Jersey Evening Post

IPSO Annual Statement

1 January to 31 December 2016

Introduction – Jersey Evening Post

Guiton Publishing is the division of the Guiton Group that is responsible for the media interests in the autonomous jurisdictions of the Bailiwicks of Jersey and Guernsey that comprise the Channel Islands.

Although a single organisation, the businesses in both Jersey and Guernsey operate under laws unique to each jurisdiction and different from the UK. This means editorial decisions, although based on a common set of journalistic principles and ethics, must be made in accordance with local legislation and the requirements of Jersey common and customary law. The adherence to best-practice standards has been at the heart of the strong relationship that the Jersey Evening Post, the flagship title of the group in Jersey, has enjoyed with the community it has served for 125 years.

In common with publishers in the UK, Guiton Publishing has voluntarily signed up to IPSO and will always strive to meet its contractual obligations with the regulator. However, Jersey is not subject to the jurisdiction of the courts of England and Wales; and the States of Jersey, the Island's parliament, is the sovereign authority in the Island. While Guiton Publishing will strive to meet best-practice standards, local laws and obligations will, in all cases, need to take precedence.

The Jersey Evening Post is the Island's only daily newspaper and its online counterpart is the leading provider of digital news and commercial content. The newspaper has a local board of directors, both operationally and in non-executive capacity and also a non-exec chairman, who are prominent in the local community.

Because of the compact nature of the markets we serve, the directors are easily accessed by members of the government, officers of the law and by the wider readership in general. The weekly reach of Jersey Evening Post is in excess of 7 out of 10 adults, higher than the combined readership of the English national newspapers, the combined reach of the radio stations and higher than commercial TV coverage.

JEP Publications

Jersey Evening Post (and associated supplements)
Business Brief
Confidential
Everybody Loves Jersey/Jersey Loves Food
Jersey Weddings

JEP Digital Publications

www.jerseyeveningpost.com (and associated commercial platforms)

The publisher's responsible person is Mrs Corinne Wiseman, Editor's PA, tel: 01534 611624, editorial@jerseyeveningpost.com

Our editorial standards

The Jersey Evening Post is committed to upholding the Editors' Code of Practice. Journalists are issued with copies of the code and details are set out on the company's intranet and placed on company notice boards. Training sessions – internally and externally – reinforce and refresh the importance of adhering to the code. All staff are reminded of the need to uphold the code at all times and the importance of representing the news organisation and its owners – and the profession of journalism – in a positive and professional manner.

In respect of IPSO, guidance would be sought prior to publication if deemed necessary by the editors. Any guidance would be considered alongside any legal advice (if any) that had been sought. Guidance would also be sought from IPSO in resolving complaints made to IPSO. This may take the form of agreeing a suitable resolution to a complaint with IPSO acting as the conduit between the complainant and the newspaper.

The Jersey Evening Post is committed to resolving all complaints as quickly and reasonably as possible.

Jersey Evening Post journalists and contributors are made aware of the importance of Clause 1 (accuracy) of the Editors' Code when researching, writing, news editing and sub editing articles and comment pieces.

Editors demand that reporters and writers can stand up any claims made in their copy. In practice, this can mean a number of things, from the corroboration of information by a number of sources, to the use of supporting documentary evidence or a requirement to obtain information from a source who enjoys a level of privilege because they are deemed to make statements in the public interest (police, government ministers etc).

Editors are responsible for making sure that reports are fair and balanced. The Jersey Evening Post understands very clearly its duty to provide the right of reply.

Every story published in the newspaper is checked before publication. All news stories are checked initially by a news editor and then by a sub editor. All pages are signed off before publication by a senior member of the editorial department.

Any stories of concern will also be checked by the editor or deputy editor.

In the vast majority of cases, articles published online are only available for uploading after they have been checked by the news editor and a sub editor. The articles are uploaded by the internet editor, who is an experienced journalist. The only exception to the regular work flow is when a breaking story is published online before the paper copy is subbed, but the duty news editor will have checked the story.

Our complaints-handling process

In what form are editorial complaints accepted?

Complaints are accepted in all forms, by email, letter, telephone, via social media and in person.

Who handles editorial complaints internally?

All staff are advised that telephone, social media, in-person and email complaints that come to them directly are to be logged and passed on to their line manager, for example, the news editor. These, in turn, are collated and logged by a central staff member, the editor's PA, upon completion of an internal notice-of-complaint form.

The level at which the complaint is handled depends on its seriousness but could ultimately be passed on to be resolved by the editor or his deputy. In practice, the editor, deputy editor, or news editor ultimately handle complaints.

Postal complaints are generally logged and directed to the editor or his deputy for handling. Complaints received via (non-personal) company social media platforms are logged/resolved by the internet editor or passed on to the editor or deputy editor if necessary.

