

MINUTES of the COMPLAINTS COMMITTEE MEETING
Wednesday 26 July 2017 at 10.30 am
Gate House, 1 Farringdon Street, London EC4M 7LG

Present: Sir Alan Moses, Chairman
Richard Best
Janette Harkess
Gill Hudson
David Jessel
Matthew Lohn
Neil Watts
Elisabeth Ribbans
Peter Wright
Nina Wrightson

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

Also present: Members of the Executive:

Niall Duffy
Vikki Julian
Madeline Palacz
Holly Pick
Lauren Sloan
Liam Tedds
Catherine Thomas
Abigail Tuitt
Charlotte Urwin
Hugo Wallis

Observers: Jonathan Grun, Editors' Code of Practice Committee

1. Apologies for Absence

Apologies were received from Jill May.

2. Declarations of Interest

Peter Wright declared an interest in items 6, 11 and 15. He left the meeting for these items. David Jessel declared an interest in item 11. He left the meeting for this item. Lara Fielden declared an interest in item 11. She left the room for this item. Matthew Lohn declared an interest in item 12. He left the room for this item.

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 28 June.

4. Update by the Chairman - oral

The Chairman informed the Committee that he had been re-appointed as Chair, for a further term up to the end of 2019. He also informed the Committee that the public consultation on how IPSO's regulations should apply to global digital content was now on the IPSO website.

He informed the Committee of the new changes to the structure: Bianca Strohmann is now sole Head of Complaints. Holly Pick and Hugo Wallis are now Senior Complaints Officers.

Finally the Chairman expressed his gratitude to Elisabeth Ribbans, Matthew Lohn, Nina Wrightson and Jilly May who would be leaving IPSO at the beginning of October.

5. Matters arising

There were no matters arising.

6. Complaint 12626-17 Gorman v Daily Star

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

7. Complaint 12774-17 / 12776-17 A Man v Daily Record/Paisley Daily Express

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

8. Complaint 12775-17 A Man v The Gazette

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

9. Complaint 16365-17 A Man v Evening Times

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

10. Complaint 01712-17 Mears Group PLC v The Times

The Committee discussed the complaint and ruled that the complaint should be upheld. Subsequently the Committee received further submissions from the parties, which were incorporated into its findings. A copy of its final ruling appears in **Appendix E**.

11. Complaint 01701-17 Hill v The Mail on Sunday

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

12. Complaint 01557-17 HIA Historical Institutional Abuse Inquiry v The Belfast Telegraph

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

13. Draft Guidance - Reporting of deaths and inquest

The initial draft guidance was discussed and it was agreed that Committee Members' comments would be incorporated into a new draft for further consideration.

14. Complaints not adjudicated at a Complaints Committee meeting

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

15. Any other business

a. Complaint 16342-17 Malone v Mail Online

The Committee discussed the matter, and agreed that, as the complaint relates to an article about an event in an overseas jurisdiction, and which was not primarily targeted at a UK audience, it should exercise its discretion not to consider the complaint further.

b. Complaint 07875-17 Finlay v Strathearn Herald

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

16. Date of Next Meeting

The date of the next meeting was confirmed as Wednesday 4th October 2017.

The meeting ended at 1.25pm

Michelle Kuhler
PA to Chairman & CEO

APPENDIX A

Decision of the Complaints Committee 12629-17 Gorman v Daily Star

Summary of Complaint

1. Pauline Gorman complained to the Independent Press Standards Organisation that the Daily Star breached Clause 1 (Accuracy), Clause 2 (Privacy), Clause 4 (Intrusion into grief or shock) and Clause 6 (Children) of the Editors' Code of Practice in an article headlined "SLAUGHTER OF THE INNOCENTS", published on 24 May 2017.
2. On its front page, the newspaper had published a number of photographs of individuals who had died, or were missing, following the terror attack which took place at a pop concert in the Manchester Arena on 22 May 2017. One of the photographs was of the complainant's daughter, accompanied with the caption: "MISSING: Lucy Cross". The photograph and the caption were also published on page 4, in an article which reported on the attack.
3. The complainant said that her 13 year old daughter was not missing: her daughter, who is not called Lucy Cross, had been at home at the time of the attack. The publication of her daughter's photograph alongside individuals who were missing or dead had been traumatic and had intruded into her daughter's private and family life, as well as her time at school.
4. The newspaper said that when notified of the inaccuracy by the complainant, it had immediately offered a prominent apology: the following day, 25 May, it had published a front-page reference, in a box, to an apology on page 2, as follows:

In yesterday's edition we published a picture of Lucy Cross on the front page and page 4 and we referred to her as missing in the Manchester attack. Unfortunately we got the picture and information wrong. The picture was of [the complainant's daughter] whose details were appropriated and used to make a fake social media account. [She] was not at Manchester Arena at the time of the attack and was not missing. We apologise to [her] and her family for the upset and distress we have caused.
5. The newspaper said that the article had been published in exceptional circumstances, in the aftermath of a terror attack involving numerous children. At the time of publication, there was no consideration of the Code issues at editorial level because the story had been filed by a freelance agency, with whom it had a longstanding and trusted relationship. The agency had obtained the story after a Twitter account named "@_maddisonallen" had posted a photograph of the complainant's daughter and had falsely claimed that her name was "Lucy Hannah Cross" and that she was missing following the attack. The newspaper said that at the time of publication, it had no reason to believe that the information was false.
6. The newspaper said that it was a matter of significant regret that the article's publication had caused distress to the complainant's daughter and her family. It said that had the information been accurate and not part of a hoax, then publication would have been justified in the public interest. The newspaper accepted, however, that it

had been misled by the contents of the Twitter account and that publication had been in breach of Clause 2 and Clause 6.

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.
- 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.

Clause 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.

Clause 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.

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.

Findings of the Committee

8. In the exceptional circumstances of reporting on the aftermath of a terror attack, the newspaper had relied upon information which it had obtained from a trusted agency. While there was no reason to doubt that the newspaper had acted in good faith, it was ultimately responsible for the inaccuracy. The Committee also considered the vital importance of taking sufficient care to ensure the accuracy of a claim that an individual had been caught up in an incident of this kind, which could have significant consequences for them and their family.
9. On receipt of this information, the newspaper had taken no further steps to establish the accuracy of the claims that had been circulated on the Twitter account. The newspaper did not, for example, attempt to contact the Twitter account holder or the family of the individual pictured. Given the fact that the story claimed that "Lucy Cross" was missing following a terror attack, and particularly where the photograph clearly showed a child, greater care should have been taken. This represented a failure to take over the accuracy of the article, in breach of Clause 1(i).
10. The article had contained a significant inaccuracy that required correction and, given its nature, apology. The Committee noted favourably that in the following day's edition, the newspaper had published a front-page reference to an apology on page 2. This had identified the inaccuracy and had been illustrated with the photograph of the complainant's daughter, to make readers aware of the correct position. The Committee was satisfied that the publication had met the requirements of Clause 1 (ii) by publishing a prompt and prominent apology. There was no further breach of Clause 1 in relation to the remedial action taken.
11. The Committee turned to consider the complaint under Clause 6 and Clause 2. Critical to the Committee's considerations was the fact that the breach of Clause 1(i), had resulted in the publication of material which had related to the welfare of a child. In publishing this material on its front page, without consent, alongside photographs of those who were missing or dead in the attack, the newspaper had published information which had intruded into the complainant's daughter's private life and into her time at school.
12. Newspapers play an important role in reporting on the aftermath of a terror attack and raising awareness of the real impact of such incidents on members of the public. However, the false information relating to the complainant's daughter clearly related to her welfare and intruded into her time at school and her privacy, and there could be no public interest in publishing this inaccurate information. The complaints under Clause 2 and Clause 6 were upheld.
13. The Committee acknowledged that the publication of her daughter's photograph had caused the complainant and her family significant upset. However, in circumstances where the complainant's daughter was not missing, this was not a case which involved the personal grief or shock of the complainant, or her daughter. The terms of Clause 4 were not engaged.

Conclusion

14. The complaint was upheld.

Remedial action required

15. Having upheld the complaint, the Committee considered what remedial action should be required.
16. The newspaper had promptly published a correction in print which identified the inaccuracy and made the correct position clear; it also had included an apology, which the Committee considered was appropriate in the circumstances. This action was sufficient to remedy the breach of Clause 1(i).
17. However, having upheld the complaint under Clause 2 and Clause 6, the Committee considered what further remedial action should be required. Given that the breach of Clause 1(i), had resulted in the publication of material which had related to the welfare of a child, in an article that identified individuals who were missing or dead following the attack, the Committee considered that the publication of an adjudication was an appropriate remedy.
18. The headline of the adjudication must make clear that IPSO has upheld the complaint, and refer to its subject matter; it must be agreed in advance. The photograph of the complainant's daughter had been published on its front page, as well as on page 4. However in considering the placement of the adjudication, the Committee had regard to the fact that the newspaper had already published a front page reference to an apology, identifying to its readers the correct position. As such, the adjudication should appear on page 4 or further forward.
19. The terms of the adjudication for publication are as follows:

Following an article published in the Daily Star on 24 May 2017, headlined "SLAUGHTER OF THE INNOCENTS", Pauline Gorman complained to the Independent Press Standards Organisation that the Daily Star breached Clause 2 (Privacy) and Clause 6 (Children) of the Editors' Code of Practice. IPSO upheld the complaint and has required the Daily Star to publish this decision as a remedy to the breach.

