisor, this represented a failure to take care not to publish inaccurate and misleading information in breach of Clause 1(i), and the omission was significantly misleading so as to require correction under Clause 1(ii).

13. The Committee welcomed the newspaper's prompt publication of a clarification which made clear that the complainant's account had been accepted by the prosecution. While the wording of this clarification was sufficient to avoid a breach of Clause 1(ii), the Code states that a significant inaccuracy must also be corrected with "due prominence"; generally this will mean the same page or further forward than the page where the article originally appeared. The article had been published on page 3, while the clarification appeared on page 6. The prominence of the correction was not sufficient, and the requirements of 1(ii) had not been met.
14. The newspaper had provided evidence that the online article was published on 14 September, which was after the complainant had made contact with the newspaper; the Committee was satisfied that it did not include reference to masturbation.

Conclusions

15. The complaint was upheld.

Remedial Action Required

16. The Committee accepted that the original clarification was published promptly and in good faith, and the wording of the clarification recognised the inaccuracy. As such, it was satisfied that re-publication of the correction in an appropriate location would represent a sufficient remedy.
17. The newspaper was required to re-publish the correction either on page 3, where the article was originally published, or further forward in the newspaper. The correction should additionally state that it had been re-published following a ruling by the Independent Press Standards Organisation. The full wording should be agreed with IPSO in advance.

**Decision of the Complaints Committee
12341-15 Clark v Whitstable Gazette**

Summary of complaint

1. Martin Clark complained to the Independent Press Standards Organisation that the Whitstable Gazette breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Drink driver caught with no clothes on", published in print on 10 September 2015, and "Naked drink-driver Martin Clark, from Ramsgate, almost hit cyclist Whitstable High Street", published online on 14 September 2015.
2. The front-page contained a summary of an article which appeared in full on page 7 with the headline "Drink driver was naked behind wheel of his car". The article reported that the complainant had been convicted of outraging public decency and drink driving after he was seen driving his car erratically on a busy high street while naked. It quoted from the victim impact statement of a witness, read out in court, who said that she and her daughter had also seen the complainant masturbating in his car. It reported that the complainant had admitted outraging public decency and drink driving, but denied masturbating. The summary of the article on the front-page did not mention this allegation.
3. The online article was substantively similar to the print version, but it did not include any reference to the allegation that the complainant had been masturbating.
4. The complainant said that he attended court on 14 August to answer charges of drink driving and exposure. While he admitted the drink driving charge, and conceded he was naked at the time, he denied masturbating. However, he agreed to plead guilty to a lesser charge of outraging public decency for being seen naked in his car if the exposure charge in relation to the masturbation was withdrawn; he said that this offer was accepted by the prosecution in order to avoid a Newton hearing to establish the facts of the case prior to sentencing. The complainant said that when his sentencing hearing took place on 5 September, the prosecutor started to read out the victim impact statement of the witness who said she had seen him masturbating, but the court's legal advisor reminded the prosecutor that particular charge had been withdrawn at court on 14 August. He said that the legal advisor told the court, including the reporter present, that the details they had heard in relation to the allegation of masturbation should be disregarded.
5. The newspaper said that the prosecutor had read a victim impact statement in open court which referred to the complainant masturbating. It said that there was no order made directing its reporter not to report details of the victim impact statement. It said that after the prosecution had read the victim impact statement, the prosecutor said in open court that it had been decided, in order to save time and money, not to hold a Newton hearing to determine whether the complainant had been masturbating. It claimed that as a Newton hearing is a rarely used court process, its reporter did not fully understand the implication of this. It said that when the magistrates left the room to consider the complainant's sentence, the reporter was advised by the court's legal advisor to ensure that the complainant's denial about masturbating was included in the article, which it was.
6. The newspaper provided the reporter's notes from the hearing which included the advice given to the reporter by the legal advisor. The notes showed that the reporter had been told that the complainant had pleaded guilty to outraging public

decency because he was naked in his car, and had denied masturbating in public. The legal advisor also advised that the complainant was being sentenced on that basis.