Records kept of editorial complaints and their outcomes

The editor's PA logs all complaints and records and files the outcome. All staff have access to an internal complaints form on which details of the complaint are logged. Outcomes are similarly logged. All forms are collated centrally by the editor's PA.

How Jersey Evening Post seeks to resolve complaints

Complaints which have some foundation are resolved by offering the complainant some form of redress, usually a correction/clarification in the newspaper and/or online or by removing the offending content from the online story. Corrections are, with very few exceptions, published on page 2. Requests from complainants for the publication of a correction on a specific page or for a correction to be published next to a follow-up story on the same subject are considered on their merits with a view to ensuring due prominence. Online corrections are generally added to the original article.

A significant percentage of complaints stem from a misunderstanding that can be addressed and resolved through the writing of a letter or email, usually by the editor, to the complainant. These letters aim to clarify the reasons underlying/explaining publication (prominence, news angle, page design, headline etc).

Complaints raised by our 'report abuse' button on the jerseyeveningpost.com online forum are directed to senior staff who either edit or delete the offending comment if warranted.

What information it provides to readers and where about its internal process for editorial complaints and IPSO's complaints process

Online

The home page of the newspapers website, jerseyeveningpost.com, features a 'Making a complaint' link , which leads to a simple explanation of the newspaper's complaints policy and a further, clearly-marked hyper-linked email address invites those with a complaint to email the editor. A postal address is also provided for those who wish to complain in writing.

The section of the website makes clear that the company abides by IPSO guidelines and contains a hyperlink direct to the IPSO website and the Editors' Code.

In paper

There is a daily panel underneath the editorial leader column which names the editor and gives an email address for the editorial department.

It also states that the Jersey Evening Post abides by the IPSO code of conduct.

There is also a panel on page 2 of the newspaper (since January 2017 on letters pages) under the heading 'Complaints procedure'. It provides a brief explanation of the complaints policy and gives telephone, mail and email contact details for making a complaint.

A filler advert has been created in the newspaper headlined 'How to make a complaint about an article by this newspaper'. It states that the newspaper is committed to standards set by IPSO and its code of practice. It then gives telephone, mail, email and online contact details for making a complaint to the newspaper and advises that unresolved complaints can be taken to IPSO direct. IPSO's full contact details are then provided, including website, telephone, postal and email.

Our training process

Our journalists receive legal training as part their journalism training and they regularly refer both to the Editors' Code of Practice and McNae's Essential Law for Journalists.

Reporters have all been advised about the complaints handling methods outlined above and issued with the Editors' Code of Practice. Their attention is drawn to relevant aspects of the code by senior managers as and when stories about juveniles etc are instigated.

The code is also posted prominently on noticeboards for reference.

The Jersey Evening Post has undertaken a series of training sessions with all members of editorial staff to ensure they are familiarised with the IPSO editors' code.

Training involves a detailed analysis of the code followed by group discussion of case studies and then a Q&A to make certain that the training has been well understood.

Staff who do not show reasonable understanding will get extra training and new staff will receive full training.

The process will be re-evaluated each year with emphasis on new staff and those who show weakness in their understanding of the code.

A copy of the training materials used is attached.

A new version of the Editors' Code of Practice was issued on 1 January. This was circulated to all editorial staff and copies were placed on notice boards. In addition, an article printed in the Production Journal highlighting the changes made to the Code, was drawn to the attention of staff.

Other than the Editors' Code of Practice and McNae's Essential Law for Journalists referred to above, we do not currently have any additional internal manuals or codes for use by journalists.

Our record on compliance

The Jersey Evening Post was reported to IPSO on three occasions in 2016, but all complaints were resolved very quickly, before triggering or within the first stage of the complaints process.

In the first, [redacted], [redacted] and [redacted] complained that a column by a freelance contributor on [redacted] 2016 was defamatory of their campaign group [redacted]. The editor had already replied to the complainants suggesting a meeting, before he became aware of IPSO's involvement. A meeting was subsequently arranged and an apology – the wording of which was agreed between both parties – was published on page 2 on 10 February, 2016. In addition, one of the complainants is now an unpaid freelance contributor for the newspaper.

The second complaint was made by [redacted] about an In brief item reporting on the inquest verdict of his late wife ([redacted]2016). He claimed that, as there was no reporter present at the inquest, we had not reported on the facts or mentioned the main topic discussed.

The complainant and his family met the editor on 27 April. The editor gave them a copy of the inquest verdict published by the Viscount's department (the Jersey equivalent of a coroner) and sent as a press release to the newspaper. The family accepted that the article was correct but gave the editor background information on [redacted] death. They were given the opportunity to provide a tribute to [redacted] for publication but later decided not to do so.