On its front page, the newspaper had published a number of photographs of individuals who had died, or were missing, following the terror attack which took place at a pop concert in the Manchester Arena on 22 May 2017. One of the photographs was of the complainant's daughter, accompanied with the caption: "MISSING: Lucy Cross".

The complainant said that her 13 year old daughter was not missing: her daughter, who is not called Lucy Cross, had been at home at the time of the attack. The publication of her daughter's photograph in this context had intruded into her daughter's private and family life, as well as her time at school.

The day after publication, the newspaper had published a front-page reference to a page 2 apology for the inaccuracy. It said that it had obtained the story from an agency, which had been misled by a Twitter account that had posted a photograph of the complainant's daughter with the false name and claim that she was missing.

The newspaper said that at the time of publication, it had no reason to believe that the information was false.

The newspaper had relied upon information obtained from a trusted agency; in doing so, the newspaper had published material which had inaccurately claimed that the complainant's daughter was missing. This had resulted in the publication of inaccurate material relating to the complainant's daughter, without consent, which had intruded into her private life and her time at school.

Newspapers play an important role in reporting on the aftermath of a terror attack and raising awareness of the real impact of such incidents on members of the public. In this instance, however, there was no public interest in publishing the inaccurate claim that the complainant's daughter was missing. The complaints under Clause 2 and Clause 6 were upheld.

APPENDIX B

Decision of the Complaints Committee 12774-17 A Man v DailyRecord.co.uk

Summary of complaint

1. A man complained on behalf of a person that the DailyRecord.co.uk breached Clause 1 (Accuracy), Clause 2 (Privacy), Clause 7 (Children in sex cases), and Clause 11 (Victims of sexual assault) of the Editors' Code of practice in two articles published online in 2017.
2. This decision is written in general terms, to avoid the inclusion of information which could identify a victim of sexual assault.
3. The first article reported that an individual had pleaded guilty to sexual offences against a young child. The second article reported that he had been given a jail sentence for the offences. Both articles reported the period over which the offences occurred, by reference to the month and year, and provided detail on the circumstances of the offences. They reported the age of the victim when the offences began. . . The articles contained a number of details as to the nature of the offences. The second article contained a statement from a charity commenting on the case.
4. The complainant said that by including certain details from the court hearings, the publication had failed to protect the identity of the victim. These included details about the victim and the victim's family's response to the abuse, including the age at which the victim contacted the police and what had caused the victim to do so. The complainant was concerned that the article contained graphic detail about the nature of the offences, which he said should not have been repeated outside of the court hearing. He was concerned that the defendant's explanations for his actions were incorrect, and that publication of these explanations had caused considerable distress to the victim. He was concerned that the inclusion of comments from the charity in the second article suggested they were directly involved in the case, which was inaccurate.
5. The publication said that in accordance with the principle of open justice, it is essential that the press are able to report on cases such as the case subject to this complaint. It said that to do so, it is necessary to include certain details to inform the public as to how the offences occurred. The publication provided explanations as to why it did not believe that the specific pieces of information identified by the complainant were likely to contribute to the identification of the victim.

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.

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.

Clause 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.

Clause 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.

Clause 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.

Findings of the Committee

7. In accordance with the principle of open justice, the newspaper was entitled to report on this case, to identify the defendant, including by publication of his image. However, Clause 11 of the Code requires that, in doing so, it did not publish material likely to contribute to the identification of the victim. The Committee considered that the detail the articles contained about the circumstances in which the defendant committed some of the offences could only reasonably be applied to a relatively narrow class of individuals. When reported alongside the age of the victim, and the timeframes for the offences, these details, taken together, represented material which was likely to contribute to the identification of the victim. The complaint was therefore upheld as a breach of Clause 11.
8. Clause 7 relates to the identification of children who are victims or witnesses in cases involving sex offences. In this case, while the offences were committed when the victim was a child, the victim was an adult at the time of publication. For this reason, Clause

7 was not engaged. The victim's right to anonymity was protected by Clause 11, in this case.

9. The Committee recognised that the details about the nature of the offences were extremely sensitive. However, these details had been heard in court, and the newspaper was entitled to report these in accordance with the principle of open justice. Reporting these details did not breach Clause 2.
10. The defendant's comments on the offences had been referred to in court, and the newspaper was entitled to report these, in accordance with the principle of open justice. While the Committee acknowledged that the complainant strongly objected to his remarks, it was not inaccurate for the articles to report that these remarks had been made, and there was no breach of Clause 1. The reference to the charity in the second article were general comments on the case, and did not suggest that it had any direct involvement. This aspect of the article was not misleading, and there was no breach of Clause 1 on this point.

Conclusion

11. The complaint was upheld.

Remedial Action Required

12. Having upheld the complaint under Clause 11, the Committee considered that the appropriate remedy was publication of an adjudication.
13. The Committee required the newspaper to publish the adjudication on its website, with a link to the full adjudication (including the headline) appearing on the homepage for 24 hours; it should then be archived in the usual way. The headline of the adjudication must make clear that IPSO has upheld the complaint against DailyRecord.co.uk, and refer to its subject matter; it must be agreed in advance. The publication should contact IPSO to confirm the amendments it now intends to make to the online article to avoid the continued publication of material in breach of the Editors' Code of Practice.
14. The terms of the adjudication for publication are as follows:

Following two articles published online by DailyRecord.co.uk in 2017, a man complained to the Independent Press Standards Organisation that DailyRecord.co.uk breached Clause 11 (Victims of sexual assault) of the Editors' Code of Practice. Clause 11 of the Code requires that 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 complaint was upheld as a breach of Clause 11, and DailyRecord.co.uk was required to publish this adjudication as a remedy.

The articles reported that a man had pleaded guilty to sex offences against a child, and that he had been given a jail sentence.

The complainant said that by including certain details from the court hearings, the publication had failed to protect the identity of the victim, on whose behalf he was complaining.

The newspaper said that in accordance with the principle of open justice, it is essential that the press are able to report on cases such as the case subject to the complaint. It said that to do so, it is necessary to include certain details to inform the public as to how the offences occurred. It provided explanations as to why it did not believe that the details in the article were likely to contribute to the identification of the victim.

IPSO's Complaints Committee made clear that the newspaper was entitled to report on this case, and to identify the defendant, in accordance with the principle of open justice. However, Clause 11 of the Editors' Code requires that, in doing so, it did not publish material likely to contribute to the identification of the victim.

The Committee considered that the detail the articles contained about the circumstances in which the defendant committed some of the offences could only reasonably be applied to a relatively narrow class of individuals. When reported alongside the age of the victim, and the timeframes for the offences, these details, represented material which was likely to contribute to the identification of the victim. The complaint was therefore upheld as a breach of Clause 11.

**Decision of the Complaints Committee
12776-17 A Man v Paisley Daily Express**

1. A man complained on behalf of a person that the Paisley Daily Express breached Clause 1 (Accuracy), Clause 2 (Privacy), Clause 7 (Children in sex cases), and Clause 11 (Victims of sexual assault) of the Editors' Code of Practice in two articles published in 2017.
2. This decision is written in general terms, to avoid the inclusion of information which could identify a victim of sexual assault.
3. The first article reported that an individual had pleaded guilty to sexual offences against a young child. The second article reported that he had been given a jail sentence for the offences. Both articles reported the period over which the offences occurred, by reference to month and year, and provided detail on the circumstances of the offences. They reported the age of the victim when the offences began. The articles contained a number of details as to the nature of the offences. The second article contained a statement from a charity commenting on the case.
4. The complainant said that by including certain details from the court hearings, the publication had failed to protect the identity of the victim. These included details about the victim and the victim's family's response to the abuse, including the age at which she contacted the police and what had caused the victim to do so. The complainant was concerned that the article contained graphic detail about the nature of the offences, which he said should not have been repeated outside of the court hearing. He was concerned that the defendant's explanations for his actions were incorrect, and that publication of these explanations had caused considerable distress to the victim. He was concerned that the inclusion of comments from the charity in the second article suggested they were directly involved in the case, which was inaccurate.
5. The publication said that in accordance with the principle of open justice, it is essential that the press are able to report on cases such as the case subject to this complaint. It said that to do so, it is necessary to include certain details to inform the public as to how the offences occurred. The publication provided explanations as to why it did not believe that the specific pieces of information identified by the complainant were likely to contribute to the identification of the victim.

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.
- 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.

Clause 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.

Clause 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.

Clause 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.

Findings of the Committee

7. In accordance with the principle of open justice, the newspaper was entitled to report on this case, to identify the defendant, including by publication of his image. However, Clause 11 of the Code requires that, in doing so, it did not publish material likely to contribute to the identification of the victim. The Committee considered that the detail the articles contained about the circumstances in which the defendant committed some of the offences could only reasonably be applied to a relatively narrow class of individuals. When reported alongside the age of the victim, and the timeframes for the offences, these details, represented material which was likely to contribute to the identification of the victim. The complaint was therefore upheld as a breach of Clause 11.
8. Clause 7 relates to the identification of children who are victims or witnesses in cases involving sex offences. In this case, while the offences were committed when the victim was a child, the victim was an adult at the time of publication. For this reason, Clause 7 was not engaged. The victim's right to anonymity was protected by Clause 11, in this case.
9. The Committee recognised that the details about the nature of the offences were extremely sensitive. However, these details had been heard in court, and the newspaper was entitled to report these in accordance with the principle of open justice. Reporting these details did not breach Clause 2.

10. The defendant's comments on the offences had been referred to in court, and the newspaper was entitled to report these, in accordance with the principle of open justice. While the Committee acknowledged that the complainant strongly objected to his remarks, it was not inaccurate for the articles to report that these remarks had been made, and there was no breach of Clause 1. The reference to the charity in the second article were general comments on the case, and did not suggest that they had any direct involvements. This aspect of the article was not misleading, and there was no breach of Clause 1 on this point.

