Paper No. 1007

CONFIDENTIAL

MINUTES of the COMPLAINTS COMMITTEE MEETING
Wednesday 29 March 2017 at 10.30 am
Gate House, 1 Farringdon Street, London EC4M 7LG

Present:
Sir Alan Moses, Chairman
Richard Best
Lara Fielden
Gill Hudson
David Jessel
Matthew Lohn (**Items 1 – 14**)
Neil Watts
Elisabeth Ribbans
Peter Wright
Nina Wrightson

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

Also present: Members of the Executive:

Ciaran Cronin
Niall Duffy
Alistair Henwood
Vikki Julian
Holly Pick
Abigail Tuitt
Charlotte Urwin
Hugo Wallis

Observers:
Jonathan Grun, Editors' Code of Practice Committee

1. Apologies for Absence

Apologies for absence were received from Janette Harkess and Jill May.

2. Declarations of Interest

Peter Wright declared an interest in items 9, 11, 12, 13 and 16. He left the meeting for these items.

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 22 February.

4. Update by the Chairman - oral

The Chairman updated the Committee on his meeting with Lord Prescott. He confirmed that John Whittingdale MP would be the speaker at the second annual IPSO lecture, to be held on 18th May.

He mentioned that IPSO was recruiting new members of its Readers' Panel being light in numbers. Charlotte Urwin, Head of Standards, gave an update on the current recruitment process along with an overview of the recent meeting held by the panel.

He finished by congratulating the Standards team on meeting their annual statement returns target.

5. Matters Arising

There were no matters arising.

6. Complaint 00232-17 Oerton v The Times

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

7. Complaint 13429-16/13430-16 Turner v Get Surrey/Daily Mirror

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

8. Complaint 13427-16 Turner v thesun.co.uk

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

9. Complaint 14261-16 Rooney v Daily Mail

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

10. Complaint 09074-16 Highland Council v express.co.uk

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

11. Complaint 11533-16 Miller v Mail Online

The Committee discussed the complaint and ruled on it. Once the ruling is finalized, a copy will appear in **Appendix F.**

12. Complaint 11534-16 Miller v Daily Mail

The Committee discussed the complaint and ruled on it. Once the ruling is finalized, a copy will appear in **Appendix G.**

13. Complaint 11536-16 Miller v Daily Express

The Committee discussed the complaint and ruled on it. Once the ruling is finalized, a copy will appear in **Appendix H.**

14. Note to committee – Guidance on social media and prominence

The Committee members noted the guidance on social media and prominence. They agreed to discuss the guidance of prominence further at a subsequent meeting. They were asked to send comments to the Head of Standards.

15. Complaints not adjudicated at a Complaints Committee meeting

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

16. Any other business

(i) Complaint 00997-17 Wollaston v Shropshire Star and Mail Online

The Committee discussed the matter, and agreed that the Chairman would write to the complainant.

17. Date of Next Meeting

The date of the next meeting was confirmed as Wednesday 26 April 2017.

The meeting ended at 1.10pm

Michelle Kuhler
PA to CEO

Appendix A

Decision of the Complaints Committee
00232-17 Oerton v The Times

1. Richard Oerton complained to the Independent Press Standards Organisation that The Times breached Clause 1 (Accuracy) of the Editors' Code of Practice in relation to a number of articles, headlined:

    1) "Only the guilty will cheer curbs on the press", published on 3 January;
    2) "New law 'will allow corrupt to gag press'", published on 3 January;
    3) A letter to the editor headed "Curbs on the press", published on 5 January;
    4) "A law that loads the dice in favour of criminals", published on 5 January;
    5) "Don't clap our crusading press in leg-irons", published on 6 January;
    6) "Press regulator 'biased against papers and BBC", published on 6 January;
    7) A letter to the editor headed "Press Regulation", published on 7 January;
    8) "Newspapers and the State", published on 7 January;
    9) "State Press regulator has 'major flaws'", published on 9 January.

2. The articles all concerned press regulation, in the context of the Government's consultation on the implementation of Section 40 of the Crime and Courts Act 2013. Each article contained a claim or explanation about the effect of this legislative provision on a newspaper or publisher which had not joined a "recognised regulator".

3. Adopting the numbering above, the first article was a comment piece by a well-known investigative journalist, which claimed that "in a nutshell [a newspaper who had not joined a recognised regulator] …will be compelled to pay the costs of claimants even if their claim fails. Crooks like Robert Maxwell could sue, lose their case having been exposed in court as liars, and still receive millions of pounds from the victorious newspaper". The second article was a news article in the same edition of the newspaper as the first article, which reported on the opinions expressed by the investigative journalist in the first article, as well as opposing views. In identifying this journalist's objections to Section 40, it reported that a newspaper would be required to "pay complainant's legal bills even if they are defeated in court". The third item was a letter to the editor from the Executive Director of the European Publishers Council, which said that a newspaper "could be wrongly accused of libel, malicious falsehood or slander, taken to court, win the action, and vindicate its journalism – yet still have to pay the legal bills of whoever brought the case as well as their own".

4. The fourth article was a comment piece in which the author described his own experience of working as an investigative journalist at the newspaper, and the effects of potential civil liability on the newspaper's decision making processes. In that context, he expressed concern about the impact Section 40 would have on investigative journalism, and said that it would have prevented publication of many articles had it previously been in force. The article claimed that under Section 40,

a newspaper who had declined to join Impress, "would be forced to pay its opponent's legal costs in any claim brought for libel or breach of privacy, even if it won the case". It went on to claim that Section 40 was "an almost inbuilt guarantee of punitive financial sanctions. Any chancer…would be able to take you to court in the sure and certain knowledge that they and their lawyers would not lose a penny by doing so".

5. The fifth article was a comment piece by an MP and former journalist, advocating against implementation of Section 40. It claimed that "in any case where a newspaper was sued for libel the title would have to pay all the costs of the case, even if every word it printed was true. No good deed will go unpunished".

6. The sixth article was a news article which claimed that a newspaper that "had failed to join an approved regulator would be liable to pay legal costs for libel and privacy cases, even if it won the case. It would mean that newspapers could face paying out hundreds of thousands of pounds under [Section 40] if they did not join Impress". The seventh item was a letter to the editor from the CEO of a US media trade association, which stated that a publisher "should not have to pay the costs of parties bringing frivolous claims in the courts…regardless of whether those claimants win or lose". The eighth article was a leading article. It stated that Section 40 "would create the presumption that newspapers that do not join Impress would pay both sides' costs in any libel action, whoever wins. It would, in effect, force papers to pay to print the truth, whenever the truth proved unpalatable to anyone prepared to sue". The ninth article was a news article, which stated that a newspaper "would probably have to pay the legal costs for both sides of privacy and libel cases even if they won".