7. The newspaper said that when the complainant called its news desk on 10 September, it agreed as a gesture of goodwill to carry a clarification in its corrections and clarifications column on page 15 of the following week's newspaper which said:
An article in last week's Gazette reported that Martin Clark, 44, of Ramsgate, had pleaded guilty to outraging public decency and drink driving after he was found naked in his car in Whitstable High Street. A witness who reported Clark to the police alleged that he was pleasuring himself, something which he strongly denied. His account, namely that he was not pleasuring himself, was accepted by the prosecution and was sentenced by magistrates on that basis. We are happy to clarify this point.
8. The newspaper said the publication of the clarification in its established corrections and clarifications column, which had been in place since at least 2008, constituted due prominence in accordance with Clause 1(ii) of the Code. It said it also published an article online on 14 September – after the complainant had made contact – which reflected his version of events; it denied that the online article had ever reported that the complainant was accused of masturbating.
9. The complainant said that online article had been re-written to omit the masturbation allegation after he contacted the newspaper.

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.

Findings of the Committee

11. In the absence of any reporting restrictions at the sentencing hearing, the newspaper was entitled to report what had been said in open court; this remained the case even though a portion of the victim impact statement was read in error.
12. The reporter's notes, however, showed that the court's legal advisor had explained that the complainant had pleaded guilty to outraging public decency on the basis that he was naked in public, not because he had been masturbating; the legal advisor made clear that he was being sentenced by the magistrates on that basis. This information was not reported in the article, which created the misleading impression that the complainant had been prosecuted and convicted in relation to the allegation of masturbation. This was significantly misleading; it was a more serious offence than those to which he pleaded guilty, and the reporting of it

ignored the prosecution's acceptance that this allegation should not form part of the case against him. Given that the reporter's notes contained a clear note of the correct position as explained by the legal advisor, this represented a failure to take care not to publish inaccurate and misleading information in breach of Clause 1(i), and the omission was significantly misleading so as to require correction under Clause 1(ii).

13. On receipt of the complaint, the newspaper had published a clarification in its corrections and clarifications column, which made clear that the prosecution had accepted the complainant's version of events. However, while the Committee welcomed the presence on the letters page of information about how to make a complaint, and acknowledged that the newspaper had acted in good faith in consistently using the same page for its corrections and clarifications column for a number of years, the Committee has made clear that in order for a corrections and clarifications column to be considered established, it needed to make readers aware where the column would ordinarily appear on weeks where there were no corrections or clarifications published. The newspaper did not publish such information and for this reason, the column was not considered to be established. In this case, given its position in the newspaper, the letters page was not an otherwise sufficiently prominent location for the clarification to have been published, since the article had appeared on page 7. The complaint was upheld as a breach of Clause 1(ii).
14. The newspaper had provided evidence that the online article was published on 14 September, which was after the complainant had made contact with the newspaper; the Committee was satisfied that it did not include reference to masturbation.

Conclusions

18. The complaint was upheld.

Remedial Action Required

19. The Committee accepted that the original clarification was published promptly and in good faith; the wording of the clarification recognised the inaccuracy. As such, it was satisfied that re-publication of the correction in an appropriate location would represent a sufficient remedy.
20. The newspaper was required to re-publish the correction either on page 7, where the article was originally published, or further forward in the newspaper. The correction should additionally state that it had been re-published following a ruling by the Independent Press Standards Organisation. The full wording should be agreed with IPSO in advance.