Remedial Action Required

11. Having upheld the complaint under Clause 11, the Committee considered that the appropriate remedy was publication of an adjudication.
12. Both articles began on the front page of the newspaper, before continuing on page 5 in the case of the first article, and page 9 in the case of the second article. The adjudication should be published in full on page 5, with a front page reference directing readers to this page, which should include the headline of the adjudication. The headline of the adjudication must make clear that IPSO has upheld the complaint against The Paisley Daily Express, and refer to its subject matter; it must be agreed in advance. The placement of the front page reference, and the prominence, including font size, of both the adjudication and the front page reference must be agreed with IPSO in advance.
13. The terms of the adjudication for publication are as follows:

Following two articles published by The Paisley Daily Express in 2017, a man complained to the Independent Press Standards Organisation that The Paisley Daily Express breached Clause 11 (Victims of sexual assault) of the Editors' Code of Practice. Clause 11 of the Code requires that 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 complaint was upheld as a breach of Clause 11, and The Paisley Daily Express was required to publish this adjudication as a remedy.

The articles reported that a man had pleaded guilty to sex offences against a child, and that he had been given a jail sentence.

The complainant said that by including certain details from the court hearings, the publication had failed to protect the identity of the victim, on whose behalf he was complaining.

The newspaper said that in accordance with the principle of open justice, it is essential that the press are able to report on cases such as the case subject to the complaint. It said that to do so, it is necessary to include certain details to inform the public as to how the offences occurred. It provided explanations as to why it did not believe that the details in the article were likely to contribute to the identification of the victim.

IPSO's Complaints Committee made clear that the newspaper was entitled to report on this case, and to identify the defendant, in accordance with the principle of open justice. However, Clause 11 of the Editors' Code requires that, in doing so, it did not publish material likely to contribute to the identification of the victim.

The Committee considered that the detail the articles contained about the circumstances in which the defendant committed some of the offences could only reasonably be applied to a relatively narrow class of individuals. When reported alongside the age of the victim, and the timeframes for the offences, these details, represented material which was likely to contribute to the identification of the victim. The complaint was therefore upheld as a breach of Clause 11.

APPENDIX C

Decision of the Complaints Committee 12775-17 A Man v The Gazette (Paisley)

Summary of complaint

1. A man complained on behalf of a person that The Gazette (Paisley) breached Clause 1 (Accuracy), Clause 2 (Privacy), Clause 7 (Children in sex cases), and Clause 11 (Victims of sexual assault) of the Editors' Code of practice in two articles published in 2017.
2. This decision is written in general terms, to avoid the inclusion of information which could identify a victim of sexual assault.
3. The first article reported that an individual had pleaded guilty to sex offences against a child. It reported the age of the victim when the offences began, and the time period over which the offences took place, by reference to the month and year. It reported the circumstances in which the defendant had come into contact with the victim, with reference to a specific day of the week. The second article reported that the individual had been given a jail sentence for the offences; it reported the period over which the offences occurred, by reference to the month and year, and also made reference to the circumstances in which the offences took place, although in less detail than the first article. The second article contained an image of the defendant and his spouse, outside of court. Both articles reported the current age of the victim and elements of what the court was told had been the defendant's comments on the offences.
4. The complainant said that by including certain details from the court hearings, the publication had failed to protect the identity of the victim, on whose behalf he was complaining. He was concerned that the publication of the photograph of the defendant would contribute to the victim's identification. The complainant was concerned that the articles contained graphic detail about the nature of the offences, which he said should not have been repeated outside of the court hearing. He was concerned that the defendant's explanations for his actions were incorrect, and that publication of these explanations had caused considerable distress to the victim.
5. The newspaper said that while the detail in the articles may be distressing, they were fair and accurate reports of the court proceedings: these details were necessary in order to enable the public to understand the facts of the offence and the nature of any defence or mitigation. The publication provided explanations as to why it did not believe that the specific pieces of information identified by the complainant were likely to contribute to the identification of the victim.

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.
- 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.

Clause 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.

Clause 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.

Clause 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.

Findings of the Committee

7. In accordance with the principle of open justice, the newspaper was entitled to report on this case, to identify the defendant, including by publication of his image. However, Clause 11 of the Code requires that, in doing so, it did not publish material likely to contribute to the identification of the victim. The Committee considered that the details the articles contained about the circumstances in which the defendant committed the offences against the victim were of the kind that would be known within the victim's community. When reported alongside the time frame of the offences, and the age of the victim, these details represented material which was likely to contribute to the

identification of the victim. The complaint was therefore upheld as a breach of Clause 11.

8. Clause 7 relates to the identification of children who are victims or witnesses in cases involving sex offences. In this case, while the offences were committed when the victim was a child, the victim was an adult at the time of publication. For this reason, Clause 7 was not engaged. The victim's right to anonymity was protected by Clause 11, in this case.
9. The Committee recognised that the details about the nature of the offences were extremely sensitive. However, these details had been heard in court, and the newspaper was entitled to report these in accordance with the principle of open justice. Reporting these details did not breach Clause 2.
10. The defendant's comments on the offences had been referred to in court, and the newspaper was entitled to report these, in accordance with the principle of open justice. While the Committee acknowledged that the complainant strongly objected to his remarks, it was not inaccurate for the articles to report that these remarks had been made, and there was no breach of Clause 1.

Conclusions

11. The complaint was upheld

Remedial Action Required

12. Having upheld the complaint under Clause 11, the Committee considered that the appropriate remedy was publication of an adjudication.
13. The 24 May article was published on page 5, and the 28 June article was published on page 9. The Committee required the newspaper to publish the adjudication on page 5, or further forward in the newspaper. The headline of the adjudication must make clear that IPSO has upheld the complaint against The Gazette, and refer to its subject matter; it must be agreed in advance.
14. The adjudication should also be published on the newspaper's website, with a link to the full adjudication (including the headline) appearing on the homepage for 24 hours; it should then be archived in the usual way. The publication should contact IPSO to confirm the amendments it now intends to make to the online article to avoid the continued publication of material in breach of the Editors' Code of Practice.
15. The terms of the adjudication for publication are as follows:

Following two articles published by The Gazette in 2017, a man complained to the Independent Press Standards Organisation that The Gazette had breached Clause 11 (Victims of sexual assault) of the Editors' Code of Practice. Clause 11 of the Code requires that 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 articles reported that a man had pleaded guilty to sex offences against a child, and that he had been given a jail sentence. The complainant was complaining on behalf of the victim.

The complainant said that by including certain details from the court hearings, the publication had failed to protect the identity of the victim, on whose behalf he was complaining.

The newspaper said that the details reported in the article were necessary in order to enable the public to understand the facts of the offence. It provided explanations as to why it did not believe that the details in the article were likely to contribute to the identification of the victim.

IPSO's Complaints Committee made clear that, in accordance with the principle of open justice, the newspaper was entitled to report on this case, to identify the defendant, including by publication of his image. However, Clause 11 of the Code requires that, in doing so, it did not publish material likely to contribute to the identification of the victim.

The Committee considered that the details the articles contained about the circumstances in which the defendant committed the offences against the victim were of the kind that would be known within the victim's community. When reported alongside the time frame of the offences, and the age of the victim, these details represented material which was likely to contribute to the identification of the victim. The complaint was therefore upheld as a breach of Clause 11.

APPENDIX D

Decision of the Complaints Committee 16365-17 A Man v The Evening Times

Summary of complaint

14. A man complained on behalf of a person that The Evening Times breached Clause 1 (Accuracy), Clause 2 (Privacy), Clause 7 (Children in sex cases), and Clause 11 (Victims of sexual assault) of the Editors' Code of Practice in an article published online in 2017.
15. This decision is written in general terms, to avoid the inclusion of information which could identify a victim of sexual assault.
16. The article reported that an individual had pleaded guilty to sexual offences against a young child. It reported the period over which the offences occurred, by reference to the month and year. It reported the age of the victim when the offences began, when they ended, and the victim's current age. It reported the circumstances in which the defendant came into contact with the victim. The article contained a number of details as to the nature of the offences. It reported comments the defendant had made on his offences.
17. The complainant said that by including certain specific details from the court hearing, including the circumstances in which the defendant came into contact with the victim and the date range for the offences, the publication had failed to protect the identity of the victim. The complainant was concerned that the article contained graphic detail about the nature of the offences, which he said should not have been repeated outside of the court hearing.
18. The publication said that while the detail in the article may be distressing, it was a report of court proceedings which contained sufficient detail to allow readers to understand the offence. The publication provided explanations as to why it did not believe that the specific pieces of information identified by the complainant were likely to contribute to the identification of the victim.

Relevant Code provisions

19. 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.

Clause 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.

Clause 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.

Clause 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.

Findings of the Committee

20. In accordance with the principle of open justice, the newspaper was entitled to report on this case, to identify the defendant, including by publication of his image. However, Clause 11 of the Code requires that, in doing so, it did not publish material likely to contribute to the identification of the victim. The Committee considered that the detail the article contained about the circumstances in which the defendant came into contact with the victim were of the kind that were likely to be known within the victim's community. When reported alongside the age of the victim, and the timeframes for the offences, these details represented material which was likely to contribute to the identification of the victim. The complaint was therefore upheld as a breach of Clause 11.
21. Clause 7 relates to the identification of children who are victims or witnesses in cases involving sex offences. In this case, while the offences were committed when the victim was a child, the victim was an adult at the time of publication. For this reason, Clause 7 was not engaged. The victim's right to anonymity was protected by Clause 11, in this case.
22. The Committee recognised that the details about the nature of the offences were extremely sensitive. However, these details had been heard in court, and the newspaper was entitled to report these in accordance with the principle of open justice. Reporting these details did not breach Clause 2.