7. The complainant said that the newspaper had repeatedly misrepresented the effects of Section 40. He accepted that Section 40 required that a court must award costs against a newspaper who is not a member of an approved press regulator. However, he said that under the statute, this was subject to two exceptions. Firstly, the rule does not apply unless the claim in question could have been resolved using the arbitration scheme of the approved regulator. Secondly, the rule does not apply if the court thinks it is "just and equitable in all the circumstances" for it not to apply.

8. The complainant said that the effect of these exceptions was that the only circumstances where a court would award costs to the claimant in a case where the newspaper had successfully defended the claim would be where the claim was genuine and made in good faith, and where the court took the view it was not unjust or inequitable for this to happen. The complainant said it was misleading to claim that under Section 40, courts would award costs in favour of all claimants, or claimants where their claims were not made in good faith or genuine. He said that the award of costs is always at the discretion of the courts, and that Section 40 does not create a presumption, but simply weights this discretion.

9. The newspaper said that Section 40 has not been commenced, and that all commentary on its effects was grounded in interpretation. It said that the

newspaper's view was that Section 40 creates a presumption that costs be awarded against a newspaper who is not a member of a recognised regulator. It noted that the requirement that costs "must" be awarded against a newspaper, "unless" a court was satisfied that one of the exceptions applied. The newspaper said that the effect of the two exceptions was unclear. In relation to the first exception, it said that whether a particular claim could have been resolved using the arbitration scheme of an approved regulator would be uncertain, and any such arguments would be mired in legal debate. In relation to the second exception, it said that the effect of this was simply to require that judges do not act unjustly, which lacked legal certainty. It said that newspapers had no assurance that Section 40 would be interpreted in their favour, and noted that the purpose of Section 40 was to penalise publishers who chose not to join a recognised regulator. The newspaper said that the view that Section 40 would mean that costs would be awarded against a newspaper even if they won a case, as expressed by its writers, brought home the vice of the provision.

10. The newspaper said that as one of the many newspapers to have lost libel cases, only for it to be subsequently shown that the claimant had lied, it lacked any confidence that the two exceptions to the general rule created by Section 40 would have the effect claimed by the complainant; that costs would not be awarded against newspapers who successfully defended vexatious claims. The newspaper said that in any event, the vast majority of claims against newspapers, which they might successfully defend, are both made in good faith and might qualify for arbitration under the scheme of an approved regulator, such that a newspaper would not benefit from the two exceptions. In these cases, Section 40 would require a newspaper who successfully defended the claim to pay the costs of the defendant. It noted that this was the interpretation of Section 40 adopted by Hacked Off, who had said that "newspapers which choose not to join an approved regulator – and so do not provide access to justice through an approved low cost arbitration scheme – must pay the costs of litigants who bring arguable and honest cases against them".

Relevant Code provisions

11. Clause 1 (Accuracy)

i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.

ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.

iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.

iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

Findings of the Committee

12. Critical to the Committee's consideration of this complaint was the fact that at the time of publication, Section 40 had not been commenced. The newspaper and complainant were offering their interpretation of a legislative provision and how it might, in practice, be applied. The Committee gave weight to the fact that the articles were published in the context of debate and advocacy in relation to the implementation of Section 40. It noted the newspaper's argument that the provision's requirement that courts "must" award costs against a newspaper, "unless" the court was satisfied that two exemptions applied, created a presumption that costs should be awarded against a newspaper. The Committee also gave weight to the fact that the purpose of the provision was to incentivise publications to join a recognised regulator by the imposition of an unfavourable costs rule to those who chose not to, contrary to the current position where costs are awarded according to the outcome of the case. Nevertheless, the newspaper was under an obligation to take care not to publish inaccurate or misleading information under the Code, and the Committee examined whether the newspaper had fulfilled this obligation in relation to each of the articles under complaint.

13. The first article stated that under Section 40, newspapers would be "compelled to pay the costs of claimants even if their claim fails", but did not refer to the two exceptions to the rule contained in the provision. The article was clearly presented as a comment piece. It introduced its claim about the effect of Section 40 with the words "in a nutshell", making clear it was providing a summary of the effects of the provision. For these reasons, the Committee considered that the article's characterisation of the effects of Section 40 was not significantly misleading, and there was no breach of Clause 1.

14. The second article contained a statement about the effect of Section 40, in the context of a news article reporting that the author of the first article had expressed concern about the implementation of the provision. The article's claim was not an inaccurate statement of the presumption Section 40 would create in relation to costs. To omit reference to there being exceptions to this presumption was not significantly misleading in the context of the article, which did not present itself as providing anything more than a summary of the authors' position on the effects of the provision. There was no breach of Clause 1.

15. The third article, a letter to the editor, made clear it was making a claim about how costs "could" be awarded in cases where newspaper's successfully defended claims. This statement was not inaccurate statement about how costs could be awarded under the terms of Section 40; this claim was not misleading because the letter did not also refer to the two exceptions in the provision, and there was no breach of Clause 1.

16. The fourth article referred to the costs rule created by Section 40 as applying to "any claim", without referring to there being exceptions to this rule. It also predicted that claimants would have the "sure and certain knowledge", that they

would be awarded costs. Although this might be considered overly optimistic, within the context of the article read as a whole, it was no more than a prediction, one among a number of predictions about the effect of Section 40 made in a comment piece. In response to the complaint, the newspaper provided a reasonable basis for these predictions. The article was not misleading in the manner alleged, and there was no breach of Clause 1.

17. The fifth article claimed that if Section 40 was implemented, there would be "penalties" for newspapers who did not join Impress. In that context it claimed that under Section 40, costs would be awarded against a newspaper "in any case where a newspaper was sued for libel…even if every word it printed was true". The article was a comment piece, which clearly advocated against implementation of Section 40. It provided a summary of the effect of Section 40, to explain the nature of the "penalty" it created for newspapers who were not members of Impress. The newspaper provided a reasonable basis for this prediction about the effect of Section 40, and the article was not misleading in the manner alleged.

18. The sixth article, which reported criticisms of Impress, stated that Section 40 would have the effect that a newspaper who had not joined a recognised regulator, "would be liable to pay legal costs for libel and privacy cases even if they won the case". It then claimed that such newspapers "could face paying out hundreds of thousands of pounds". As with the second article, this was presented as a summary of the effect of Section 40 in the context of a news article. For the article to omit reference to these exceptions to the rule on costs was not significantly misleading in the context of the article, and there was no breach of Clause 1 on this point.

19. The seventh article was a letter to the editor, which objected to Section 40 being implemented on the basis that publishers should not have to pay the costs of parties bringing "frivolous claims….regardless of whether those claimants win or lose". It was not misleading to publish this claim about the effect of Section 40, which was clearly presented as the opinion of the letter writer, for which the newspaper provided a reasonable basis in response to the complaint. This aspect of the complaint did not represent a breach of the Code.