APPENDIX D

Decision of the Complaints Committee 06008-15 Oldman v Mirror.co.uk

Summary of complaint

1. Thomas Oldman complained to the Independent Press Standards Organisation that Mirror.co.uk breached Clause 1 (Accuracy) Clause 3 (Privacy) and Clause 5 (Intrusion into grief or shock) of the Editors' Code of Practice in an article headlined "Nurse hanged herself in hospital ward after 'added stress of husband's child sex convictions'", published on 30 September 2015.
2. The article reported on the on-going inquest into the death of the complainant's wife, Charlotte Oldman. It said that Mrs Oldman had "struggled to cope with [the complainant's] child sex convictions", and that the inquest had heard that her "state of mind significantly deteriorated after [the complainant] was jailed for four-and-a-half years". It reported that experts had told the inquest that they believed Mrs Oldman heard voices in her head because she had not come to terms with her husband's convictions. It reported that medical evidence had stated that Mrs Oldman "had a long history of hallucinations and 'distressing' psychotic symptoms", and that the inquest had heard a psychiatric report which stated that Mrs Oldman had "an emotionally unstable personality with suicidal thoughts and there was the added stress of her husband's conviction". It reported that the complainant had told the inquest that he believed an email rejecting Mrs Oldman from a job had triggered the events leading to her death.
3. The complainant said that the article was a misleading and distorted account of the inquest proceedings. He said that the nature of his convictions were not referred to at any time during the inquest, and that the inquest had not heard evidence that there was a causal link between his convictions for child sex offences, and the actions Mrs Oldman took which resulted in her death. The complainant noted that the coroner's conclusions on the inquest did not make reference to the nature of his convictions, or suggest that they were a contributing factor to Charlotte Oldman's death. He said that by reporting his view on what had caused the events leading to her death, the article gave the impression that this was only his view, when it had in fact been shared by other witnesses throughout the inquest. The complainant denied that experts had told the inquest Mrs Oldman heard voices in her head because she had not come to terms with his convictions. The article reported that the complainant had told the inquest that Mrs Oldman "could be impulsive and took overdoses of any tablets she had available. She would put burning hot water on herself", and that "she was told she was playing a game of Russian roulette with her life by hospital staff." The complainant denied making these remarks at any point during the inquest proceedings; he said that he had recognised that overdosing was part of Mrs Oldman's pattern of self-harm, but did not refer to her burning herself with hot water.

4. The article reported that Mrs Oldman had been staying at the Clare Ward of the Abraham Cowley Unit (ACU) in St Peter's Hospital. The complainant said that while the ACU was adjacent to St Peter's Hospital, it is in fact in run by a different NHS Trust. A caption to one of the photographs accompanying the article claimed that "a patient at St Peter's Hospital in Chertsey discovered the body". The complainant said that he had told the inquest that he had heard a scream from a patient who had seen that Mrs Oldman had been discovered, but that it was in fact a member of staff who had discovered Mrs Oldman's body. The complainant said that the reference to Mrs Oldman suffering from psychotic illness was inaccurate; he said that while she was being treated with anti-psychotic medication for occasional psychotic episodes, her diagnosis was for emotionally unstable personality disorder, and depression, and that the evidence from a psychiatrist specifically stated that she did not suffer from psychosis.
5. The complainant said that by including the details of his conviction in the article, the publication had failed to respect his privacy and that it had failed to handle publication sensitively at a time of personal grief.
6. The publication provided the shorthand notes from its reporter, who had attended the inquest proceedings. It said that during the inquest, two doctors both referred to the effect of the complainant's convictions on Mrs Oldman's mental health. One of the doctors' statements read "there was the added stress of her husband's conviction. She was angry with him and found it difficult to communicate with him. This is/was an ever-present stress when her mental health escalated in 2011". The other doctor had told the inquest that Mrs Oldman "had not come to terms with her husband's charges. The hearing of the voices seemed to tie in with the release of her husband leaving prison". The publication said that the article did not refer to the inquest having concluded, and ended with the sentence "the inquest continues". It said it was clear that the article was reporting ongoing inquest proceedings, as opposed to a summary of the coroner's conclusions. Nevertheless, the publication noted that the complainant's convictions were passed down in March 2011, and that, in her conclusions, the coroner had said that Mrs Oldman's mental health problems were a "more constant if not more consuming feature from 2011 onwards due to the advent of difficult personal circumstances and this stayed with her almost constantly until her death in April 2014". The coroner went on to state that Mrs Oldman's self-harming was "an illustration of how her mental illness manifested and sadly lead to death". The publication maintained that the complainant had made the reported comments, which it said was supported by the reporter's notes.
7. The publication said that the inquest had heard that Mrs Oldman had been treated with anti-psychotic medicine for psychotic episodes. It said that in these circumstances, it was not significantly inaccurate to refer to her as having had a "psychotic illness". The publication said that the ACU was on the same site as St Peter's hospital, and that the article was not significantly inaccurate on this point. The publication said that the photograph caption claiming that a patient had discovered Mrs Oldman's body was based on the complainant's statement to the