23. The complainant did not identify an alleged inaccuracy in the article, and there was no breach of Clause 1.

Conclusion

11. The complaint was upheld.

Remedial Action Required

12. Having upheld the complaint under Clause 11, the Committee considered that the appropriate remedy was publication of an adjudication.
13. The Committee required the newspaper to publish the adjudication on its website, with a link to the full adjudication (including the headline) appearing on the homepage for 24 hours; it should then be archived in the usual way. The headline of the adjudication must make clear that IPSO has upheld the complaint against The Evening Times, and refer to its subject matter; it must be agreed in advance. The publication should contact IPSO to confirm the amendments it now intends to make to the online article to avoid the continued publication of material in breach of the Editors' Code of Practice.
14. The terms of the adjudication for publication are as follows:

Following an article published online by The Evening Times in 2017, a man complained to the Independent Press Standards Organisation that The Evening Times breached Clause 11 (Victims of sexual assault) of the Editors' Code of Practice. Clause 11 of the Code requires that 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 complaint was upheld as a breach of Clause 11, and The Evening Times was required to publish this adjudication as a remedy.

The article reported that a man had pleaded guilty to sex offences against a young child.

The complainant said that by including certain details from the court hearings, the publication had failed to protect the identity of the victim, on whose behalf he was complaining.

The newspaper said that while the detail in the article may be distressing, it was a report of court proceedings which contained sufficient detail to allow readers to understand the offences. The publication provided explanations as to why it did not believe that the specific pieces of information identified by the complainant were likely to contribute to the identification of the victim.

IPSO's Complaints Committee made clear that the newspaper was entitled to report on this case, and to identify the defendant, in accordance with the principle of open justice. However, Clause 11 of the Editors' Code requires that, in doing so, it did not publish material likely to contribute to the identification of the victim.

The Committee considered that the detail the article contained about the circumstances in which the defendant came into contact with the victim were of the kind that were likely to be known within the victim's community. When reported alongside the age of

the victim, and the timeframes for the offences, these details represented material which was likely to contribute to the identification of the victim. The complaint was therefore upheld as a breach of Clause 11.

APPENDIX E

Decision of the Complaints Committee 01712-17, Mears Group v The Times

Summary of complaint

1. Mears Group complained to the Independent Press Standards Organisation that The Times breached Clause 1 (Accuracy) of the Editors' Code of Practice in relation to articles headlined "Police to investigate Glasgow corruption", published on 21 February 2017 in the Scottish edition of the newspaper, and "SNP inquiry into Glasgow council dismissed by Labour as gimmick", published on 22 February 2017 in the Scottish edition of the newspaper. The articles were also published online.
2. The first article reported that "police are being called in to investigate allegations of corruption and cronyism at Scotland's largest local authority", Glasgow City Council (GCC). It reported that this followed the resignation of the executive director of land and environmental services, in relation to an internal investigation into alleged "procurement irregularities". It reported that this individual's assistant was the partner of an executive with Mears Scotland, that she had been questioned as part of the investigation, that she had been "counselled" about her conduct, and "moved to a different role". It reported that another employee of the same department was the son of the complainant's managing director. It reported that sources had confirmed that this employee had also resigned, after being questioned.
3. The article reported that a "council insider" had said that "internal audit are currently looking into a number of the same people and contractors who were involved in the corruption scandal in North Lanarkshire", and that there were parallels between the two authorities.
4. The article reported that Mears' ties to the council "are being examined – along with a number of other firms – by the authority's chief internal auditor". The article went on to report that "a council source confirmed that ties with Mears and a number of other firms were being looked at by the council's internal auditor". It reported that a spokesperson for the complainant had said that it did not have any current contracts with the council department concerned, and that "people are entitled to have whatever friendships they want outside of work, provided they do not impact on any professional business".
5. The second article reported on political debates between Labour and the Scottish National Party about the running of GCC, amid claims of "a culture of cronyism, backroom deals and malpractice". In that context, it repeated claims made in the first article about the council department. It reported that a council insider had said that "Mears was a name that 'undoubtedly' would be raised and discussed by the council's internal auditors". It reported that a spokesperson for the complainant had said that "Mears has had it confirmed by both Police Scotland and Glasgow city council that there is no investigation under way that involved our company".

6. The complainant said that the first article insinuated that it had received favourable or inappropriate treatment from GCC, and specifically the department of land and environmental services. This was inaccurate and misleading, not least because Mears does not do any work for the department named in the article, and implied that it had been involved in corrupt practices. That implication was given significant weight by the inaccurate allegation that it was the subject of an internal investigation by GCC auditors. The complainant said that it had had it confirmed by both Police Scotland and GCC that there was no investigation taking place involving Mears.
7. The complainant said that the headline of the first article was misleading, as it referred to police investigating "corruption", rather than an "allegation of corruption". The complainant said that the articles were inaccurate and misleading in that they implied that it was the beneficiary of serious misconduct, arising from cronyism and nepotism at GCC.
8. The newspaper said that the articles did not claim that the complainant received inappropriate treatment from GCC, or that it behaved corruptly. It said that the article reported on allegations which had prompted an investigation into procurement practices at GCC and explained that the complainant's dealings with the GCC were being examined as part of those allegations. The fact that the complainant did not work for the department at the centre of the allegations did not demonstrate that the article's claims were inaccurate, as the investigation into wrongdoing went beyond that department.
9. The newspaper said that it had taken care over the accuracy of the claim that the complainant's ties to the council were being examined by the internal auditor. It said that it understood from a senior source within GCC that Mears featured, or had featured, in its investigation. It said that while the council's official position was that it could not share any information with the newspaper, GCC provided its journalist with sufficient reassurance to be confident in the accuracy of the claim that the complainant's dealings with the council were being examined by the internal auditor. It said that the journalist was told that the provision of this information was authorised by the then leadership of the council.
10. The newspaper said that it contacted the complainant prior to publication of the first article, first by telephone, and then by email, outlining the allegations, and to ensure it had the opportunity to reply. In its email, the newspaper stated that "we are running an article in tomorrow's paper about Glasgow City Council launching an internal investigation into procurement and its Land and Environmental Services (LES) department". The email noted that one LES employee had resigned, and that another had moved to a different role within the council, and that both of these individuals had close familial connections with the complainant. The email then said "my editor is very keen to offer you the opportunity to respond to the suggestion that Mears may have received favourable treatment from the LES department of Glasgow City Council", and asked for a statement. The statement it received in response was published in the article. Following publication of the first article, it said that the complainant provided an updated statement containing its position that it had had it confirmed by both the council and the police that there was no investigation underway that it was involved in. This updated statement was published in the second article.

11. The Committee originally considered the complaint at its meeting on 26 July 2017, and subsequently issued its decision to the parties. In response to the issued decision, the newspaper provided an email from the GCC, commenting on the references to the GCC in the Committee's preliminary decision.
12. The Committee does not as a matter of general practice consider further information, after issuing its decisions. However, in this case, the Committee had been given further information from a third party, commenting on the accuracy of references made to it in the Committee's preliminary decision. In these circumstances, the Committee considered that it was appropriate to consider the further information, to ensure fairness to the third party. This ruling is the outcome.
13. The email from the GCC said that it had no evidence that it had given the complainant an assurance that it was not subject to an investigation, and that it would not be its policy to do so. In this email, the GCC's representative said that he had been told that the complainant had been told that, as it was not a contractor of the council, the council would not be able to launch an investigation directly into them. However, the GCC said that there was no discussion with the complainant of any investigation which was considering "ties" between the complainant and the council. The email from the GCC made clear that it should not be taken as a confirmation of anything in the articles under complaint.
14. In response to this further material, the complainant maintained it had been told by the council that it was not the subject of any investigation. It said that it was clear that the GCC representative who had written the further email provided by the newspaper would not have provided this assurance. However, the complainant said that this was not relevant.

Relevant Code provisions

15. 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

16. The newspaper had referred to the complainant as part of broader coverage of an investigation into allegations of corruption at GCC. The central claim about the complainant was that its ties to the council were being examined by the council's internal auditors. This was a serious claim, as it gave credibility to the allegation that the complainant was involved in corrupt or improper practices, by implying that the auditor believed that there were grounds to investigate.