20. The eighth article was a leading article, and therefore was distinguished as the editorial view of the newspaper. It claimed that Section 40 would create a presumption that newspapers that do not join Impress would "pay both sides' costs in any libel action, whoever wins". It then stated that the effect of this presumption would be to "force papers to pay to print the truth, whenever the truth proved unpalatable to anyone prepared to sue". In this article, the general rule on the award of costs contained in Section 40 was referred to as a "presumption", indicating that there might be cases in which it would not be followed. The article was not misleading in the manner alleged, and there was no breach of Clause 1.

21. The ninth article referred to newspapers' "probably" having costs awarded against them, even if they won, as part of an explanation as to the effect of Section 40. The word "probably" indicated that the presumption Section 40 would create in relation to costs was not absolute. It was not misleading for the article to

summarise the effect of Section 40 in this way, without making specific reference to the nature of the exceptions. This aspect of the complaint did not raise a breach of Clause 1.

Conclusions

22. The complaint was not upheld.

Remedial Action Required

23. N/A

Appendix B

Decision of the Complaints Committee
13429-16 Turner v Get Surrey

Summary of Complaint

1. Richard Turner, on behalf of Levi Bellfield (now known as Yusuf Rahim), complained to the Independent Press Standards Organisation that Get Surrey breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Serial killer Levi Bellfield may have lied about other murders to hurt victims' families", published on 10 November 2016.

2. The article reported that Mr Bellfield was "feared to have lied about having other victims simply to hurt families grieving over unsolved cases". It reported the comments of a retired detective who had helped put Mr Bellfield in prison who said "he likes this kind of attention, and to inflict pain on other people". It said that last year Mr Bellfield told police "he was guilty of other crimes he was never charged with, then withdrew the claims". It reported a statement from the police saying that there was no evidence to link him to any case for which he had not already been convicted, and said that "the 'confessions' came to light as Surrey Police interviewed Bellfield at Wakefield Prison over fears an accomplice assisted him in the abduction of Milly in 2002".

3. The complainant said that Mr Bellfield had never confessed to other murders; he said that the police assumed that he may have been responsible for other unsolved murders, and began a number of investigations. He said that the reason why this claim had not been previously challenged by Mr Bellfield was because the initial report about the "confessions" went unnoticed by the family, who were under a lot of strain in relation to other publicity relating to Mr Bellfield. He provided press releases from the Metropolitan Police on the "alleged involvement of Levi Bellfield" in a number of serious crimes; however, he said that none of these press releases said that Mr Bellfield had confessed to these crimes.

4. The publication said that the article was primarily based on a press release from the Metropolitan Police which said that investigations into Mr Bellfield's involvement in other serious crimes had been closed. It said that the allegation that Mr Bellfield may have confessed to other crimes was based on information reported by The Times in January 2016, and on information provided by Surrey and Metropolitan Police at the same time. It said that the reporter contacted the Surrey police press office at that time, and asked specifically if Mr Bellfield had admitted to other murders; it said that he was told that Mr Bellfield had made a "number of admissions". It said that the reporter then contacted the Metropolitan Police who provided a statement saying that it was "liaising with a number of other UK police forces in relation to information which has been passed onto us regarding a number of criminal investigations".

5. The publication also highlighted a number of other articles which reported the "confessions", and said that as far the publication was aware, the information had gone unchallenged. It said that on this basis, the newspaper was satisfied that the information was accurate. It said that Mr Bellfield was not contacted prior to

publication as he was in prison at the time, and said that no attempt was made to contact Mr Bellfield's legal representative. Nonetheless, it said that it was happy to mark its internal content system with a message to make staff aware of the complaint, and to include the following clarification to the online article, and in the print edition:

We have since been contacted by the family of Levi Bellfield who have asked us to make clear that while Mr Bellfield was interviewed by police regarding other offences, he did not confess to any other crimes, nor subsequently deny them. We would like to clarify that the police statements on the matter said that all lines of enquiries regarding Mr Bellfield's involvement in additional crimes had been exhausted.

Relevant Code Provisions

6. Clause 1 (Accuracy)

   i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
   ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.

Findings of the Committee

7. The fact that there had been a further police investigation, in January 2016, into allegations that Mr Bellfield had been involved in further offending was not disputed by the complainant. The existence of that investigation had been confirmed, on the record, by the Metropolitan Police, as had the fact that the investigation had subsequently been closed – a decision which formed the basis of the article under complaint.

8. In reporting that this investigation had resulted in Mr Bellfield having "confessed" to other murders, the newspaper had relied on the fact that this claim had been widely reported in January 2016, without challenge. Those earlier reports had attributed the claim to sources within the police, and newspaper explained that it had been told by Surrey police – having asked specifically if Mr Bellfield had "confessed" to other murders – that he had made a "number of admissions".

9. The newspaper had not, in publishing the article under complaint, taken any additional steps to verify the accuracy of the claim that Mr Bellfield had "confessed". Nonetheless, given that the allegation was a significant one, which had been widely reported, the Committee concluded that the newspaper was, in these particular circumstances, able to take account of the absence of any challenge by Mr Bellfield or his family to the accuracy of the earlier reports in taking the care required under Clause 1.

10. In coming to this view, the Committee acknowledged the difficulties faced by the newspaper in seeking additional information which could corroborate the

"confessions", given the nature of the police investigation and the fact that Mr Bellfield is in custody.

11. The Committee was therefore satisfied that, in republishing the claim, the newspaper had taken a reasonable level care over the accuracy of the material published, such that there was no breach of Clause 1 (i).

12. The Committee was not in a position to reach a finding as to whether or not Mr Bellfield had made any confession or admission in his interviews with police. In the circumstances, and in the absence of a breach of Clause 1 (i), it did not consider that a correction was required under Clause 1 (ii). Nonetheless, it welcomed the newspaper's offer to put the complainant's denial on record. It trusted that this would now be published, and that the newspaper would have regard for the fact that the complainant had now denied making any confession, when considering future coverage. The Committee noted that its decision on this complaint related to circumstances in which the newspaper had been unaware of the complainant's denial.

13. The article did not suggest that Mr Bellfield was guilty of further offending, and the allegation that Mr Bellfield had "lied…to hurt families" was clearly presented as conjecture on the part of a retired police officer, who was not involved in the further investigation. There was no breach of Clause 1.

Conclusions

14. The complaint was not upheld.

Remedial Action Required

N/A

Decision of the Complaints Committee
13430-16 Turner v Daily Mirror

Summary of Complaint

1. Richard Turner, on behalf of Levi Bellfield (now known as Yusuf Rahim), complained to the Independent Press Standards Organisation that the Daily Mirror breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Bellfield lied about other murders to hurt families", published in print on 11 November 2016, and "Serial killer Levi Bellfield may have lied about other murders to hurt victims' families", published online on 10 November 2016.