inquest that he had heard a scream, which he had later discovered was from another patient who had discovered the body.

8. The publication said that the complainant's convictions were a matter of public record, that they had previously been reported by the press, and that they had been referred to during the inquest proceedings. It noted that Clause 5 should not restrict the right to report legal proceedings, and denied that it had breached Clause 3 (Privacy) or Clause 5 (Intrusion into grief or shock).
9. The publication maintained that there was no breach of the Code, but offered to add the following clarification to the article:

We would like to make clear that the Coroner's conclusions into Mrs Oldman's death did not state that there was a causal link between her husband's criminal convictions and her death.

It also amended the headline of the online article to remove reference to the complainant's conviction.

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 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.

Clause 5 (Intrusion into Grief or Shock)

- i) In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. This should not restrict the right to report legal proceedings, such as inquests.

Findings of the Committee

11. The article reported that the inquest had heard evidence from a psychiatric report that, in addition to Mrs Oldman's having pre-existing mental health problems, her husband's conviction had been an "added stress", and "an ever-present stress when her mental health escalated in 2011", the year her husband's conviction had been handed down. The phrase in the headline regarding the "added stress of husband's child sex convictions" was a direct reference to the findings of the psychiatric report.
12. The complainant did not dispute that the evidence on the effect of his convictions on Mrs Oldman's mental health, including this report, had been quoted accurately. The article had also referred to other evidence that Mrs Oldman had longstanding mental health problems that pre-existed the convictions, including the complainant's account that she had "suffered with depression, anxiety and anorexia" since her teenage years, and had noted the complainant's position that within this context, her death was triggered by a notification that she had been rejected for a job.
13. In this context, the Committee did not consider that the publication had published a distorted account of the evidence heard during the ongoing proceedings; a clear link had been made between the complainant's convictions and Mrs Oldman's mental health. The Committee also noted the coroner's subsequent finding (after the publication of the article) that Mrs Oldman's mental health problems had been "mild in her younger days", but that they had become a "more consuming feature from 2011 due to the advent of difficult personal circumstances", a clear reference to the convictions. The coroner had gone on to find expressly that that Mrs Oldman's mental illness "led to her death". This finding supported the general accuracy of the newspaper's report of the evidence heard at the inquest. It was not misleading to include information about the nature of the complainant's crimes, which were a matter of public record. This aspect of the complaint did not raise a breach of Clause 1 (Accuracy).
14. The comments reported in the article which the complainant denied making during the inquest proceedings were recorded in the reporter's shorthand notes. These notes demonstrated that care had been taken over the accuracy of the article, and there was no breach of Clause 1 (i) on this point. It was accepted that the inquest had heard evidence, including from the complainant, that Mrs Oldman had a long history of mental health problems, which included patterns of self-harm. Whether the complainant had used the phrase "Russian Roulette", or whether he had told the inquest that she had burnt herself with hot water, were not significant details in the context of the article. For this reason, the Committee did not establish that the article was significantly misleading on these points, such as to require a correction under the terms of Clause 1 (ii).
15. The ACU was on the same site as St Peter's hospital, and notwithstanding the fact that they were operated by separate NHS trusts, it was not significantly misleading to refer to the ACU as being in St Peter's Hospital. The complainant had told the

inquest that a patient had screamed when Mrs Oldman had been discovered, and in these circumstances, it was not significantly misleading to report that a patient had discovered the body. The reference to psychotic illness was not significantly misleading where the inquest had heard that Mrs Oldman had psychotic episodes, and that she had taken anti-psychotic medication. Furthermore, the article made clear that Mrs Oldman had been diagnosed with emotionally unstable personality disorder.