17. In reporting the claim about the complainant, the newspaper had relied on information from confidential sources. The newspaper had contacted the council prior to publication, which it said declined to comment on the record. It also contacted the complainant. However, although the newspaper had referred to there being an internal investigation into procurement, and had asked for the complainant's response to the allegation it had received favourable treatment, it did not ask for the complainant's response to the specific claim that its ties to the council were the subject of an investigation.
18. As a result, the complainant was unaware that this would form part of the published allegations against it. It was therefore not in a position to include its denial of this point in its response. It only did so following publication of the first article, at which point it provided a statement setting out its position that both Police Scotland and GCC denied that it was involved in an ongoing investigation.
19. In these circumstances, the failure to put to the complainant the allegation that it was under investigation was a failure to take care over the accuracy of the article and a breach of Clause 1 (i).
20. Reporting this as fact – and in combination with the statement from Mears which consequently did not deny this – was significantly misleading. The newspaper had not offered to publish any clarification in response to the complaint; this was a breach of Clause 1 (ii).
21. The article made clear it reported on allegations which were under investigation. The sub-headline to the first article referred to "allegations" and the headline referred to the ongoing investigation. That headline was supported by the text, and did not breach Clause 1 (i).
22. The complainant's updated position was reflected in the second article, which did not report as fact that the internal auditors were examining the complainant's connection to the council, but reported that a "council insider" had said that its name would "undoubtedly" be "raised and discussed". The newspaper had taken care to present the claim of the source appropriately, and alongside the complainant's denial. There was no breach of Clause 1 (i) on this point, and the article was not significantly misleading.
23. The Committee noted the complainant's broader concern that both articles suggested that it had been involved in corruption and "alleged procurement irregularities". The basis on which the complainant was referred to was made clear in both articles, which was that council employees with which it was connected had been questioned, and in one instance, resigned after being questioned. In the first article, the claim that the council's chief internal auditor was examining the complainant's ties to the council was a further reason for the reference to the complainant. In the second article, the claim that a council source had referred to the complainant being a name that would "undoubtedly" be raised and discussed by the council's internal auditors was a further reason for the reference to the complainant in that article. The Committee was satisfied that neither article claimed that Mears had been the beneficiary of misconduct. In addition, both articles made clear the complainant's position that it did not have contracts with the council department that appeared to be subject of the investigation. The

articles were not misleading in the manner alleged, and there was no breach of Clause 1 on this point.

Conclusions

24. The complaint was upheld.

Remedial Action Required

25. The newspaper had breached Clause 1 (i) and not complied with its obligation to clarify under Clause 1 (ii). The appropriate remedial action was therefore the publication of an adjudication.

26. In deciding where the adjudication should be published, the Committee had regard for the fact that the first article had appeared as the lead story on the newspaper's front page. However, although the newspaper had failed to put the key allegation (that relating to the investigation) to the complainant, it had appropriately sought comment before publication. The seriousness of the breach was limited. In light of this, the Committee did not consider that a requirement to publish all or part of the adjudication on the front page was proportionate. The adjudication should therefore be published on page 2, and on the newspaper's homepage online, where it should remain for 24 hours before being archived in the normal way.

27. The adjudication should appear beneath a headline, which makes clear that IPSO has upheld the complaint, identifies the publication by name, and refers to the subject matter of the complaint. It should be agreed with IPSO in advance. In relation to the online version of the first article, if the newspaper intends to continue to publish the article without amendment of the misleading statement identified by the Committee in paragraph 16 of the decision, 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, and noting the amendments made.

28. The text of the adjudication to be published is as follows:

Following an article published by The Times on 21 February 2017, headlined "Police to investigate Glasgow corruption" in the Scottish edition of the newspaper and online, Mears Group PLC complained to the Independent Press Standards Organisation that The Times breached Clause 1 (Accuracy) of the Editors' Code of Practice. IPSO upheld the complaint and has required The Times to publish this decision as a remedy to the breach.

The article reported that "police are being called in to investigate allegations of corruption and cronyism at Scotland's largest local authority", Glasgow City Council (GCC). The article reported that Mears' ties to the council "are being examined – along with a number of other firms – by the authority's chief internal auditor". The article went on to report that "a council source confirmed that ties with Mears and a number of other firms were being looked at by the council's internal auditor". It reported that a spokesperson for the complainant had said that it did not have any current contracts with the council department concerned, and

that “people are entitled to have whatever friendships they want outside of work, provided they do not impact on any professional business”.

The complainant said that it had been confirmed by both Police Scotland and GCC that there was no investigation taking place involving Mears. The complainant had also not been given the opportunity to deny the allegation that it was the subject of an internal investigation by GCC auditors.

The Times said that it understood from a senior source within the GCC that Mears featured, or had featured, in its investigation. It said that while the council’s official position was that it could not share any information with the newspaper, the GCC provided its journalist with sufficient reassurance to be confident in the accuracy of the claim that the complainant’s dealings with the council were being examined by the internal auditor. It said that the journalist was told that the provision of this information was authorised by the then leadership of the council.

The newspaper said that it contacted the complainant prior to publication. It had not specifically asked whether Mears was the subject of an investigation. The statement it received in response was published in the article.

The newspaper had failed to put the specific claim to the complainant that its ties to the council were the subject of an investigation. As a result, the complainant was unaware that this would form part of the published allegations against it. It was therefore not in a position to include its denial of this point in its response.

In these circumstances, the failure to put to the complainant the allegation that it was under investigation was a failure to take care over the accuracy of the article and a breach of Clause 1 (i).

Reporting this as fact – and in combination with the statement from Mears which consequently did not deny this – was significantly misleading. The newspaper had not offered to publish any clarification in response to the complaint; this was a breach of Clause 1 (ii).

APPENDIX F

Decision of the Complaints Committee 01701-17 Hill v Mail on Sunday

Summary of complaint

1. Max Hill complained to the Independent Press Standards Organisation that the Mail on Sunday breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "The terror law chief and the 'cover-up' that could explode UK's biggest bomb trial", published on 5th March. The article was also published online with the headline "Terror law chief's 'cover up' that could explode UK's biggest bomb trial: Barrister appointed as top legal watchdog used 'faulty evidence' to convict 21/7 bombers despite knowing the expert was discredited".
2. The article reported that the complainant had been "accused of an alleged cover-up of vital evidence that could cause one of Britain's biggest terrorist cases to collapse – the convictions of four men for the '21/7' attempted London bombings". The article referred to the complainant as having led this prosecution. It explained that in order to convict four of the failed '21/7' terrorists of conspiracy to murder, the prosecution had had to demonstrate that the devices they had used were viable as bombs. It explained that to do this, the prosecution had relied on the evidence of an expert, who had conducted forensic tests on the devices.
3. The article reported that the prosecution had been warned by Government scientists from the Forensic Explosives Laboratory (FEL) that the expert's evidence "might be deeply flawed". It said that the scientists' concerns about the evidence had been set out in a report before the trial, and that this should have been disclosed to the defence under rules to guarantee fair trials. While the article reported that the complainant had said that he was not aware of this report before the trial, it claimed that "other documents seen by this newspaper show he did know serious issues about forensic evidence had been raised by [FEL scientists]". It claimed that the newspaper was publishing these documents for the first time, and that they had also not been disclosed before the trial.
4. The article reported that these documents included minutes of a "secret 'case conference' held...eight weeks before the trial began". It explained that in the minutes, the complainant had "personally quizzed [the expert]", that he "pointed out to the expert that he had made a crucial 'mistake' about the chemical composition of the home-made bombs and that 'a correction' had to be made over their concentration". Later in the article, it was explained that following this case conference, the expert "made an 'amendment' to his statement, which admitted 'a number of errors in the original report'. It was the information in this amended statement that formed the basis of his trial evidence."
5. In addition to this case conference note, the article claimed that another document showed that one of the complainant's colleagues on the prosecution team, who had attended the case conference, had visited the FEL. It reported that notes of this visit showed that she had been told by the chief scientist that he could "pick lots of holes" in the expert's work, "especially re quality systems", that the expert had "used the wrong method to test the explosives", that he had a lack of experience

- in forensic work. The article claimed that “when it came to trial [the complainant] did not disclose anything about the problems raised by the [FEL scientists], nor did he mention the case conference notes to the defendant’s lawyers”.
6. The article reported that when the non-disclosure of the FEL report came to light, a fifth member of the 21/7 group, Manfo Asiedu, had appealed against his conviction, alleging that “bad faith” had infected the entire prosecution, and that the non-disclosure of the FEL report amounted to a “cover-up”. The article reported that in considering this appeal, the Court of Appeal said that the non-disclosure of the report had no impact on this individual’s voluntary guilty plea. The article reported that while the Court of Appeal decided that the FEL report should have been disclosed, it said that there was no evidence of a cover-up and no bad faith, or abuse of process. The article said that the newspaper was able to report these claims now, as the case had previously been subject to a “gagging order”, which had now been lifted.
 7. The article reported that four of the convicted bombers had submitted dossiers to the Criminal Cases Review Commission (CCRC), asking for a fresh hearing at the Court of Appeal. It reported that the complainant “denied he was party to any cover-up”. The article had the sub headline “Revealed: New legal watchdog used ‘faulty evidence’ to convict 21/7 bombers...and knew expert was discredited”.
 8. The complainant said that the newspaper had reported damaging allegations against him, which had been fully ventilated and decided during earlier proceedings. He said that the newspaper had sought to rely on what it inaccurately claimed was fresh material, submitted to the CCRC, as justification for rekindling the story, in an attempt to damage his reputation.
 9. The complainant said that there was no evidence to support the inaccurate claim that he knew the expert was “discredited” at the time of the trial. He said that the Court of Appeal had given its judgment in light of the case conference notes. It expressly found no evidence of cover-up or bad faith, and it clearly decided that there was no evidence to support the claim that the prosecution had conducted the trial notwithstanding ongoing criticism of the expert. The complainant said that there was no suggestion that the application to the CCRC by the other four convicted-bombers contained anything other than assertion, and claims which had already been fully considered by the Court of Appeal.
 10. The complainant said that he had been aware of some issues relating to the content of the expert’s first report, which were dealt with at the case conference. These concerns had been brought to the attention of counsel, including at a visit to the FEL by a colleague on the day of the case conference. The complainant explained that it fell to him to discuss them with the expert at the case conference. The result of this was that the expert wrote an addendum report, clarifying and correcting where necessary, which was disclosed at the trial for all to see. So far as he was concerned, the expert had answered the questions and concerns raised.
 11. The complainant said that it was inaccurate for the article to refer to “the prosecution team he led”. He said the prosecution had been led by another barrister, who had called the scientific evidence, but who fell ill after the close of the prosecution’s case. The complainant said that he had therefore made the

closing speech to the jury, but that the other barrister had led the team in relation to the subject matter of the article under complaint. The complainant denied that the Court of Appeal judgment had been subject to any “gagging order”, and said that it was wrong to suggest that that an embargo had prevented publication.