The JEP received a complaint from [redacted] about our coverage of her court case ([redacted] 2016). [redacted]

She was critical of the size of the report in comparison to other reports on the page and questioned why certain details were included. She claimed that some of the facts were wrong or twisted and said that not all of the facts were reported. She was also angry that her full name and part address were published.

The news editor replied that the article wasn't the lead story on the page, but it was deemed to be the second most significant story, hence its position.

He also explained that the name and address of defendants were included to ensure someone with a similar name wasn't wrongly identified as a convicted criminal.

He offered to correct any factual errors if she supplied further details.

We heard nothing further until receiving a letter from IPSO rejecting [redacted] complaint to them.

DEALING WITH COMPLAINTS

- In the first instance – follow company procedure as set out on the intranet!
- If we are wrong, we have to put it right. If we are not, we must be able to fight our corner and need accurate notes from all who have dealt with the story.
- If the matter goes to IPSO, papers have 28 days to resolve any complaint and only if they have failed to do so in time will IPSO consider it for possible adjudication and remedial action.
- If mediation fails and IPSO decides there has been a breach it starts a standards investigation. It may request from the paper:
  - Documents (anything in which information of any description is recorded)
  - Answers to any questions raised, either about practices generally or the facts relating to a particular incident or incidents
  - Access to key personnel, for example the editor, deputy or assistant editor or any journalists involved for meetings and taped interview.

IF THE COMPLAINT IS UPHELD

IPSO MAY IMPOSE ONE OR MORE OF THESE SANCTIONS:

- Publish the adjudication outlining its findings which may include the paper taking remedial action
- Require the paper to pay a fine up to a maximum of £1 million
- Require the paper to pay reasonable costs of a standards investigation, and terminate the paper's membership of IPSO

THE EDITORS' CODE OF PRACTICE

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.

v) A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.

THE EDITORS' CODE OF PRACTICE

2. 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, without their consent, in public or private places where there is a reasonable expectation of privacy.

THE EDITORS' CODE OF PRACTICE

3. HARASSMENT

i) Journalists 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 property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.

iii) Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.

THE EDITORS' CODE OF PRACTICE

4. INTRUSION INTO GRIEF OR SHOCK

In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. These provisions should not restrict the right to report legal proceedings.

THE EDITORS' CODE OF PRACTICE

5. REPORTING SUICIDE

When reporting suicide, to prevent simulative acts care should be taken to avoid excessive detail of the method used, while taking into account the media's right to report legal proceedings.

THE EDITORS' CODE OF PRACTICE

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.

THE EDITORS' CODE OF PRACTICE

7. CHILDREN IN SEX CASES

The press must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences.

In any press report of a case involving a sexual offence against a child –

i) The child must not be identified.

ii) The adult may be identified.

iii) The word "incest" must not be used where a child victim might be identified.

iv) Care must be taken that nothing in the report implies the relationship between the accused and the child.

THE EDITORS' CODE OF PRACTICE

8. HOSPITALS

i) Journalists must identify themselves and obtain permission from a responsible executive before entering non-public areas of hospitals or similar institutions to pursue enquiries.

ii) The restrictions on intruding into privacy are particularly relevant to enquiries about individuals in hospitals or similar institutions.

THE EDITORS' CODE OF PRACTICE

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.

THE EDITORS' CODE OF PRACTICE

10. CLANDESTINE DEVICES AND SUBTERFUGE

i) The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents or photographs; or by accessing digitally-held information without consent.

ii) Engaging in misrepresentation or subterfuge, including by agents or intermediaries, can generally be justified only in the public interest and then only when the material cannot be obtained by other means.

THE EDITORS' CODE OF PRACTICE

11. VICTIMS OF SEXUAL ASSAULT

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

THE EDITORS' CODE OF PRACTICE

12. DISCRIMINATION

i) The press must avoid prejudicial or pejorative reference to an individual's, race, colour, religion, sex, gender identity, sexual orientation or to any physical or mental illness or disability.

ii) Details of an individual's race, colour, religion, gender identity, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.

THE EDITORS' CODE OF PRACTICE

13. FINANCIAL JOURNALISM

i) Even where the law does not prohibit it, journalists must not use for their own profit financial information they receive in advance of its general publication, nor should they pass such information to others.

ii) They must not write about shares or securities in whose performance they know that they or their close families have a significant financial interest without disclosing the interest to the editor or financial editor.

iii) They must not buy or sell, either directly or through nominees or agents, shares or securities about which they have written recently or about which they intend to write in the near future.