2. The article reported that Mr Bellfield was "feared to have lied about having other victims simply to hurt families grieving over unsolved cases". It reported the comments of a retired detective who had helped put Mr Bellfield in prison who said "he likes this kind of attention, and to inflict pain on other people". It said that last year Mr Bellfield told police "he was guilty of other crimes he was never charged with, then withdrew the claims". It reported a statement from the police saying that there was no evidence to link him to any case for which he had not already been convicted.

3. The online article additionally reported that "the 'confessions' came to light as Surrey Police interviewed Bellfield at Wakefield Prison over fears an accomplice assisted him in the abduction of Milly in 2002".

4. The complainant said that Mr Bellfield had never confessed to other murders; he said that the police assumed that he may have been responsible for other unsolved murders, and began a number of investigations. He said that the reason why this claim had not been previously challenged by Mr Bellfield was because the initial report about the "confessions" went unnoticed by the family, who were under a lot of strain in relation to other publicity relating to Mr Bellfield. He provided press releases from the Metropolitan Police on the "alleged involvement of Levi Bellfield" in a number of serious crimes; however, he said that none of these press releases said that Mr Bellfield had confessed to these crimes.

5. The publication said that the article was primarily based on a press release from the Metropolitan Police which said that investigations into Mr Bellfield's involvement in other serious crimes had been closed. It said that the allegation that Mr Bellfield may have confessed to other crimes was based on information reported by The Times in January 2016, and on information provided by Surrey and Metropolitan Police at the same time. It said that the reporter contacted the Surrey police press office at that time, and asked specifically if Mr Bellfield had admitted to other murders; it said that he was told that Mr Bellfield had made a "number of admissions". It said that the reporter then contacted the Metropolitan Police who provided a statement saying that it was "liaising with a number of other UK police forces in relation to information which has been passed onto us regarding a number of criminal investigations".

6. The publication also highlighted a number of other articles which reported the "confessions", and said that as far the publication was aware, the information had gone unchallenged. It said that on this basis, the newspaper was satisfied that the information was accurate. It said that Mr Bellfield was not contacted prior to

publication as he was in prison at the time, and said that no attempt was made to contact Mr Bellfield's legal representative. Nonetheless, it said that it was happy to mark its internal content system with a message to make staff aware of the complaint, and to include the following clarification to the online article, and in the print edition:

We have since been contacted by the family of Levi Bellfield who have asked us to make clear that while Mr Bellfield was interviewed by police regarding other offences, he did not confess to any other crimes, nor subsequently deny them. We would like to clarify that the police statements on the matter said that all lines of enquiries regarding Mr Bellfield's involvement in additional crimes had been exhausted.

Relevant Code Provisions

7. Clause 1 (Accuracy)
   i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
   ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.

Findings of the Committee

8. The fact that there had been a further police investigation, in January 2016, into allegations that Mr Bellfield had been involved in further offending was not disputed by the complainant. The existence of that investigation had been confirmed, on the record, by the Metropolitan Police, as had the fact that the investigation had subsequently been closed – a decision which formed the basis of the article under complaint.

9. In reporting that this investigation had resulted in Mr Bellfield having "confessed" to other murders, the newspaper had relied on the fact that this claim had been widely reported in January 2016, without challenge. Those earlier reports had attributed the claim to sources within the police, and newspaper explained that it had been told by Surrey police – having asked specifically if Mr Bellfield had "confessed" to other murders – that he had made a "number of admissions".

10. The newspaper had not, in publishing the article under complaint, taken any additional steps to verify the accuracy of the claim that Mr Bellfield had "confessed". Nonetheless, given that the allegation was a significant one, which had been widely reported, the Committee concluded that the newspaper was, in these particular circumstances, able to take account of the absence of any challenge by Mr Bellfield or his family to the accuracy of the earlier reports in taking the care required under Clause 1.

11. In coming to this view, the Committee acknowledged the difficulties faced by the newspaper in seeking additional information which could corroborate the "confessions", given the nature of the police investigation and the fact that Mr Bellfield is in custody.

12. The Committee was therefore satisfied that, in republishing the claim, the newspaper had taken a reasonable level care over the accuracy of the material published, such that there was no breach of Clause 1 (i).

13. The Committee was not in a position to reach a finding as to whether or not Mr Bellfield had made any confession or admission in his interviews with police. In the circumstances, and in the absence of a breach of Clause 1 (i), it did not consider that a correction was required under Clause 1 (ii). Nonetheless, it welcomed the newspaper's offer to put the complainant's denial on record. It trusted that this would now be published, and that the newspaper would have regard for the fact that the complainant had now denied making any confession, when considering future coverage. The Committee noted that its decision on this complaint related to circumstances in which the newspaper had been unaware of the complainant's denial.

14. The article did not suggest that Mr Bellfield was guilty of further offending, and the allegation that Mr Bellfield had "lied…to hurt families" was clearly presented as conjecture on the part of a retired police officer, who was not involved in the further investigation. There was no breach of Clause 1.

Conclusions

15. The complaint was not upheld.

Remedial Action Required

N/A

Appendix C

Decision of the Complaints Committee
13427-16 Turner v sun.co.uk

Summary of Complaint

1. Richard Turner, on behalf of Levi Bellfield (now known as Yusuf Rahim), complained to the Independent Press Standards Organisation that thesun.co.uk breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "SERIAL KILLER'S SICK LIES: Levi Bellfield may have lied about other murders to put tortured families through more misery says cop", published online on 10 November 2016.

2. The article said that after a two-year investigation into Levi Bellfield's "supposed confessions" to other murders, the police had found no evidence to back them up. It reported the comments of a retired detective who had helped put Mr Bellfield in prison who said "he likes this kind of attention, and to inflict pain on other people". It said that Bellfield "told police in early 2015 that he was guilty of other attacks", but had then retracted his statement. It said that the latest investigation "centred around his confession that he was guilty of other attacks", and reported a statement from police saying that there was no evidence to link him to any case for which he had not already been convicted. This article followed other reporting of the case, including that in the Daily Mirror which has separately been the subject of a ruling by IPSO's Complaints Committee following a complaint from Mr Turner.

3. The complainant said that Mr Bellfield had never confessed to other murders. He said that the police assumed that he might be responsible for other unsolved murders, and began a number of investigations. He said that the reason why this claim had not been challenged by Mr Bellfield when first published in early 2016 was because the initial report about the "confessions" went unnoticed by the family, who were under a lot of strain in relation to other publicity concerning Mr Bellfield. He provided press releases from the Metropolitan Police which referred to the "alleged involvement of Levi Bellfield" in a number of serious crimes; however, he said that none of these press releases said that Mr Bellfield had confessed to these crimes.