16. The publication had not failed to respect the complainant's privacy by including details of his convictions, which were a matter of public record. There was no breach of Clause 3 (Privacy).
17. The complainant's convictions had been referred to during the inquest proceedings, and the nature of these convictions was a matter of public record. To report the nature of these convictions did not represent a failure to handle publication sensitively in a case of personal grief. There was no breach of Clause 5 (Intrusion in to personal grief or shock).

Conclusions

18. The complaint was not upheld.

Complaint Received: 02/10/2015

Concluded: 03/03/2016

APPENDIX E

Paper No.	File Number	Name v Publication
523		Request for review
524		Third party
537	06154-15	Macugowska v Coventry Telegraph
538	05608-15	Hyland-Ward v The Argus
539	06874-15 / 08388-15	Spillman v Blackpool Gazette
540		Third party
541		Request for review
542	06025-15	Stanway v The Sentinel
543	05416-15	Wyn v Cambrian News
544	06194-15	Mace v Gloucester Citizen
551		Request for review
552		Third party
557	09282-15	Berelowitz v The Times
561	08111-15	Manning v Sunday People
562	07572-15	Worthington v The Sun
563		Request for review
564		Third party
565	06956-15	Michette v Suffolk Free Press
566	11854-15	Khan v Daily Express
567	11992-15	Khan v The Sun
568	09178-15	Sarao v Hamilton Advertiser
570		Third party
571		Request for review
572	05409-15	Bristow v Bucks Free Press
573	08074-15	Metcalf v Southend Echo
575		Third party
576		Request for review

APPENDIX F

**Decision of the Complaints Committee
11838-15 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) of the Editors' Code of Practice in an article headlined "75% of new jobs go to EU migrants in 1 year", published on 12 November 2015. It was published online with the headline "Shocking figures reveal three out of four British jobs go to EU MIGRANTS".
2. The article reported figures from the Office of National Statistics (ONS) UK Labour Market Statistical Bulletin from November 2015, and said that 75% of "new jobs" created in the last year had been filled by migrants from the European Union (EU), and that "three out of four job hunters who found work in Britain in the past year were migrants from the EU". The text of the article was the same in print and online; only the headlines differed.
3. The complainant said that these references were inaccurate. The ONS figures represented net changes in employment, and not new jobs. He said that it was obviously wrong that migrants fill most new British jobs; the vast majority of people starting a new job every day in the UK are born in the UK. In 2010, for example, approximately 85% of new hires were of British-born workers. The article gave the significantly misleading impression that migrants were displacing British-born people in the workforce. Net changes in employment figures do not show any information about the proportion of job hunters who found work in a given period; they do not allow for people who leave the job market permanently; and they do not reflect that some individuals might get two jobs, or half a job. The complainant noted that the statistical bulletin which had been the source of the figures specifically stated that "the estimates of employment by both nationality and country of birth relate to the number of people in employment rather than the number of jobs. Changes in the series therefore show net changes in the number of people in employment, not the proportion of new jobs that have been filled by UK and non-UK workers."
4. The complainant noted that there were two rulings on the Press Complaints Commission's (PCC) website which covered a similar point to this one (albeit against different newspapers), and they had both found that referring to the statistics in the manner in which the Daily Express had on this occasion constituted a significant inaccuracy requiring of correction.
5. The newspaper said that the reference to "new jobs" in the print headline had been introduced during the sub-editing process; it accepted that this was a significant inaccuracy which required correction. It did not accept that the reference in the first line of the article to "job hunters who found work in Britain" was

inaccurate, as a “job hunter” is not the same as a “job” – it refers to individuals, no matter if they are looking for one job, two jobs, or half a job.