THE EDITORS' CODE OF PRACTICE

14. CONFIDENTIAL SOURCES

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

THE EDITORS' CODE OF PRACTICE

15. WITNESS PAYMENTS IN CRIMINAL TRIALS

i) No payment or offer of payment to a witness – or any person who may reasonably be expected to be called as a witness – should be made in any case once proceedings are active as defined by the Contempt of Court Act 1981. This prohibition lasts until the suspect has been freed unconditionally by police without charge or bail or the proceedings are otherwise discontinued; or has entered a guilty plea to the court; or, in the event of a not guilty plea, the court has announced its verdict.

ii) Where proceedings are not yet active but are likely and foreseeable, editors must not make or offer payment to any person who may reasonably be expected to be called as a witness, unless the information concerned ought demonstrably to be published in the public interest and there is an overriding need to make or promise payment for this to be done; and all reasonable steps have been taken to ensure no financial dealings influence the evidence those witnesses give. In no circumstances should such payment be conditional on the outcome of a trial.

iii) Any payment or offer of payment made to a person later cited to give evidence in proceedings must be disclosed to the prosecution and defence. The witness must be advised of this requirement.

THE EDITORS' CODE OF PRACTICE

16. PAYMENT TO CRIMINALS

i) Payment or offers of payment for stories, pictures or information, which seek to exploit a particular crime or to glorify or glamorise crime in general, must not be made directly or via agents to convicted or confessed criminals or to their associates – who may include family, friends and colleagues.

ii) Editors invoking the public interest to justify payment or offers would need to demonstrate that there was good reason to believe the public interest would be served. If, despite payment, no public interest emerged, then the material should not be published.

THE PUBLIC INTEREST

The public interest includes:

- Detecting or exposing crime, or the threat of crime, or serious impropriety.
- Protecting public health or safety.
- Protecting the public from being misled by an action or statement of an individual or organisation.
- Disclosing a person or organisation's failure or likely failure to comply with any obligation to which they are subject.
- Disclosing a miscarriage of justice.
- Raising or contributing to a matter of public debate, including serious cases of impropriety, unethical conduct or incompetence concerning the public.

NOW FOR THE FUN PART...

Let's see if you were listening – it's time for the exercises!

TRAINING EXERCISES

A married couple complained that an article headlined "Sweet result for Mica's charity stall", published in the Camberley News and, had intruded into their teenage daughter's privacy in breach of Clauses 3 (Privacy) and 6 (Children.

The article reported that a 13-year old girl was selling cakes at a farmers' market to raise funds for ME Research UK because her friend - the complainants' daughter - had the condition. The article named the complainants' daughter, included a photograph of her, and made clear that she had ME (myalgic encephalomyelitis). The complainants said that they had been happy for their daughter to be photographed but had not consented to the publication of her name and photograph in connection with details of her medical condition. Publication of the article had caused their daughter great distress as the family had tried to avoid labelling her as having ME, and had therefore informed people of her condition only when necessary.

The newspaper said it had intended to support the fundraising initiative, and it sincerely apologised to the complainants for the distress caused and offered to make a financial contribution to an ME charity of the complainants' choice. It had been contacted by the organisers of the market seeking publicity for the event. The photographer had taken a picture of the complainants' daughter and her friend at the stall; the friend had provided information about the complainants' daughter's medical condition. The newspaper said the complainants' daughter had been present when this information was disclosed. The photographer had then spoken briefly to a woman he took to be the girl's mother, who had commented that she would soon be taken home as she tired easily. A number of other people had been present, and the photographer had received no impression that the child's condition was considered to be confidential.

The complainants denied that the photographer had spoken to them or that their daughter had been present when the information regarding her medical condition was disclosed to the photographer. The newspaper's apology and offer of a charitable contribution were not sufficient in the complainants' opinion in light of the distress caused by the article.

Mrs Rebecca Louise Elder, acting on behalf of the parents of a pupil at Fernhurst Pre-School, complained that an article headlined "Pre-school child porn web shock", published in the Midhurst and Petworth Observer, had included a photograph of the pupil in breach of Clause 6 (Children).

The front-page article reported pornographic messages and links to websites showing indecent images of children had been posted in the comments section of the pre-school's website. The piece had been accompanied by an image of the website's homepage, which contained a photograph showing part of the face of a current pupil.

The child's parents considered that the use of the image had endangered the child in breach of Clause 6. The complainant noted that child protection agencies warn that using photos of children in stories of a sexual nature can make them vulnerable to "grooming"; in addition there is a risk that such photos may be used inappropriately by others. Local people had recognised the child from the image, but her parents did all they could to shield her from the consequences of its publication. The child's face should have been obscured and permission to use the image obtained.