4. The publication said that its story was based on comments made by a retired police officer, reported in the Daily Mirror, who believed that the police investigation had been sparked by alleged confessions from Mr Bellfield that were later withdrawn. It said that the article had used the words "may have lied", and referred to "supposed" confessions. It said that The Times newspaper had reported in January 2016 that Mr Bellfield had confessed to other murders to the police, and had reported a source saying that "he was singing like a canary". It said that while the source of the story was unclear from this distance in time, journalists were of the belief that confessions from Mr Bellfield had led to the investigations. It said this "confession" had been reported in a number of different articles since, and had remained unchallenged.

5. The publication accepted that no official statements from police had used the word "confessions"; however, it cited an article from The Independent in January 2016 which reported that the term was not used because the police did not want to inflict further torment on the families of victims. In any event, it said that the complainant had no way of knowing for certain whether his brother did or did not "confess" to the murders, but said it was clear that the police would not have spent 10 months investigating these matters if they did not have a strong suspicion that he was involved. It said that it did not try to verify the claims that Mr Bellfield confessed to other murders, and had not considered it necessary to contact Mr Bellfield in prison before publication, or contact his representatives, about the "confessions", because his word could not be relied upon. Nonetheless, it offered to remove the original story from its website, put a warning on Mr Bellfield's name in connection to "confessions to further murders", and to publish the following footnote to a previous story:

   On another story about Levi Bellfield, we stated that he confessed to police about further murders. We have been informed by his family that he denies ever having confessed to further murders.

Relevant Code Provisions

6. Clause 1 (Accuracy)
   i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
   ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.

Findings of the Committee

7. The fact that there had been a further police investigation, in January 2016, into allegations that Mr Bellfield had been involved in further offending was not disputed by the complainant. The existence of that investigation had been confirmed, on the record, by the Metropolitan Police, as had the fact that the investigation had subsequently been closed. These facts had already been the subject of reports in other publications.

8. In reporting that this investigation had resulted in Mr Bellfield having "confessed" to other murders, the newspaper had relied on the fact that this claim had been widely reported in January 2016, without challenge, and had been repeated by other publishers in reporting that the police investigation had been closed.

9. The newspaper had not, in publishing the article under complaint, taken any additional steps to verify the accuracy of the claim that Mr Bellfield had "confessed". Nonetheless, given that the allegation was a significant one, which had been widely reported, the Committee concluded that the newspaper was, in these particular circumstances, able to take account of the absence of any challenge by Mr Bellfield or his family to the accuracy of the earlier reports in taking the care required under Clause 1.

10. In coming to this view, the Committee acknowledged the difficulties which would have been faced by the newspaper in seeking additional information which could corroborate the "confessions", given the nature of the police investigation and the fact that Mr Bellfield is in custody.

11. The Committee was therefore satisfied that, in republishing the claim, the newspaper had taken a reasonable level care over the accuracy of the material published, such that there was no breach of Clause 1 (i).

12. The Committee was not in a position to reach a finding as to whether or not Mr Bellfield had made any confession or admission in his interviews with police. In the circumstances, and in the absence of a breach of Clause 1 (i), it did not consider that a correction was required under Clause 1 (ii). Nonetheless, it welcomed the newspaper's offer to put the complainant's denial on record. It trusted that this would now be published, and that the newspaper would have regard for the fact that the complainant had now denied making any confession, when considering future coverage. The Committee noted that its decision on this complaint related to circumstances in which the newspaper had been unaware of the complainant's denial.

13. The article did not suggest that Mr Bellfield was guilty of further offending, and the allegation that Mr Bellfield had "lied…to hurt families" was clearly presented as conjecture on the part of a retired police officer, who was not involved in the further investigation. There was no breach of Clause 1.

Conclusions

14. The complaint was not upheld.

Remedial Action Required

N/A

Appendix D

Decision of the Complaints Committee
14261-16 Rooney v The Daily Mail

Summary of complaint

1. Wayne Rooney complained to the Independent Press Standards Organisation that the Daily Mail breached Clause 6 (Children) of the Editors' Code of Practice in an article headlined "Rooney's lad, 7, trains with City!", published on 16 December 2016. The article was also published online with the headline "Manchester United captain Wayne Rooney is taking son Kai, age seven, for training sessions with neighbours Manchester City!".

2. The complainant is, as is well known, a professional footballer who currently plays for and captains the Manchester United football team. The article reported that Kai Rooney, the complainant's seven-year-old son, had attended training with the Manchester City Football Academy, having previously attended Manchester United's development team. It said the complainant had watched training drills at the academy and that the child is "thought to have impressed the coaching staff". It reported that a football coach had told the newspaper that "if a young boy is showing signs of exceptional talent, he may play for two or three clubs during this stage of his development". It reported that the rivalry between the two clubs has become "increasingly fierce in recent years as they compete to attract the best young talent". It said that there had been major restructuring of Manchester United's youth system and scouting network.

3. The complainant said that publication of the fact Kai had attended the Manchester City Academy was an unwarranted intrusion into his son's privacy. He said that while he and his wife choose to publish photographs of their children, like millions of other parents, these were photographs that they judged to have been taken and shared in a loving context; these judgments should be taken by a child's parents, not newspapers. The publication of information relating to his son's attendance at the training academy created a risk of bullying at school, and placed the child under needless additional pressure in relation to his involvement in a highly competitive sporting arena. He said that it had resulted in increased attention from paparazzi, including photographers waiting outside of both Manchester United and Manchester City academies. It also raised potential child protection issues.

4. His son's presence at the academy would have been observed by a few dozen other parents and coaching staff, this could not be equated with the wide publication of this information in the article under complaint. The complainant said that prior to publication, his representatives clearly set out his position that publication of the story would be intrusive, and unwarranted.

5. The complainant said that the football training was effectively part of his son's schooling. As such, when the Code was taken in the full spirit, it was protected

under the terms of Clause 6 (i). The complainant said that Clause 6 (v) of the Code specifically prevented the publication from justifying the intrusion into a child's privacy on the basis of his own father's fame. The complainant was concerned that following publication of the article on 16 December, the newspaper published an opinion piece the following day headlined "Why Wayne's right to take his son to City". The complainant said that while the article appeared to be generally supportive of his decision, its publication only served to exacerbate the intrusion caused by the article under complaint.

6. The newspaper denied that the article had revealed any details of this child's private life, or involved his welfare. It said that the article simply reported the fact that the child attended the Manchester City Academy. It noted that it had previously been widely reported that the child had attended training with Manchester United's academy, which had not led to a complaint of which it was aware, and that similar stories had been published in relation to the children of other football stars. The newspaper said that knowledge of the child's attendance at Manchester City would not have been limited to the parents of other children attending, or coaching staff; it would be naïve to presume that other attendees or their parents would not have mentioned this to others. The newspaper said it did not reveal any intrusive details of Kai's private life, or details which involved his welfare. It denied that football training formed part of Kai's schooling, such as to engage the terms of Clause 6 (i).