6. Upon receipt of the complaint the newspaper published the following correction, in its Amplifications & Clarifications column on the Letters page (in this case page 40); the original article had appeared on page 2. The newspaper also amended the online article and added a version of the correction as a footnote:

“Employment of EU migrants – Correction

On November 12, 2015 we reported that 75% of new jobs went to EU migrants in the last year. This is incorrect. The Office for National Statistics published data was based on net changes in employment and not on the number of people entering new jobs. The figures showed that the number of UK nationals in employment increased by 122,000 compared to an increase of 324,000 in non-UK EU nationals.”

7. The complainant was satisfied with the text of the correction - which had been agreed with him in advance - but not with its placement on page 40. He had made a complaint to IPSO about the same newspaper a few months previously, and the complaint had been upheld as a breach of Clause 1. In its ruling the Committee had said that “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.” The complainant said that the correction would need to be published on page 2, unless the newspaper had taken actions to remedy the issues previously identified by the Committee.
8. The newspaper argued that the correction had been published with due prominence. It said that all corrections had been published there for more than 20 years, and it now features information about how to complain, as well as making clear to readers that all corrections will appear there. It said that the requirements of Clause 1 had been met.

Relevant Code provisions

9. Clause 1 (Accuracy)
 - (i) The press must take care not to publish inaccurate, misleading or distorted information.
 - (ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and – where appropriate – an apology published.

Findings of the Committee

10. The figures produced by the ONS do not show how many people found “new jobs” in a given period, nor do they show how many “job hunters” found work. Rather,

they show net changes in employment. They do not account for people who leave the job market permanently, such as British-born retirees, and as such do not provide a basis on which to found claims about “new jobs”. This had been accepted by the newspaper. The presentation of the statistics in this way, in both the headlines of both versions of the article and the first sentence of the text, represented a failure to take care not to publish inaccurate information in breach of Clause 1 (i). This failure was particularly concerning as the ONS bulletin had specifically made clear that the figures did not represent “new jobs”.

11. The established inaccuracies - both the headline of the article and the reference to “three out of four job hunters who found work in Britain” in the first line of the article - were significant because they gave the misleading impression that the statistics showed that migrants are receiving jobs at a much higher rate than British-born workers. The inaccuracies required correction under Clause 1 (ii).
12. The newspaper had already published a correction in response to the complaint. The correction identified the inaccurate statements from the original article, and made clear the correct position; its text was satisfactory. The newspaper had offered to publish a correction in its first substantive response to the complainant, which constituted sufficient promptness for the purposes of Clause 1 (ii).
13. The Committee then turned to consider the issue of due prominence. It has previously made clear that it considers established corrections columns to be of significant value, and would be slow to undermine a column where one exists. It had also found, in response to an earlier complaint, that this newspaper did not have such a column, as it was not published regularly and the Letters page did not contain information that would make clear to readers that corrections would ordinarily be published there.
14. The Committee noted that, following the earlier decision, the newspaper had taken steps to remedy the deficiencies identified. The newspaper regularly publishes a box on its Letters page which has information about IPSO, details about how to complain, and makes clear that “all corrections and clarifications which result from complaints to this publication will be published on this page.” The column on the newspaper’s Letters page now constitutes an established corrections column. The newspaper had published the correction with due prominence; there was no breach of Clause 1 (ii).

Conclusions

15. The complaint was upheld under Clause 1 (Accuracy).

Remedial action required

16. 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 that the inaccuracy in this case had previously been the subject of two upheld PCC complaints, and therefore it was established in the public domain that it was significantly

inaccurate, the Committee gave careful consideration as to whether the newspaper should be required to publish an adjudication in this case. However, it noted that the newspaper had taken swift action to remedy the breach. On this occasion, the published correction was satisfactory and no further action was required.