The newspaper said that it was impossible for people to identify the child from the image, unless they had previously been made aware of it; only her nose and mouth were partially visible, and her gender was not obvious. The child was in no more danger as a result of the article than other pupils pictured on the pre-school's website. Although the newspaper was confident that the child was not identifiable, it had decided to blur her visible features when the story was published online.

Rebecca Morris complained that an article headlined "Model pix cop has quit force", published in the Halesowen News breach of Clauses 1 and 3 (Privacy).

Accuracy: The article reported that the complainant had left her employment as a Police Community Support Officer following press reports about photographs of her modelling that had been published online.

The complainant denied the newspaper's claim she was "carving out a second career as a motor show promotions model"; she had not been paid for the photographs posted online, which had been taken as part of a hobby. She also considered that the article suggested, inaccurately, that she had left her job because of the publicity surrounding the photographs.

The newspaper took 45 days to provide an initial response to the complaint. While it noted that the article had been based on an agency report and stated that it therefore could not provide any details about the journalist's newsgathering methods, it denied having published any inaccuracies. It did not accept that its article had suggested that the complainant had left her job because of the previous press coverage of the photographs. It maintained that the complainant had promoted herself as a model seeking paid employment in that field.

Privacy: The complainant said that the newspaper's publication of her name, age and area of residence was intrusive. She argued that this was a security issue, as she had previously received death threats when people had learnt that she worked for the police. The complainant also objected to approaches made to her neighbours by a journalist in an effort to obtain comment on the story.

The newspaper denied that its coverage had intruded into the complainant's privacy; it said that the photographs of the complainant had been freely available online at the time of publication, and that its article was based on information in the public domain.

Nicki McLellan complained that an article headlined "Saleswoman who targeted doctor's patients and poor is exposed", published by the Kent and Sussex Courier on 3 August 2012, contained information which had been obtained using subterfuge and clandestine devices in breach of Clause 10 (Clandestine devices and subterfuge) and also breached Clause 1 and 4 (Harassment).

After reading an article about a woman experiencing financial hardship, a representative of the complainant had contacted the newspaper in order to offer her an opportunity to make extra money. The woman had agreed to meet the complainant but had been accompanied by a reporter from the newspaper posing as her partner.

The complainant suggested that the woman might wish to join her in working in the "multi-level marketing sector" selling "wellness products" and gave a presentation about the company. She suggested that the woman and her "partner" should attend a further presentation on the scheme, and described how she used her role as a receptionist in a doctor's surgery to meet potential customers.

The newspaper's coverage focused on the complainant's admission that she had recommended the products to patients at the surgery. It referred to the complainant's comments at the meeting, which had been recorded without her knowledge, and was illustrated with still images of her.

The complainant said the newspaper's use of subterfuge had been wholly unjustified: she had acted with good intentions to help the woman find a new source of income. The reporter had not taken steps to investigate the matter before resorting to subterfuge.

The newspaper said it had been concerned that the complainant intended to involve the "vulnerable" woman in a direct-selling scheme that required a significant initial financial outlay. Its research had shown that reputable sources had raised concerns about the practice of direct selling, and it had been keen to learn whether the complainant was "targeting" vulnerable individuals. It had decided the only way of investigating further was to employ subterfuge.

Following the meeting, it had decided that publication of the material was justified by a sufficient public interest, particularly in light of the revelation that the complainant had used her position as a receptionist at a doctor's surgery to make sales for her business.

Harassment: The complainant said that after the meeting the reporter - who had informed her of the subterfuge - had been "pushy" and had emailed her a list of questions about the incident, despite her having made clear in a telephone conversation that she did not wish to comment. Later the same week she had been told not to come to work at the surgery because the reporter was present in the car park. The complainant said that, contrary to a suggestion in the article, the surgery had been fully aware of her involvement in the "multi-level marketing sector".

The newspaper said its reporter had been happy to end the call when the complainant made clear that she did not wish to comment. The purpose of the email, which acknowledged her desire not to comment, was to make the complainant aware of the questions he had intended to ask; it had not requested a response. The reporter had attended the surgery in order to photograph the site and speak to patients; he had no intention of talking to the complainant or photographing her. The Primary Care Trust had provided the newspaper with a statement that, while the surgery knew the complainant was involved in direct selling, it was unaware of her approaching patients about the products.

Accuracy: The article had reported that the complainant's comments about selling products to patients had prompted the practice to investigate the matter. While the complainant maintained that the practice had been aware of her activities, the relevant PCT had told the newspaper that the surgery had been unaware the complainant was selling products to patients. It had issued a statement, included in the article, that it was investigating the matter. The complainant chose not to comment before.

A man complained that an article published in The Bolton News had breached Clauses 1, 3, 12 (Discrimination) and Clause 14 (Confidential sources).