7. The newspaper said that in considering whether the article was intrusive, account should be taken of the complainant's and his wife's own extensive public disclosures of information about their son. It said that this included social media activity, including tweets and Instagram posts shared with a very large number of followers. It said that the complainant has 9.1 million Instagram followers and 14.1 million Twitter followers. It said that his wife has 475,000 Instagram followers and 1.24 million Twitter followers. It provided examples of this social media activity, which included images of him wearing Manchester United kit, and an image of him attending his first day of school. It said that the complainant's wife had spoken on the record about her son's interest and ambition in football. It said that Kai had signed autographs for fans, and regularly appears as a mascot before games. The newspaper said that the effect of these disclosures was that Kai had his own public profile.

8. The newspaper said that the efforts of football clubs to develop local talent was a topic of controversy. It said that Manchester United's youth policy has been eclipsed by that of its closest rival, Manchester City. It was therefore in the public interest to report that the biggest Manchester United star had enrolled his son into the Manchester City's Academy.

9. The complainant said that the Editors' Code requires an exceptional public interest to override the interests of children under 16. It said that while the story may have been of interest to some members of the public, the newspaper had failed to demonstrate that publication of Kai's attendance at the Manchester City Academy had met this threshold. The complainant said that it is the role of parents, not

newspapers, to judge what information to disclose about their children. In any event, he noted that neither he nor his wife had made any specific comments about Kai's football training with academies; nor had anyone representing him played any part in the placement, promotion, or publication of stories about his training.

Relevant Code provisions

10. Clause 6 (Children)*

i) All pupils should be free to complete their time at school without unnecessary intrusion.

ii) They must not be approached or photographed at school without permission of the school authorities.

iii) Children under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.

iv) Children under 16 must not be paid for material involving their welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.

v) Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.

The Public Interest

There may be exceptions to the clauses marked * where they can be demonstrated to be in the public interest.

The public interest includes, but is not confined to:

- 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.
- Disclosing concealment, or likely concealment, of any of the above.
- There is a public interest in freedom of expression itself.
- The regulator will consider the extent to which material is already in the public domain or will or will become so.
- Editors invoking the public interest will need to demonstrate that they reasonably believed publication - or journalistic activity taken with a view to publication – would both serve, and be proportionate to, the public interest and explain how they reached that decision at the time.
- An exceptional public interest would need to be demonstrated to over-ride the normally paramount interests of children under 16.

Findings of the Committee

11. Regardless of the decision by the complainant and his wife to disclose certain information about their son to the public, they retained their rights, as his parents, to choose not to disclose certain other pieces of information about him. However, the large amount of information about Kai in the public domain formed part of the context in which the Committee assessed the effect of the newspaper's disclosures.

12. Publication of information about a child may disrupt the child's time at school, even where the information itself does not relate to the child's schooling. The Committee took very seriously the complainant's concern that publication of this information created the risk that Kai would be bullied at school, and that it had resulted in increased attention from paparazzi photographers; these issues clearly engaged the terms of Clause 6 (i).
13. The Committee considered, therefore, whether the publication of the article posed an unnecessary intrusion into the complainant's son's time at school. In doing so, the Committee considered specifically whether the alleged intrusion arose out of a failure, on the part of the newspaper, to show appropriate respect for Kai's private and school life.

14. The Committee noted the limited detail which was published: the article reported simply that Kai had attended Manchester City Academy. The minimal further comment was complimentary and focused on his perceived ability as a young player rather than any aspect of his personal development. It appeared to pre-empt potential criticism of Kai by explaining that it was not unusual for a young player to attend a number of academies.

15. The article did not contain further details or speculation in relation to other aspects of Kai's life. In addition, the article did not seek to use Kai's attendance as a criticism of his father or otherwise seek to embarrass the child or the family.

16. The Committee noted that amongst the information established in the public domain about the child, with the complainant's consent, was a large quantity of information that connected Kai to his father's career and specifically to Manchester United, including his involvement as a mascot for the club. The complainant's wife had also discussed the child's interest in football, albeit in very general terms. In the circumstances, the Committee did not consider that the child had a reasonable expectation of privacy in relation to the bare fact of his attendance at the academy, and it did not find that the publication of this information constituted an intrusion into his time at school, such as to raise a breach of Clause 6.

17. The Committee considered next the further complaint that the publication had used the complainant's fame as sole justification for publishing details of a child's private life. In the full circumstances, the Committee did not consider that this piece of information constituted a detail of the child's private life. As such, there was no breach of the Code on this point.

18. As it had found no breach of Clause 6, the Committee was not required to consider formally the publication's argument in relation to the public interest in favour of publication. Nevertheless, it took the opportunity to note that any public interest in the story fell far short of the standard required to the justify a breach of a child's privacy.

Conclusions

19. The complaint was not upheld

Remedial Action Required

20. N/A

Appendix E

Decision of the Complaints Committee
09074-16 Highland Council v Express.co.uk

Summary of complaint

21. Highland Council complained to the Independent Press Standards Organisation that Express.co.uk breached Clause 1 (Accuracy) of the Editors' Code of Practice in relation to an article headlined "Sturgeon's flagship 'Named Person' scheme savaged by dad kept from sick baby", published on 17 August 2016.

22. The first paragraph of the article reported that "a pilot scheme for Nicola Sturgeon's heralded 'named persons' scheme repeatedly broke the law, keeping a father from his new-born and even allowing her name to be changed without his permission". The named person scheme is a system where a "named person" is appointed to monitor the welfare of a child. The article reported that an individual, named in the article, who was no longer in a relationship with his child's mother, had been "pleading with [the council's] Director of Health and Social Care…for access to information and case notes on his daughter's well-being for weeks". It reported that he had "since discovered through a subject data access request that his four-month-old daughter has been airlifted to hospital and had her name changed on case notes, which is in breach of the law".

23. The article also reported that the council's Director of Health and Social Care "has not only refused to help but has admitted there is [sic] too many managers after the child was given five different Named Persons in just four months". It said that in an email to the father, the Director of Health and Social Care had said: "there are enough people involved just now I suggest, without adding another manager like myself", and reported the father's comment that "my baby daughter is just four months old and yet I have had five separate people involved in her case". It also reported that the father had been "refused his basic rights despite his name being on the birth certificate". The article contained a series of comments from the father, criticising the complainant for its management of his case. It also reported that "Highland Council has not responded to requests for comment".

24. The complainant said that the article did not identify the legislation alleged to have been breached, but that it was satisfied that the named person scheme had been administered appropriately, and denied that it had "kept a father from his newborn". The complainant said that it had no role in private and civil matters between the mother and father of the child concerned, and it had no power or role in assigning a name to the child. It had not, and had not purported to "change" the child's name, and the use of the name preferred by the mother in official records did not amount to this. It said that it was inaccurate to report that the child's social work records had been changed, as there were no such records. The use of the name preferred by the child's mother in the health visitor notes was not "in breach of the law".

