

## IPSO written response to the Independent Commission on Referendum's call for information

### *About IPSO*

1. The Independent Press Standards Organisation (IPSO) is the independent regulator for the newspaper and magazine industry in the UK. We hold newspapers and magazines to account for their actions, protect individual rights, uphold high standards of journalism and help to maintain freedom of expression for the press. We currently regulate over 1500 print titles and 1100 online titles, comprising 95% of the national daily newspapers by circulation and the majority of magazines, local and regional newspapers in the UK.
2. IPSO provides a free-to-use complaints service regarding possible breaches of the [Editors' Code of Practice](#). Where resolution between the parties is not possible, IPSO adjudicates on complaints. Adjudications are made by IPSO's Complaints Committee a panel of twelve with expertise in journalism and a lay majority. If a complaint is upheld, the Committee can require publications to publish a correction or its adjudication. The Committee also has the power to determine the nature, extent and placement of these corrections and adjudications.
3. In addition to the Committee's work, IPSO monitors complaints for thematic issues and works with publishers to improve their compliance with the Code. We also help members of the public with unwanted press attention or harassment concerns, provide advice on the Code, run a Journalists' Whistleblowing Hotline, monitor on-going compliance, and produce guidance for journalists and the public. We operate a low cost arbitration scheme which provides an alternative dispute resolution process for media law claims.
4. In responding to the call for evidence we have limited ourselves to discussing points which relate to reporting under point five of your terms of reference (the provision of public information and education, and promotion of informed debate). We set out the various mechanisms by which our system of regulation promotes accuracy and debate, and briefly describe our work in relation to the EU referendum.

### *Accuracy and the Editors' Code*

5. Whilst a number of clauses under the Code may apply to the reporting of referendums and political debate in general, Clause 1 (Accuracy) is the most relevant to this consultation. It states:
  - "i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
  - ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology

published. In cases involving IPSO, due prominence should be as required by the regulator.

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

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

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

6. Under Clause 1, IPSO members are under a duty to publish accurate material and promptly correct inaccuracies if they occur. The Committee will take into account a failure to issue a prompt correction or apology when assessing the extent to which the Code was breached and the remedial action that is then required. Where we investigate an alleged inaccuracy we require the publisher to set out the steps it took to verify the accuracy of the story. Our members must therefore have in place demonstrable processes for checking the veracity of their claims.
7. Unlike broadcasters, our members are entitled to editorialise and campaign. IPSO strongly advocates on behalf of the rights of the press to publish strong and even strident advocacy. This informs the public by showcasing differing opinion and analysis and stimulates public debate. Publications must however take care to set out the facts accurately and in a way that distinguishes factual reporting from opinion and conjecture.

### *The Complaints Process*

8. Publishers join IPSO under contract. This imposes on our members certain legal obligations, such as adhering to the Code, and gives IPSO contractually enforceable powers in respect of adjudicating on complaints and requiring remedial action.
9. In 2016 we received 14,455 complaints. By the end of this year it is likely we will have received over 20,000. We conduct an initial assessment of each complaint to make sure it falls within our remit and discloses a possible breach of the Code. Where this is the case we refer the complaint to the relevant publisher so that the complaint can be dealt with quickly. If the complaint is not resolved at this stage we can investigate and help to mediate a resolution. The Committee can then rule on whether the Code was breached if the complaint is not resolved.<sup>1</sup>
10. This means that complaints that come to IPSO can be resolved directly with the publisher, or through IPSO mediation, without a ruling being required from the Committee. Complaints that are resolved are often dealt with more quickly. They can also result in a more innovative and tailored set of remedies being agreed to by the parties. These may

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<sup>1</sup> Further information about our complaints process and the complaints we receive are set out in our [Annual Reports](#).

represent a better outcome, and therefore provide greater complainant satisfaction, than the remedies available from the Committee.

### *The EU Referendum*

11. Most of the complaints we received in respect of the referendum were lodged against articles which had a pro-Brexit line or came from pro-Brexit newspapers. In this regard we received a large number of complaints from InFacts, whose founder recently described the organisation as a: “journalistic enterprise [...] set up before the Referendum to make the fact-based case for staying in the EU’.
12. One such complaint that went to the Committee was InFacts v The Sun ([03350-16](#)). The articles in question were headlined: “Brits not fair!” in print and “Brits just not fair: 4 in 5 British jobs went to foreign nationals last year as number of EU workers doubles” online. This claim was based upon Office of National Statistics figures relating to a net change in employment.
13. While the Committee acknowledged the newspaper’s desire to present potentially complex statistics succinctly, it found that it was not possible to establish the proportion of “jobs” in Britain which had been taken by foreign-born workers, on the basis of these figures. Instead, they showed simply that there was a net increase in employment in the UK, and that the increase in foreign-born workers could be said to correspond to 80% of that.
14. The Sun offered to publish a correction, making clear that the figures used related to a net rise in employment (on page 2 in print and as a footer online) soon after it was notified of the inaccuracy. The Committee upheld the complaint under Clause 1(i), stating that the offered correction was sufficient and should be published.
15. This shows how IPSO is able to assess the adequacy of offered corrections in terms of the speed with which they are offered, their prominence and their content. Were the offered correction to be deemed inadequate the Committee could require the publication of its own adjudication or correction, determining the prominence and placement in which it should be presented.
16. In other cases we were able to mediate a resolution to the satisfaction of both parties without the need for a ruling by the Committee.