12. The newspaper said that it was incorrect for the complainant to assert that everything in the article had been fully considered by the Court of Appeal in 2015. It said the weaknesses in the expert’s evidence, which had been investigated and reported by its journalist, could lead to the convictions of the four convicted bombers being declared unsafe. This matter had become highly relevant following the complainant’s appointment as Independent Reviewer of Terrorism legislation.
13. The newspaper said that the complainant was aware of serious concerns about the expert’s evidence, which he had been told about following a visit to the FEL by one of his prosecution colleagues. The complainant then raised these concerns with the expert at a case conference. It said that the article did not suggest that the complainant knew about the FEL reports on the expert’s work. The purpose of the article was to reveal two further documents, the notes of the case conference with the expert, and the notes of the prosecutions visit to the FEL, which were belatedly disclosed in Mr Asiedu’s appeal, and which the defence were arguing should have been disclosed at the trial.
14. The newspaper said that while the Court of Appeal considered the case of Mr Asiedu, the article under complaint concerned an application to the CCRC by four of the other convicted-bombers. It said that Mr Asiedu had pleaded guilty, such that the evidence of the expert was less important in his case. While the Court of Appeal had said that the concerns about the expert’s evidence do not appear to cast doubt on his evidence, the court made clear that it had not embarked on any re-hearing of the scientific evidence. It said that the CCRC might take a different view on the application by the other four individuals. In any event, the newspaper said that the article made clear that in Mr Asiedu’s case, the Court of Appeal found that while the FEL report should have been disclosed before the trial, there was no evidence of a cover up, and no bad faith or abuse of process. The newspaper said that the Court of Appeal had issued an order on 10 February 2015 banning the reporting of Asiedu’s appeal while it was ongoing. This “gagging order” was not lifted until the judgment was issued on 30 April 2015. It said that this had been 8 days before a General Election, which is why nothing had been reported on the case conference notes until the article under complaint, when the complainant’s appointment as the Independent Reviewer of Terrorism Legislation gave the issue a new topicality.
15. The newspaper said that the complainant led the prosecution team before the trial ended, that he had taken the lead at the case conference at which concerns about the expert’s work had been raised with him, and that he was in sole charge of Mr Asiedu’s appeal. It denied it was significantly inaccurate to refer to the prosecution team that the complainant led, but removed this claim from the online version of the article.
16. The newspaper said that it had contacted the complainant on the Wednesday before publication, to ask for his comments, but that he declined to do so.

Relevant Code provisions

17. 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

18. The complainant did not dispute that he was aware of issues relating to the expert's first report, which had been brought to the attention of junior counsel at a visit to FEL and had subsequently been relayed to him. They included errors in calculations used by the expert in the report which were accepted by him and which he amended in a subsequent report, and some more general concerns about the expert's work. It was therefore not misleading for the newspaper to report in the article that the complainant knew that "serious issues about the forensic evidence had been raised by FEL experts". However, in the subheadline of the print article, and the headline of the online version of the article, the newspaper claimed that the complainant "knew" that the expert had been "discredited". This was a serious allegation in light of the other claims in the article that the complainant had failed to make the disclosures to the defendants' legal team which would have been required in such circumstances. To claim that he "knew" the expert had been "discredited", went significantly further than reporting that he had been aware of concerns about the first report. The complainant's knowledge of these concerns was not sufficient to justify the claim regarding the complainant's understanding of the expert's suitability to act and whether it was appropriate for the prosecution to rely on his evidence at the trial. These headlines were not supported by the text of the article, and represented a failure to take care not to publish misleading information, in breach of Clause 1 (i). The newspaper had not offered to correct these significantly misleading claims, in breach of Clause 1 (ii).
19. The Committee noted the complainant's concern that the article had been written because of his recent appointment as the Independent Reviewer of Terrorism Legislation. The selection of material is a matter for editorial discretion, and the newspaper was entitled to report on the complainant's role in the 21/7 prosecutions. However, the article claimed that the issues raised at Asiedu's appeal "went unreported because the court imposed a gagging order. We can report them now as it had been lifted". The Committee considered that this statement misleadingly implied that the gagging order had only recently been lifted, allowing coverage of the allegations against the prosecution. The "gagging order" had in fact been lifted 22 months previously. The Committee took the view that this was a significantly misleading statement in the context of an article reporting that the

complainant had been accused of a “cover-up”. This represented a further failure to take care over the accuracy of the article, in breach of Clause 1 (i), and a further misleading statement, which the newspaper had not offered to correct, in breach of Clause 1 (ii).

20. In response to the concerns raised about the expert’s report, the complainant spoke to him at a case conference, at which some queries were discussed. The result of this discussion was that an amended report from the expert was served on all parties, which stated that “a number of errors occurred in the original report”, alongside an additional statement setting out further work undertaken by the expert. However, the nature of the concerns raised with the prosecution on 22 November, which had led to the amended report and were recorded in counsel’s notes, were not disclosed to the defence. The article stated that “when it came to the trial, Mr Hill did not disclose anything about the problems raised by [the FEL], nor did he mention the case conference to the defendant’s lawyers”, setting out the substance to the allegation of a “cover-up”.
21. The Committee acknowledged the complainant’s position that these matters had been considered by the Court of Appeal, in considering the application from Mr Asiedu, and that the court had found “no evidence of a [deliberate cover up]”. The Committee noted that this was recorded twice in the article. In addition, while the Court of Appeal had given consideration to the matter via Mr Asiedu’s appeal, they remained ‘live’ by virtue of the CCRC application. The Committee considered that the reference to a “cover-up” in the headline, and the article’s reference to the complainant being “accused of an alleged cover-up”, were not significantly misleading, where the article went on to explain the factual basis for this allegation. In referring to this allegation, the newspaper had taken care not to publish misleading information, and no correction was required under the terms of Clause 1 (ii).
22. The Committee acknowledged that the complainant had not led the prosecution until a late stage. However, the claim that he “led” the prosecution team did not substantially affect the allegations which the article contained about his conduct of the case, and the Committee considered that this inaccuracy was not significant, where he had led the prosecution at a later date, such as to breach Clause 1.

Conclusion

23. The complaint was upheld.

Remedial Action Required

24. The newspaper had breached Clause 1 (i) and not complied with its obligation to correct under Clause 1 (ii). The appropriate remedial action was therefore the publication of an adjudication. The article had been published on pages 36-37 of the newspaper. The Committee therefore required publication of an adjudication on page 36 of the newspaper, or further forward. The headline of the adjudication

must make clear that IPSO has upheld the complaint against the Mail on Sunday, and refer to its subject matter; it must be agreed in advance.

25. It should also be published on the newspaper's website, with a link to the full adjudication (including the headline) appearing on the homepage for 24 hours; it should then be archived in the usual way. If the newspaper intends to continue to publish the online article without amendment to remove misleading statements identified by the Committee, the full text of the adjudication should also be published on the article, beneath the headline. If amended to remove the misleading statements, a link to the adjudication should be published with the article, explaining that it was the subject of an IPSO adjudication, and explaining the amendments that have been made.

26. The terms of the adjudication for publication are as follows:

Following publication of an article of headlined "The terror law chief and the 'cover-up' that could explode UK's biggest bomb trial", published on 5th March, Max Hill complained to the Independent Press Standards Organisation that the Mail on Sunday breached Clause 1 (Accuracy) of the Editors' Code of Practice. The complaint was upheld, and IPSO required The Mail on Sunday to publish this adjudication.

The complainant had been a barrister for the prosecution in the trial of the '21/7' attempted London bombers. The article under complaint explained that the evidence of an expert witness, who had conducted forensic tests on the defendants' devices, had been "critical to the prosecution's case". A sub headline of the article claimed that the complainant "knew" that this expert had been "discredited". It went onto explain that "serious issues" had been raised about the evidence, which documents showed the complainant had known about at the time of the trial.

The article also claimed that these issues, which had been raised before the Court of Appeal by one of the defendants, had previously been unreported because the court had imposed a "gagging order". It claimed that "we can report them now as the gagging order has been lifted".

The complainant said that there was no evidence to support the inaccurate claim that he knew the witness was "discredited" at the time of the trial. He said that the Court of Appeal, in considering this issue, had clearly decided that there was no evidence to support the claim that the prosecution had conducted the trial notwithstanding ongoing criticism of the expert. The complainant also denied that the Court of Appeal judgment had been subject to any "gagging order", preventing publication, and said it was wrong to suggest that an embargo had prevented publication.

The newspaper said that the complainant was aware of serious concerns about the expert's evidence, and denied that it was misleading to claim that the complainant knew that the expert had been discredited. The newspaper said that the Court of

Appeal had issued an order on 10 February 2015 banning the reporting of Asiedu's appeal while it was ongoing. This "gagging order" was not lifted until the judgment was issued on 30 April 2015. It said that this had been 8 days before a General Election, which is why nothing had been reported on the matter until the article under complaint, when the complainant's appointment as the Independent Reviewer of Terrorism Legislation gave the issue a new topicality.