The complainant had contacted the newspaper to alert it to his concerns about the misuse of the blue badge system in Bolton's car parks. The article reported his account of an incident of alleged misuse, along with his name, age and partial address. It noted that both he and his wife (who was not named) were disabled and identified their medical conditions. While the complainant acknowledged that he had initiated the contact with the newspaper, he said no consent had been sought for the publication of the couple's personal information. He considered that it could lead to reprisals and suggested that his wish for anonymity should have been evident to the newspaper when he cancelled an appointment to be photographed for the story; he had made clear at this point that the publication of a picture of him was not a good idea "as [he] didn't want to be identified", due to his wife's profession. The complainant said he had recordings of his calls with the reporter but declined to provide them to the Commission.

The complainant also said that the headline's suggestion that he had expressed "anger" about the blue badge abuse was inaccurate; he only felt "disappointment". He expressed concern about the description of the local council's abrogation of duties regarding blue badges as a "legal loophole", and what he considered as an inaccurate suggestion in the article that his wife had been present when he witnessed the alleged infraction. He considered that his and his wife's disabilities were irrelevant to the story and said that he had only provided details of their conditions following a question from the reporter.

The newspaper said that the information had been freely provided by the complainant, who had approached the newspaper about his concerns; it noted that this was not the first occasion on which he had brought local issues to its attention in this way and that in addition he maintained a blog on which he commented about local issues. During the telephone conversation in which the complainant had identified his and his wife's medical conditions, he had referred to his wife being present in the

room, and the newspaper had understood from this that she consented to the publication of the information. While it accepted that the complainant had changed his mind about being photographed, it denied that he had asked to be treated as a confidential source or requested that any detail be withheld from its report.

Confidential sources: states that "journalists have a moral obligation to protect confidential sources of information". Where an individual initiates contact with a newspaper with the aim of providing information for publication, there is a basic expectation that this information will be attributable. Clause 14 is generally engaged only in instances where an agreement, of some form, has been reached that the individual will be treated as a confidential source. On this occasion, while the complainant suggested that the newspaper should have inferred his position, he had not sought to argue that he had initiated a conversation about the issue or reached such an agreement with the newspaper. There was no breach of Clause 14.

Privacy: The complainant had contacted the newspaper and provided it with information about the incident. He had also disclosed information about his medical condition without stating that this was to be treated confidentially.

The situation with regard to the complainant's wife was less clear cut. The Commission has made clear, on a number of occasions, that medical information poses a significant potential for intrusion and should be treated with caution, particularly where it has been provided by a third party. Does the fact that the woman was in the room when the complainant was talking to the newspaper have any bearing?

Accuracy: Clause 1 states that newspapers must take care not to publish inaccurate or misleading information and requires that significant inaccuracies, once recognised, must be corrected. The complainant said the headline and the reference to the "loophole".

Discrimination: Clause 12 (ii) states that details of an individual's physical or mental illness or disability must be avoided unless genuinely relevant to the story. What do you think?

The mother of Hannah Sharp, on behalf of her family, complained that coverage in the Chester Chronicle of an accident involving her daughter breaches Clauses 1, 3, 4, 5 (Intrusion into grief or shock) and 8 (Hospitals).

In October 2008 the complainant's daughter had been seriously injured following a road traffic accident in which the driver was killed. The incident and the aftermath were covered by the newspaper.

Privacy and hospitals: Hannah spent five months in hospital, and the complainant was concerned that the newspaper had made a number of 'condition checks' with the hospital following the accident. She said that the hospital had breached her daughter's confidentiality by releasing information about her medical condition without the family's consent.

The complainant was also concerned about the newspaper publishing private information about her daughter's health. One article had given the complainant's daughter's first name, in addition to quoting a spokesman for the hospital who said that 'the patient sustained serious head injuries and as a result will require long-term care'. By not checking explicitly that the family was happy for this information to be released by the hospital, the newspaper had failed to show respect for her daughter's privacy at a time when she was seriously ill. This also represented a breach of Clause 8 (ii).

In February 2009, the family asked Cheshire Police to make clear to the newspaper that the family did not wish for it to make further enquiries with the hospital. The hospital's Chief Executive wrote

formally to the newspaper in June 2009 to ask it not to 'use our briefing on the current/future medical situation of [the complainant's daughter] in any future articles'.

In response, the newspaper said it understood that it would have been a traumatic time for the families of both young women, and it was not its intention to add to their distress. The reporter's calls to the Intensive Care Unit at the hospital were routine journalistic practice to ensure that any published information was up-to-date, and it assumed that the hospital had followed the correct procedures in releasing information, including consulting the family. The newspaper had only used the victim's first name until her surname had been revealed at the inquest, together with the name of the road where she lived.