25. The complainant denied that the Director of Health and Social Care had "refused to help" the father. It said that the Director had said to the father that he was already engaged with two of his senior colleagues, and intimated that he did not need his assistance as well. It denied that the Director's comments represented an admission that there were too many managers. The complainant said that it was inaccurate to claim that the child in question has been given five different Named Persons in just four months; the child had the same health visitor throughout the period. When that health visitor was on leave, another health visitor visited the child and mother to ensure continued support. The complainant denied that the named person scheme had kept the father from his child. The complainant said that the father had a right to health visitor records, which it held, but that the complainant also appeared to have difficulty in obtaining information from other agencies in relation to medical information for which it was not responsible. It said that the father first requested the health visitor records on 27 June, along with a request for other information. He then made a subject access request specifically for these notes, which was received on 11 July. In compliance with the 26 August deadline under Data Protection legislation, the health visitor notes were supplied to the father on 11 August.

26. The complainant said it was inaccurate to report that it had not responded to requests for comment. It had responded by saying that it was aware of the father's requests, which were receiving attention, but that it would not be appropriate to offer any further comment at this time.

27. The complainant initially wrote to the publication's Scottish office on 23 August to complain about the article. It wrote a further letter on 9 September to the London office to chase for a response. It said it was concerned that it only received an acknowledgement of the complaint on 15 September, and a response to the complaint on 27 September, and that the onus had been placed on the complainant to identify the appropriate destination for the complaint.

28. The publication said that both parents with parental responsibility, as defined by the Children (Scotland) Act 1995, must consent to a change in the surname of a child. It said that the complainant had acted illegally by changing the child's name on official documents, constructed for the purpose of care teams to conduct their statutory duty, without the permission of the child's father, who had parental responsibility. It provided a copy of an internal email from the complainant's solicitor, in which she stated that "my advice is that you should use the name on the birth certificate for statutory purposes and otherwise if parents with [parental responsibilities and rights] wish the child to be known by a different name and the child is too young to express a view then we should try to accommodate the wishes of the parents. If they can't agree you are best using the name on the birth certificate for all purposes unless there is a child protection or child welfare concern which indicates otherwise". The publication also provided the Council's minutes of a meeting between the father and the council, which stated that "the legal stance is that the Legal name should be used. This will be changed on [the child's] file".

29. The publication said that the assistance the council's Director of Health and Social Care had given the father was a matter of interpretation. It said that the father had contacted the Director of Health and Social Care asking for access to information, and raising concerns about the number of people within the council responsible for his daughter's case, and her medical treatment. It said that in his response, the Director said that "there are enough people involved just now I suggest, without adding another manager like myself", which was the basis for the article's claim that the complainant had admitted "there were too many managers".

30. The publication said that prior to publication, it had spoken to the father, who provided significant documentation. It had then contacted the complainant, to request its comments on the claim that it was failing to help the father access information about his daughter. The publication's email specifically requested the complainant's comments on the email from the Director of Health and Social Care to the father. The publication said that at a later date, the father had sent an email to the Director, asking why his daughter's name had been changed on official documentation. It provided an email from the Director, forwarding this email to colleagues at the council, in which the Director stated "a further email, for info. I am not going to respond further".

Relevant Code provisions

31. Clause 1 (Accuracy)

i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.

ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.

iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.

iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

Findings of the Committee

32. In reporting the father's grievances about the complainant's actions in relation to his child, the publication had made a number of very serious claims about the complainant's interaction with the father, including that it had acted illegally, that it had kept the father from his child, and that it had admitted that there were "too many managers" involved in addressing his concerns. The Committee considered carefully whether the publication had taken appropriate care in presenting these allegations.

33. The article alleged that the complainant had "repeatedly broke the law" by changing the child's name on the health visitor records. However, the publication did not suggest that the complainant had sought to effect a change in the name

of the child. Rather, the dispute was over which name should be used on health visitor records. The statutory guidance provided by the publication on the procedure for legally changing a child's name was therefore not relevant. The complainant's legal adviser had advised that the name on the child's birth certificate be used, but the advice did not say it was unlawful to do otherwise. The publication provided no basis for suggesting that the complainant had acted illegally in using the mother's preferred name on the health visitor records. The publication had not asked the council to respond to this allegation, and did not demonstrate it had otherwise taken sufficient care over the accuracy of this claim. The complaint was upheld as a breach of Clause 1 (i). The claim that the council had acted illegally was a serious allegation, and was significant, in the context of the article. The publication had not offered to correct this significant inaccuracy, and the complaint was therefore upheld as a breach of Clause 1 (ii).

The basis for the claim that the Director of Health and Social care had "admitted there is [sic] too many managers", was that in response to a request for assistance from the father, the Director of Health and Social Care had said that "there are enough people involved just now I suggest, without adding another manager like myself". The Committee considered that this did not constitute an admission that there were "too many managers". Indeed, the Director had explicitly recognised the need not to involve "too many managers". The article was significantly inaccurate on this point, and representing a further breach of Clause 1 (i) and Clause 1 (ii). The Committee recognised that the father had been in communication with a number of people at the council. However, this did not provide a basis for the article's assertion that the child had been given "five different Named Persons in just four months". Where the article criticised the council in its operation of the 'Named Person' scheme, this claim was significantly inaccurate, representing a further breach of Clause 1 (i) and Clause 1 (ii).

34. The Committee acknowledged that the father was concerned that he had difficulty in obtaining information about his daughter via the named person's scheme, operated by the complainant. However, the headline of the article claimed that the father had been "kept from [his] sick baby", and the sub-headline of the article claimed that the complainant had been "keeping a father from his newborn". These claims suggested that the complainant had acted to prevent the father from seeing or attending to his child, which significantly misrepresented the substance of the father's complaint against the complainant, as reported in the article. The headline and sub-headline of the article were significantly misleading in this respect, representing a further breach of Clause 1 (i) and Clause 1 (ii).

35. Before publication of the article, the publication had written to the complainant to request its comments on the allegation that the council was "refusing…to help [the father]", and the father's allegation that "he's been fobbed off by a succession of staff", and had specifically referred to the Director's statement that "there are enough people involved just now". The complainant provided a short statement in response, in which it stated that it was "aware of [the father's] requests and these are receiving attention". The Committee recognised that the complainant's

response was limited in nature, but it had not failed to respond to the publication's requests for comment. Having set out a number of serious allegations about the complainant, it was significantly misleading for the article to claim that council had not responded to the publication's enquiries. This was a further significant inaccuracy, and failure to take care over the accuracy of the article in breach of Clause 1 (i) and Clause 1 (ii).