IPSO's Complaints Committee considered that it was not misleading for the newspaper to report that the complainant knew that "serious issues" had been raised about the expert's evidence. However, in the subheadline of the print article, and the headline of the online version of the article, the newspaper claimed that the complainant "knew" that the expert had been "discredited". This was a serious allegation in light of the other claims in the article that the complainant had failed to make the disclosures to the defendants' legal team which would have been required in such circumstances. To claim that he "knew" the expert had been "discredited", went significantly further than reporting that he had been aware of concerns about the first report. The complainant's knowledge of these concerns was not sufficient to justify the claim regarding the complainant's understanding of the expert's suitability to act and whether it was appropriate for the prosecution to rely on his evidence at the trial. These headlines were not supported by the text of the article, and represented a failure to take care not to publish misleading information, in breach of Clause 1 (i). The newspaper had not offered to correct these significantly misleading claims, in breach of Clause 1 (ii).

The Committee also decided that the article misleadingly implied that the "gagging order" on the Court of Appeal hearing had only recently been lifted, allowing coverage of the allegations against the prosecution. The "gagging order" had in fact been lifted around a year and 10 months previously. The Committee took the view that this a significantly misleading statement in the context of an article which also reported that the complainant had been accused of a "cover-up". This represented a further failure to take care over the accuracy of the article, in breach of Clause 1 (i), and a further misleading statement, which the newspaper had not offered to correct, in breach of Clause 1 (ii).

APPENDIX G

Decision of the Complaints Committee Historical Institutional Abuse Inquiry v The Belfast Telegraph

Summary of complaint

1. The Historical Institutional Abuse Inquiry complained to the Independent Press Standards Organisation that the Belfast Telegraph breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Inquiry ignored abuse report on paedophile doctor: claim", published on 11 February 2017, and an article headlined "Hospital's paedophile doctor and unanswered questions that won't go away", published on 13 February 2017.
2. The first article reported that Dr Niall Meehan had claimed that the Historical Institutional Abuse Inquiry (HIA Inquiry) had ignored his report which had found that child-psychiatrist, Dr Roderick Morrison Fraser, had abused a 13-year-old boy. It said that his report had exposed "major failings by health boards, medical professionals and the RUC after they failed to stop [Dr Fraser] working within the health service". The article said that Dr Meehan had contacted the HIA Inquiry with a copy of his evidence, and he was told that the inquiry would consider matters "relevant to its terms and conditions". It said that the HIA Inquiry had failed to reply to a request for comment. The article was also published in the same form online.
3. The second article was an opinion piece written by Dr Niall Meehan. In it, he said that the HIA Inquiry should have investigated why Dr Fraser, who had been known to have abused children in 1971, had continued to work as a doctor until 1995. It said that the inquiry had undermined the evidence given by victims, who had not appeared before it, and had accepted testimony from police and intelligence sources without questioning it. Dr Meehan said that he had sent the inquiry a submission and his report on Dr Fraser, but it had ignored them. This piece was also published in the same form online.
4. The complainant said that the newspaper had inaccurately asserted that it had "ignored" Dr Meehan's submission on the allegations concerning Dr Fraser. The piece failed to state that his submissions were referred to in Volume 8 of the inquiry report, and that there was a section dealing specifically with one victim's allegations about Dr Fraser's conduct while he was in residential care. Furthermore, both articles made no mention of the fact that there were numerous references to allegations about Dr Fraser at the inquiry's public hearings. It said that the second article had also failed to state that Dr Meehan had been informed that the inquiry was limited to its Terms of Reference, which did not extend to examining these matters as they did not relate to allegations of abuse in residential homes.
5. The complainant said that, contrary to the assertion made in the first article, it had not "failed to reply to a request for comment". It said that the newspaper had emailed the inquiry and it had been sent an out-of-office response. It questioned why the newspaper had made no attempt to contact the inquiry on the telephone number provided in that response. The complainant was also concerned that the newspaper had failed to give it an opportunity to reply to significant inaccuracies.

6. The newspaper said that it had accurately reported that the complainant had “refused to include [Dr Meehan’s] damning report”. It had not been aware that there were references to Dr Meehan’s submissions in the report; the reporter had searched the document for Dr Meehan’s name and nothing had come up. However, it did not consider this to be significantly misleading, as it was correct that the inquiry did not consider or investigate Dr Meehan’s report. Furthermore, the first article had made clear that references were made to Dr Fraser during the inquiry; it stated that “Dr Meehan...said he contacted the HIA with a copy of his evidence after references to Fraser were made in its hearings in April last year”.
7. The newspaper did not consider that it should have stated in the second article that Dr Meehan had been informed that the inquiry was limited to matters falling within its Terms of Reference. When asked by Dr Meehan for clarification on what fell within its remit, the inquiry had failed to articulate its reasoning.
8. The newspaper said that the reporter had emailed the complainant for its comment on Dr Meehan’s criticism of the inquiry and its report before publication, but it had failed to respond. It denied that it had received an out-of-office response, as claimed by the complainant.
9. The complainant contacted the newspaper directly on 13 and 14 February 2017, and the newspaper replied on 16 February 2017, explaining that it did not accept that the articles were inaccurate. IPSO began its investigation on 21 March 2017. The newspaper sent its initial response to IPSO on 25 April, and on 27 April, it offered to publish the following clarification on page five, where the first article appeared, and online:

In articles published on 11th and 13th February 2017 in relation to the Historical Institutional Abuse Inquiry, we should have made it clear that while a report from Dr Niall Meehan was not referred to in the Inquiry Report, references were made to his submissions and to allegations against Dr Fraser.
10. The complainant said that the newspaper’s admission that it had merely searched the report for Dr Meehan’s name demonstrated that it had failed to take sufficient care over the accuracy of the articles, which had contained serious allegations about the way in which it had carried out its work. It requested the publication of the correction, and an article written by the inquiry based on its press release which was issued in response to the newspaper’s coverage.
11. The newspaper said that it would be happy to publish the correction and an article from the complainant, but it would not publish the press release provided.

Relevant Code provisions

12. 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

13. The newspaper had been entitled to report Dr Meehan's criticism of the complainant, and his position that it had failed to give proper consideration to his report on Dr Morris Fraser. However, both of the articles under complaint had given the inaccurate impression that Dr Meehan's submission to the inquiry was "ignored". While the complainant had not published Dr Meehan's report, the complainant's report did refer to his allegations made against Dr Fraser.
14. The complainant's report, which was the subject of the criticism, was publicly available at the time the newspaper published the articles. The Committee was therefore concerned that the newspaper had failed to properly check the document before proceeding to publish the articles. In addition, when it did not receive a response to its request for comment, it had failed to take any further steps to contact the complainant. The newspaper had failed to take care over the accuracy of the articles in breach of Clause 1(i). The omission of the fact that references were made to Dr Meehan's submissions and to allegations against Dr Fraser had given a significantly misleading impression of the contents of the inquiry report; a correction was required in order to avoid a breach of Clause 1(ii).
15. The newspaper had offered to publish a correction, which made clear that the complainant's report did, in fact, contain references to Dr Meehan's allegations against Dr Fraser. The newspaper had offered to publish this on page five, the page on which the first article had appeared, and 16 pages further forward than the later piece. It had also offered to append this wording to both the online articles. While the Committee considered that the correction addressed the significant points, the offer had been made more than two months after the complainant's concerns had first been raised. The Committee was also concerned that the newspaper had failed to respond promptly during IPSO's investigation. The newspaper had failed to correct significantly misleading information promptly in breach of Clause 1(ii).
16. There was disagreement between the parties as to whether the newspaper had received an out-of-office response to its request for comment, and the Committee could not reconcile the differing positions. Nevertheless, given that an attempt to obtain comment had been made, it was not significantly misleading for the newspaper to have stated in the first article that the complainant had failed to respond to a request for comment. There was no breach of the Code on this point.
17. The Committee was concerned that the second article had not made clear that Dr Meehan had been informed that his concerns did not fall within its Terms of Reference. Nevertheless, Dr Meehan was still entitled to the view that the reason for this had not been fully explained and it was a "mystery" that the matter had not been investigated further. In the context of this comment piece, the omission of this specific information was not significantly misleading. Furthermore, the earlier news item had made clear the complainant's position that it had informed

Dr Meehan that his concerns fell outside its remit. There was no breach of Clause 1 on this point.

18. The Committee noted the complainant's position that the newspaper had failed to give it an opportunity to reply to significant inaccuracies. However, the newspaper had offered to publish a correction to address the misleading information identified by the complaint. It was not obliged to additionally publish the complainant's reply. There was no breach of Clause 1 (iii).

Conclusion

19. The complaint was upheld.

Remedial action required

26. Having upheld the complaint, the Committee considered what remedial action should be required.
27. The newspaper had published significantly misleading information and it had failed to comply with the obligations of Clause 1 (ii) by promptly offering to publish a correction. As such, the Committee required the publication of an adjudication.
28. As the inaccurate information had first appeared on page five of the print edition, the Committee required the newspaper to publish the adjudication on page five or further forward.
29. The wording of the headline to the adjudication should be agreed with IPSO in advance, or in the absence of agreement, as determined by the Complaints Committee. It should refer to IPSO, include the title of the newspaper, make clear that the complaint was upheld, and refer to the subject matter. The placement on the page, and the prominence, including font size, of the adjudication must also be agreed with IPSO in advance.
30. The adjudication should also be published on the newspaper's website, with a link to the full adjudication appearing on the top half of the homepage for 24 hours; it should then be archived in the usual way.
31. If the newspaper intends to continue to publish the articles online without amendment to remove the misleading information identified by the Committee, the full text of the adjudication should also be published on the page, beneath the headline. If amended to remove the misleading statements, a link to the adjudication should be published with the articles, explaining that it was the subject of an IPSO adjudication.
32. The terms of the adjudication to be published are as follows:

Following an article published on 11 February 2017, headlined "Inquiry ignored abuse report on paedophile doctor: claim", and an article published on 13 February 2017, headlined "Hospital's paedophile doctor and unanswered questions that won't go away", the Historical Institutional Abuse Inquiry complained to the Independent Press Standards Organisation that the Belfast Telegraph breached Clause 1

(Accuracy) of the Editors' Code of Practice. IPSO upheld the complaint and has required the Belfast Telegraph to publish this adjudication as a remedy to the breach.