Harassment and Intrusion into grief or shock: The inquest into the death of the driver was held on 9 July 2009 and - given the fact that there would be press interest - the family had reluctantly released a statement, although this did not contain any undisclosed medical information. Aside from this, a representative of the family made clear orally that they did not wish to speak to the press.

Notwithstanding this request for privacy, the newspaper's reporter visited the family home on 13 July to ask for further information about the daughter's condition, and spoke to her aunt for 10 minutes on the doorstep. The complainant felt that the enquiries had not been conducted with sympathy and discretion, as the reporter persisted in asking intrusive questions such as whether her daughter was conscious. He also asked whether a photograph could be provided. The newspaper had also pursued the story with the family's solicitors, repeatedly contacting them after the inquest. The solicitors confirmed that the family had nothing to add to the press statement.

The complainant added that - at the time of the accident - the reporter had approached a family friend for information and was informed that the family did not wish to be contacted.

The newspaper said that its reporter had decided against approaching the family at the time of the accident. After the inquest, he had been given the statement by the family's representative, but was certain that she did not say that an approach should not be made to the family. Given the family's comments in the statement he wondered whether the family may wish to speak further - nine months after the accident - and therefore visited the complainant's home. The aunt declined to comment on the case, and was insistent that nothing relating to the conversation should be published, which the newspaper respected. It did not agree that the reporter had acted insensitively.

The reporter only called the complainant's legal representative twice, leaving an answerphone message once.

Accuracy: The complainant said that a report of the inquest in Chronicle Xtra (13 July) was inaccurate when it claimed that her daughter had been left 'permanently brain-damaged'. Not only was this supposition - as the nature of brain injuries was unpredictable - but the complainant was concerned about the source of this information, given the efforts she had made to stop the newspaper from making further enquiries with the hospital. Her daughter's medical condition had not been mentioned at the inquest. This article also inaccurately described one witness as a 'neighbour and school friend' of her daughter, and said that her daughter and partner had been 'dating for about three months', rather than one.

The complainant said that a further article of 16 July was inaccurate when it stated that 'Hannah's family regard it as something of a miracle that she is still alive'. This inaccurately paraphrased the family's statement.

The newspaper was willing to publish a correction and apology in regard to the inaccuracies in the piece. The description of the injuries as 'permanent' and 'long-term' were not based on any form of family or official statement, and the newspaper accepted that the earlier hospital statement may have confirmed the position in the reporter's mind. It agreed that this was insensitive and inappropriate, and apologised to the family, offering to do so in public too.

Paul Kirkland complained that an article headlined "Road closed after accident", published on the website of the Wiltshire Gazette & Herald on 13 February 2008, and an article in the Wiltshire Gazette & Herald on 14 February 2008 headlined "Driver trapped", intruded into his mother-in-law's privacy and into the shock of the family in breach of Clauses 3 and 5. He also raised concerns under Clauses 1 and.

The complainant's elderly mother-in-law had been injured in a road accident. The newspaper's online report of the crash the same day included a photograph of the victim being treated by the emergency services, which the complainant considered to be extremely graphic.

The complainant said that the article had been published when not all members of the family had been informed of the accident or had known the extent of the injuries. Given that the article had (incorrectly) stated that the police officers "fear for her life", the newspaper's reporting of what it understood to have been a potentially fatal accident was intrusive and insensitive. While the photograph which appeared in the newspaper the following day had obscured the victim's face, the complainant maintained that it was still intrusive.

The newspaper said that the accident had occurred in the daytime on a public road and had caused long tailbacks. The images had been removed from its website as soon as a complaint from the family was received via Wiltshire Police, even though this was out-of-hours. The paper also carried a critical letter from the complainant in its next edition – which included an editorial footnote of apology – and had sent a private letter of apology to the family.

In considering the complaint under Clauses 1 and 2, the Commission noted that the newspaper said that the police at the scene had indicated that they were concerned that the injuries were life-threatening. It was not possible for the Commission to determine precisely what police, in the moments following the accident, had said. No representative of the police force had complained about the accuracy of the claim about their initial fears.

Edward Clark complained that an article headlined "Storm over 'drug addict' accusation", published in the Whitstable Times, was inaccurate and misleading in breach of Clause 1.

The articles reported an allegation, sent in an anonymous email to the newspaper, that the complainant - who had been awarded the lead role in his local operatic society's latest production - was an "ex-heroin user". The complainant said that this was incorrect: he had never used heroin in his life. He had made clear his absolute denial of the claim to the newspaper before publication and this had been included in the article. He said that the newspaper should not have published the story based on the unsubstantiated claims of a single anonymous source.