36. The Committee acknowledged the complainant's position that the Director of Health and Social Care had corresponded with the father, and that his colleagues were in the process of assisting him. However, the Director had told the father that "there are enough people in involved just now I suggest, without adding another manager like myself". In addition, when he had received another email from the father, he had passed this on to colleagues with the note: "a further email, for info. I am not going to respond further". In these circumstances, it was not significantly misleading to report the father's complaint that the Director had "refused to help".

37. In addition to the breach of Clause 1 (Accuracy), the Committee was concerned at the way the publication had responded to this complaint. The pre-amble to the Code makes clear that editors must maintain in-house procedures to resolve complaints swiftly. The Committee was very concerned it had taken a month for the publication to reply to the initial complaint. This was an unacceptable delay.

Conclusions

38. The complaint was upheld.

Remedial Action Required

39. The Committee determined that the article contained a number of significant inaccuracies, which represented serious claims about the complainant's interactions with the father of a young child. The newspaper did not demonstrate it had taken sufficient care over the accuracy of these claims, in breach of Clause 1 (i). Having failed to respond promptly to the complaint it received directly from the complainant, the publication also failed to offer any correction to these claims during the IPSO complaints process, in breach of Clause 1 (ii). Given the seriousness of the breach of Clause 1, the Committee considered that the appropriate remedy in this case was the publication of the Committee's adjudication.

40. The adjudication should be published on the publication's website, with a link to it (including the headline) being published on the homepage for 24 hours. It should then be archived in the usual way. The headline of the adjudication must refer to the name of the publication, make clear that IPSO has upheld the complaint, and refer to its subject matter; it must be agreed in advance. If the publication intends to continue to publish the online article without amendment, the full text of the adjudication should also be published on that page, beneath the headline. If

amended, a link to the adjudication should be published with the article, explaining that it was the subject of an IPSO adjudication.

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

Following publication of an article on Express.co.uk on 17 August 2016, headlined "Sturgeon's flagship 'Named Person' scheme savaged by dad kept from sick baby", Highland Council complained to the Independent Press Standards Organisation that Express.co.uk breached Clause 1 (Accuracy) of the Editors' Code of Practice. The complaint was upheld, and IPSO required Express.co.uk to publish this adjudication.

The article reported that "a pilot scheme for Nicola Sturgeon's heralded 'named persons' scheme repeatedly broke the law, keeping a father from his new-born and even allowing her name to be changed without his permission". It reported that he had "since discovered through a subject data access request that his four month-old daughter…had her name changed on case notes, which is in breach of the law". The article also reported that the council's Director of Health and Social Care "has not only refused to help but has admitted there is too many managers after the child was given five different Named Persons in just four months". The article claimed that the complainant had not responded to requests for comment.
The complainant said that the use of the name preferred by the child's mother in the health visitor notes was not "in breach of the law". It denied that the Director of Health and Social Care had admitted that there were too many managers. It denied that the child was "given five different Named Persons in just four months". The complainant said that it had responded to the publication's request for comments, contrary to what was claimed in the article. The complainant said it was satisfied that the named person scheme had been administered appropriately.

The publication said that both parents with parental responsibility must consent to a change in the surname of a child, and maintained that the complainant had acted illegally by changing the child's name on official documents. However, the publication did not suggest that the complainant had sought to effect a change in the name of the child. Rather, the dispute was over which name should be used on health visitor records. The publication said that the Director of Health and Social Care at the council had told the father that "there are enough people involved just now I suggest, without adding another manager like myself". It explained that this was the basis for the article's claim that the complainant had admitted "there were too many managers".

In response to the complaint, the publication provided no basis for the serious allegation that the complainant had acted illegally in using the mother's preferred name on the health visitor records. The publication had not asked the council to respond to this allegation, and did not demonstrate that it had otherwise taken sufficient care over the accuracy of this serious allegation, in breach of Clause 1 (i). The article was significantly inaccurate on this point, and the publication had not offered to publish a correction, in breach of Clause 1 (ii).

The Director of Health and Social Care had not made an admission that there were "too many managers", nor was there a basis for the article's claim that the child concerned had been given "five named person in just four months". Both these claims were significantly misleading, and the publication had failed to offer appropriate corrections, representing further breaches of Clause 1 (i) and Clause 1 (ii).

The Committee acknowledged that the father was concerned that he had difficulty in obtaining information about his daughter via the named person's scheme, operated by the complainant. However, the claims that the father had been "kept from [his] sick baby", suggested that the complainant had acted to prevent the father from seeing or attending to his child, which significantly misrepresented the substance of the father's complaint against the complainant. This represented a further breach of Clause 1 (i) and Clause 1 (ii).

The complainant's response to the publication's enquiries prior to publication was limited in nature. However, it had not failed to respond to the publication's requests for comment. Having set out a number of serious allegations about the complainant, it was significantly misleading for the article to claim that council had not responded to the publication's enquiries. This was a further significant inaccuracy, and failure to take care over the accuracy of the article in breach of Clause 1 (i) and Clause 1 (ii).

In addition to the breach of Clause 1 (Accuracy), the Committee was concerned at the way the publication had responded to this complaint. The Editors' Code makes clear that editors must maintain in-house procedures to resolve complaints swiftly. The Committee was very concerned it had taken a month for the publication to reply to the initial complaint. This was an unacceptable delay.

Appendix F

Once the ruling on the complaint Miller v Mail Online is finalized, a copy will appear here

Appendix G

Once the ruling on the complaint Miller v Daily Mail is finalized, a copy will appear here

Appendix H

Once the ruling on the complaint Miller v Daily Express is finalized, a copy will appear here

APPENDIX I

Complaints not adjudicated at a Complaints Committee Meeting

Paper No.	File Number	Name v Publication
921	00246-17	Note to Committee members – Versi v Mail Online
922		Request for review
923	13416-16	Versi v express.co.uk
924	14258-16	Tilbrook v Yorkshire Post
925	08796-16	Vafiadis v Bucks Free Press
926	00248-17	Note to Committee members – Versi v Mail Online
927		Request for review
928	14223-16	Various v Daily Record
929	13903-16	Versi v Mail Online
930	13904-16	Versi v Daily Express
931	13004-16	MacMaster v Daily Record
932	13226-16	MacMaster v The Scottish Sun
935	00141-17	Raftery v The Sentinel
938	00759-17	Note to Committee members – Singh-Gill v Daily Mail
939		Request for review
940		Third Party
944	13349-16	Various v Daily Express
947	13872-16	Versi v express.co.uk
948		Third Party
949		Request for review
951	14322-16	Goldsmith v Lincolnshire Echo
952	08925-16	Avacade Future Solutions v thesun.co.uk

954	01255-17	Deegan v Daily Mail
955		Request for review
956		Third Party