The first article reported that Dr Niall Meehan had claimed that the Historical Institutional Abuse Inquiry had "ignored" his report which had found that child-psychiatrist, Dr Roderick Morrison Fraser, had abused a 13-year-old boy. The second article was an opinion piece written by Dr Meehan in which he said that the HIA Inquiry should have investigated why Dr Fraser had continued to work as a doctor until 1995. He said that he had sent the inquiry a submission and his report on Dr Fraser, but it had ignored them.

The complainant said that the newspaper had inaccurately asserted that it had "ignored" Dr Meehan's submission on the allegations concerning Dr Fraser. In fact, references had been made to his submissions and allegations in the inquiry report and at the inquiry's public hearings.

The newspaper said that it had accurately reported that the complainant had "refused to include [Dr Meehan's] damning report". It had not been aware that there were references to his submissions in the report; the reporter had not found his name in the document.

The Committee was concerned that the newspaper had failed to properly check the complainant's report, which was publicly available at the time of publication, and as a result it had given a significantly misleading impression of its contents. This represented a failure to take care over the accuracy of the articles in breach of Clause 1 (Accuracy). A correction was required.

During IPSO's investigation of the complaint, the newspaper offered to publish a correction. The Committee considered that the wording offered addressed the misleading information; however, it had been offered more than two months after it had been made aware of the complainant's concerns. This represented a failure to correct an inaccuracy promptly in breach of Clause 1. The complaint was upheld.

Appendix H

Complaints not adjudicated at a Complaints Committee Meeting

Paper No.	File Number	Name v Publication
1036	00389-17	Mower v express.co.uk
1038	05965-17	Note to Committee – Latif v The Sunday Times
1044	01767-17	Sword v The Times
1045	01555-17	RT UK v The Sunday Times
1062	01073-17/01074-17	Hyland v The Belfast Telegraph/Sunday Life
1063	01560-17	Winter v The News (Portsmouth)
1064	07192-17	Note to Committee - Versi v Mail Online
1069	00696-17	Hawker v Daily Express
1070	01693-17	Banner v Get Surrey (Getsurrey.co.uk)
1071	01825-17	McHugh v Sunday Herald
1072		Request for review
1073	01824-17	Kwik Fit v The Mail on Sunday
1075	06296-17	Moran v Bootle Champion
1078	06756-17	Clift v Berwickshire News
1079	06557-17/06558-17/06559-17/06561-17	Young v Mirror.co.uk/Birmingham Mail/The Gazette/Litchfield Mercury Series
1082	01772-17	Banner v Aldershot News
1088	01721-17	Zeelie v Mirror.co.uk
1089	06497-17	Zeelie v Daily Star Sunday
1090	06560-17	Young v thesun.co.uk
1105	02196-17	Rooney v Evening Telegraph (Dundee)

APPENDIX I

Decision of the Complaints Committee 07875-17 Finlay v Strathearn Herald

Summary of complaint

27. Craig Finlay complained to the Independent Press Standards Organisation that the Strathearn Herald breached Clause 1 (Accuracy) of the Editors' Code of Practice in an apology printed on 3 March 2017.
28. The apology related to an article that had been published in the newspaper two weeks previously. This article had reported that the complainant, chair of Crieff Community Council, had said that a "question of trust arose following a previous meeting where [a named councillor] had without consulting myself or the secretary, printed our draft minutes without permission and distributed them to the public, even though it clearly stated that these were not for public distribution until approved". The newspaper's subsequent published apology to this councillor referred to the complainant having made this statement, and said that "we have now established that this was an inaccurate statement and that permission was granted by the chair of the Crieff Community Council for the minutes to be distributed at the meeting in question".
29. The complainant said that his statement had been correct, and that the effect of the newspaper's apology had been to call him a liar. The complainant's account was that the councillor concerned had proposed that the draft minutes be approved by ward councillors. The complainant said that in his role as Chair, he had commented that the minutes could not be approved as all other Community Councillors who had attended the previous meeting had since resigned. He said that at this point, the councillor concerned stated that the minutes could be approved, and began distributing copies of the draft minutes, which she had printed herself, to members of the public present. He said that the councillor did not ask his permission to do this, but that he did not want to create a "scene" by reprimanding her in front of other people.
30. The newspaper said that following publication of the article, it had been contacted by an individual acting on behalf of the councillor concerned, who had also been at the meeting. It said that this individual said that the complainant clearly gave the councillor permission to hand out the minutes, that he told the meeting they had ten minutes to read them, and that the complainant was the first to accept a copy of the minutes from the councillor, before she handed them round all the people at the meeting. The newspaper said that the draft minutes had been distributed by the councillor, in the complainant's presence, and without any dissent from either the complainant, or any member of the community council. It said that the lack of dissent in such a situation implies consent. It provided the minutes of this meeting, which stated that "It was proposed by [the councillor] that the September minutes could be approved by local councillors. [The councillor] then distributed draft minutes to each Community Councillor and the public in attendance". The newspaper said that it decided to print the apology to resolve the councillor's complaint on the basis of this information.

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. The apology published by the newspaper alleged that the complainant had made an inaccurate claim about the councillor's conduct; a claim which he had cited as the reason why an "issue of trust" had arisen. The Committee recognised that this allegation was published as part of an apology, which had been made in order to resolve another complaint. Nevertheless, the apology was itself making a serious allegation about the complainant, and the Committee made clear that the newspaper was under an obligation to take care over the accuracy of this claim.
33. The Committee considered that the complainant's lack of dissent at the councillor's distribution of the minutes did not provide an adequate basis for the apology's unqualified claim that, contrary to his earlier accusation about the councillor's conduct, he had in fact granted her permission to distribute the minutes. The Committee recognised that the newspaper had published the apology after the councillor's representative, who had also attended the meeting, told it that the complainant had granted permission for distribution of the minutes. The councillor's response showed that the complainant's account was contested, and the Committee noted that it may well have been appropriate to make that clear in a published clarification and apology to the councillor concerned. However, the newspaper adopted the councillor's denial as fact in the apology, and claimed, explicitly, that the complainant had made an inaccurate statement about her. The newspaper did so without taking additional steps to ascertain the correct position, beyond referring to the minutes of the meeting, which did not determine the issue either way. This represented a failure to take care not to publish inaccurate information, in breach of Clause 1 (i).
34. In response to the complaint, the newspaper was unable to demonstrate that the significant factual claim it had made about the complainant in the apology was accurate. The newspaper had not offered to publish a correction making clear it was not in a position to establish that the complainant had made an inaccurate statement. The complaint was therefore upheld as a breach of Clause 1 (ii).

Conclusion

35. The complaint was upheld.

Remedial Action Required

36. The newspaper had failed to take care not to publish inaccurate information, and had not offered to correct the significant inaccuracy that was published as a consequence, in breach of Clause 1. The Committee concluded that the appropriate remedy was the publication of an adjudication. The apology subject to this complaint had been published on page 3 of the newspaper, and had not been published online. The Committee therefore required publication of an adjudication on page 3 of the newspaper, or further forward. The headline of the adjudication must make clear that IPSO has upheld the complaint against the Strathearn Herald, and refer to its subject matter; it must be agreed in advance.

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

Following an apology published by the Strathearn Herald on 3 March 2017, Craig Finlay complained to the Independent Press Standards Organisation that the newspaper breached Clause 1 (Accuracy) of the Editors' Code of Practice. IPSO upheld the complaint and has required the Strathearn Herald to publish this adjudication as a remedy to the breach.

In a previous edition of the newspaper, the complainant, Chair of Crieff Community Council, was reported as saying that a councillor had "printed our draft minutes without permission and distributed them to the public, even though it clearly stated that these were not for public distribution until approved". Two weeks later, the newspaper printed an apology to this councillor, which said that the complainant's claim was inaccurate, and that he had in fact granted permission for the minutes to be distributed.

The complainant said that his statement had been correct, and that the effect of the newspaper's apology had been to call him a liar.

The newspaper said that it had published the apology after receiving a denial from an individual acting on behalf of councillor concerned, and having seen the minutes of the meeting in question. It said that these minutes recorded that the councillor had proposed distribution of the minutes before doing so, and did not record that any objection had been raised.

IPSO's Complaints Committee decided that the complainant's lack of dissent at the councillor's distribution of the minutes did not provide an adequate basis for the claim that he had granted her permission to distribute the minutes, and that his previous statement had therefore been inaccurate. On receipt of the councillor's denial, the newspaper adopted her position as fact in the apology, without taking additional steps to ascertain the correct position, beyond referring to the minutes of the meeting, which did not determine the issue either way. The Complaints

Committee decided that this represented a failure to take care not to publish inaccurate information. In response to the complaint, the newspaper had not offered to publish a correction, making clear that it had not been able to establish, as fact, that the complainant had made an inaccurate statement. The complaint was upheld as a breach of Clause 1, and the Committee required publication of this adjudication.