The newspaper said that deciding to run the article was "a difficult call". However, the anonymous email contained a serious allegation about the complainant and it had decided to investigate by contacting the complainant and the chairman of the operatic society for their comments. The article gave the complainant the opportunity to deny the allegation. Following the complaint, the newspaper: removed the online version of the article; published letters of rebuttal from the complainant's mother and the chairman of the operatic society; and published an apology to the complainant for any distress caused.

Training Questions:

1) IPSO has the authority to investigate a publisher in the absence of an actual complaint.

   a) True b) false

2) Following a standards investigation IPSO has the power to impose fines of:

   a) £1m b) 1,000 c) unlimited sum

3) The updated version of the Editors' Code of Practice introduced on 1 January 2016 altered Clause 1 (accuracy) to include which of the following:

   a) Captions b) headlines c) stand-firsts

4) The updated Editors' Code includes a new clause, Clause 5 (reporting suicide). What are the two words omitted from the clause?

   "When reporting suicide, to prevent simulative acts care should be taken to avoid XXXXX XXXX of the method used, while taking into account the media's right to report legal proceedings."

   a) Excessive detail b) unsympathetic coverage c) poor wording

5) Which of the following was added to Clause 12 (discrimination) in the updated Editor's Code?

   a) Religion b) physical or mental illness or disability c) gender identity

6) You are sent to a secondary school after reports of an outbreak of tuberculosis. Which course of action should you take in getting information from pupils as they leave school?

   a) Stop pupils as they walk out of the school gates

   b) Ask a lollipop lady if she has any objections to you interviewing the pupils

   c) Ask any parents who may be waiting for their children if they would allow you to talk to the children

7) A source who works in the financial department of company which has been accused of malpractice gives you confidential papers on condition he is not named in your report. When you question the boss of the company he demands to see the papers on which you have based your questions. Why would you not let them see them?

   a) It would undermine your independence as an unbiased journalist

   b) Potentially it would reveal your source to whom you owe a moral obligation to protect

   c) I would because I already have the information I need.

8) You receive an early tip-off that a senior politician may have been involved in a fatal crash. Police have not confirmed who has been killed but you only live a few minutes from where the politician lives. What should you consider before deciding if you should go to her house to seek confirmation that she was the person who was killed?

   a) This is likely to intrude of the family's grief and shock, especially as it is not clear if they know of the politician's involvement

   b) Breaking bad news is just one of the things that journalists have to do

   c) As long as I'm sensitive there is nothing to worry about

9) IPSO recently upheld a complaint by the Duke of York against the Daily Mail after the newspaper chartered a helicopter to fly over the Royal's home when his daughter threw a birthday party. Was the complaint made, and upheld, under:

   a) Clause 6 (children) b) Clause 2 (privacy) c) Clause 1 (accuracy)

10) The Bristol Post ran a story about drunken passengers being escorted off an Ibiza plane. It contained a picture, taken by someone on the plane, of the incident and showing the captain and cabin crew watching the police deal with the situation. Captain Phillip Howell complained under Privacy Clause. He argued he could be targeted by the accused men. Was the complaint upheld?

   a) yes b) no

11) A couple ask you to interview their innocent son who is in hospital having been beaten up by thugs who police want to trace. What course of action should you take?

   a) Ask the sister on the ward if she has any objection to you interviewing him

   b) Go in with the parents and starting interviewing the boy

   c) Tell a senior manager that you have been invited by the parents and is there any objection to you being there

12) Which of the following statements are correct?

   a) There is no reason to stop you reporting about a person's sexual orientation

   b) Just because someone is not openly gay is no reason not to report the fact

   c) Details of an individual's sexual orientation must be avoided unless genuinely relevant to the story

13) You telephone the sister of a man who has been killed in a road accident while working overseas. His company has supplied details of the accident and personal information about the man. If his sister tells you she has not seen her brother for many years and has nothing to say and puts down the phone, do you:

   a) Call her back immediately, telling her there is public interest in knowing more about the man

b) Wait 24 hours and call her back to see if she has changed her mind

c) Tell your news editor that the woman has made it clear that she does not want to be contacted

14) Some of the clauses of the Editors' Code have a public interest exception. Do any of these apply?

a) A free press demands freedom for it to write what it likes providing it does not break the law

b) Disclosing a miscarriage of justice

c) Protecting public health or safety

Answers

1) a - True
2) a - £1m
3) b - headlines
4) a – excessive detail
5) c – gender identity
6) c - Clause 6 (children)
7) b - Clause 14 (confidential sources)
8) a - Clause 4 (intrusion into grief and shock)
9) b – Clause 2 (privacy)
10) b - No
11) c - Clause 8 (hospitals)
12) c - Clause12 (discrimination)
13) c - Clause 3 (harassment)
14 b and c (public interest over-ride)