### *Compliance and Monitoring*

17. As part of our monitoring function we review the complaints we receive and the data provided to us by our members in their [annual statements](#), in which they must show what they have done in response to upheld complaints to avoid breaching the Code in the future. We can also require members to submit quarterly reports on their compliance if there are any ongoing standards concerns.
18. If significant concerns are raised relating to a serious and systemic breach of the Code we are also empowered to undertake a Standards Investigation. This function is separate to the ordinary complaints structure, with an independent panel investigating the concerns and reporting to IPSO’s Board. Where a serious and systemic breach of the Code is found as a result the Board is able to fine publications up to £1,000,000 or 1% of turn over.

19. In respect of the EU referendum, we conducted an informal review (not a Standards Investigation) of the complaints received before the vote. The review showed that between 1 March 2016 and 23 June 2016 approximately 8% of the complaints we received<sup>2</sup> cited Clause 1 and related to an article concerning the EU.<sup>3</sup> The vast majority of complaints about EU-related articles were made against national publications. No relevant complaints were received against any magazines.
20. The type of complaints we received under Clause 1 about the referendum coverage generally related to:
- How statistics were used;
  - How quotes were reported; and
  - How legislation was interpreted.
21. Anecdotally we observed that, compared to other Clause 1 complaints we receive on points of general fact (as these were), complainants seemed more likely to pursue their complaints to their conclusion. This is unsurprising given the highly polarised and passionate nature of the debate. It was notable that a number of complaints came from organisations with specialised interests, such as InFacts, who were able to set out specific inaccuracies which could be addressed more readily by the publication.
22. The review was looked at complaints that were completed before 23<sup>rd</sup> June. The majority of the reviewed complaints that were referred to the newspaper were resolved, either directly with the publication or via mediation. This may be because the parties were keen to have a correction in place before the vote, and did not want to wait for a ruling by the Committee.
23. Other complaints relating to the EU were completed with an IPSO ruling after the vote. These represented claims that could not be resolved through mediation, requiring a thorough investigation of the facts before a ruling could be made by the Committee.
24. One complaint that did go to the Committee before the vote was Buckingham Palace v The Sun ([01584-16](#)). The complaint stated that the headline of the article: 'Queen Backs Brexit' was not supported by the text (Clause 1(i)). The Committee recognised that playful and hyperbolic headlines were a powerful tool in tabloid journalism and can be used to convey the heart of a story or for the purposes of campaigning journalism in the public interest. However, in this instance the headline went beyond a claim about what the Queen might think and instead asserted the claim as fact. There was nothing in the headline to suggest this claim was conjecture, and without supporting evidence the headline was deemed to be significantly misleading.
25. The Committee required the Sun to publish: 'IPSO rules against Sun's Queen headline' on their front page and its full adjudication on page two. We also required the adjudication to be published online on the Sun's homepage.

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<sup>2</sup> Taken as a percentage of those that were within remit and disclosed a possible breach of the Code.

<sup>3</sup> As the vote was a unique event, it is difficult to compare the number of received complaints on the EU to other topics.

26. The sample size for complaints relating to the EU referendum was relatively small, and given the unique circumstances of the vote, we are not able to make direct comparisons between the complaints we received in this regard and other complaints we receive. This means that we cannot say whether referendums, or the EU referendum in particular, represent a significant change in reporting with respect to the number or type of complaints we receive.

#### Conclusion

27. Debates surrounding referendums can be passionate and divided. We would expect to receive complaints relating to the subject matter of any future referendum, as we do in respect of coverage during election periods.

28. In terms of referendums, it will often be important for the complainant to get a correction before the vote. It is a strength of our system that it requires prompt corrections and supports swift resolution that can be agreed on directly by the parties. Where this is not possible, we conduct a full and thorough investigation before the complaint is heard by our Committee.

29. We are able to monitor the complaints we receive and have a number of compliance requirements and powers which promote high standards of journalism. In this way we are able to promote accurate reporting and take action to raise standards where concerns are raised about particular types of reporting. This includes stories concerning the subject matter of referendums.