
MINUTES of the COMPLAINTS COMMITTEE MEETING
Wednesday 14 November 2018 at 10.30 am
Gate House, 1 Farringdon Street, London EC4M 7LG

Present Richard Best (Deputy Chairman)
Lara Fielden
Janette Harkess
Gill Hudson
David Jessel
Helyn Mensah
Elisabeth Ribbans
Andrew Pettie
Neil Watts
Miranda Winram
Peter Wright

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

Also present: Members of the Executive:

Katrina Bell
John Buckingham
Rosemary Douce
Jonathan Harris
Vikki Julian
Sophie Malleson
Thomas Moseley
Madeline Palacz
Lauren Sloan
Abigail Tuitt

Observers: Jonathan Grun, Editors' Code of Practice Committee
Anne Lapping, Board member

1. Apologies for Absence

There were apologies received from Sir Alan Moses and Nazir Afzal.

2. Declarations of Interest

Peter Wright and Andrew Pettie declared an interest in item 9, and left the meeting for this item.

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 3 October.

4. Update by the Chairman – oral

The Chairman welcomed Jonathan Grun and Anne Lapping to the meeting.

He then handed over to Matt Tee, Chief Executive, who updated the Committee on recent events, including Regulatory Funding Company funding and recruitment.

Charlotte Dewar, Head of Operations, finished off by updating the Committee on data protection matters.

5. Matters arising

There were no matters arising.

6. Complaint 04784-18 Gregory v Plymouth Herald

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

7. Complaint 04393-18 Dayman v Gloucestershire Echo

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

8. Complaint 04394-18 Dayman v Northampton Chronicle

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

9. Complaint 04846-18 Macleod v Mail Online

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

10. Guidance on the reporting of suicide

The Committee noted the guidance and agreed that it was an excellent piece of work.

11. Reporting of the Liaison Committee 25 July 2018

The Committee noted the minutes of the 25 July 2018 Liaison Committee Meeting.

12. Complaints not adjudicated at a Complaints Committee meeting

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

13. Any other business

Bianca Strohmann, Head of Complaints, updated the Committee on a complaint they had recently considered via correspondence.

14. Date of next meeting

The date of the next meeting was confirmed as Wednesday 19 December.

The meeting ended at 12.27pm

APPENDIX A

Decision of the Complaints Committee – 04784-18 Gregory v Plymouth Herald

Summary of Complaint

1. Samantha Gregory complained to the Independent Press Standards Organisation that the Plymouth Herald breached Clause 2 (Privacy), Clause 4 (Intrusion into grief or shock), and Clause 1 (Accuracy) in an article headlined “The murder of a teenage girl in Plymouth’s clubland”, published on 22 July 2018.
2. The article reported on a historic murder case involving a teenage girl killed in July 1996. It described the circumstances in which the woman went missing and included details of the cause of her death. The article went on to describe the investigation that was subsequently launched, and to give an account of the evidence heard at the resultant trial. Under the sub-headline “shocking details revealed in court”, it described the testimony of the woman’s manager, which included claims about the woman’s personal life and medical history. It included comments by the woman’s mother and father following the sentencing in December 1997, as well four photographs of the woman.
3. The complainant, who was the sister of the woman who had been murdered, said that the publication of the article had breached Clause 4 (Intrusion into grief or shock) and Clause 2 (Privacy). She said that the publication of a detailed and graphic account of the murder and trial, twenty-two years after the crime had occurred, and without any apparent justification, was insensitive and had been deeply disturbing and upsetting for her family. She was also concerned that the article had published some aspects of the case online for the first time, making it accessible to younger family members, and that it had been published without any warning being made to the family. She also considered that the inclusion of the woman’s manager’s claims breached Clause 1 (Accuracy), because they had not been established as factual in court, and because they suggested that there might be justification for the woman’s murder.
4. The publication denied any breach of the Code. It said that the article had been produced to mark twenty-two years since the murder investigation, and to commemorate the woman who had been murdered. The publication said that all the information in the article had been heard in open court at the time, and that the article had been a sensitive account of this information, which was taken from cuttings from the publication’s print articles from the time of the trial. The publication provided these cuttings, which included the information reported in the article. It said that there were a number of contemporaneous online reports available which included some of the information referred to.
5. The publication also said that its reporter had attempted to contact the complainant’s family prior to publication, using historic contact information, but was unable to reach them or otherwise locate them via social media. In all these circumstances, the publication denied any breach of Clause 2 or Clause 4. The publication also said that the quotations from the woman’s manager had been accurately attributed to her, and this was an accurate report of what she had said in court; it therefore denied any breach of Clause 1 on this point. The publication nevertheless offered the complainant’s family a private letter of apology for the distress caused, and to discuss other possible ways of commemorating the woman.

Relevant Code Provisions

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.*

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. In considering an individual's reasonable expectation of privacy, account will be taken of the complainant's own public disclosures of information and the extent to which the material complained about is already in the public domain or will become so.*

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.

Findings of the Committee

6. The Committee understood that the re-publication of the information in the article, many years after the woman's death, and without warning, had caused great distress to the complainant and her family and expressed its condolences to them for their loss.
7. Despite the years that had passed since the complainant's sister's murder, the Committee considered that given the traumatic nature of the events and the effect on the complainant and her family, this was a "case involving grief or shock". Clause 4 was therefore engaged by the complaint.
8. The Committee acknowledged the complainant's concern that there appeared to be no specific justification for revisiting the murder or the legal proceedings after such a long period and understood that this had caused the family distress, particularly as they had not been aware in advance that it would be published. There is no requirement under the Code to provide a justification for the simple re-publication of the fact of a crime; this is because to impose such a restriction would unduly restrict the right of publications to report on public legal proceedings. Simply publishing the facts of the crime did not raise a breach of Clause 4. Nonetheless, the Committee gave serious consideration to how the material was presented, and whether this was done in a way that was insensitive in breach of Clause 4.
9. The terms of Clause 4 make clear that a balance has to be struck between the right to report on legal proceedings and the obligation to handle publication sensitively so as to avoid intrusion into grief or shock. It was not in dispute that the information contained in the article had been heard in open court in 1997, and all this information, and more, had been published at the time of the trial. The question for the Committee was whether the republication of this material after such a long period in itself constituted handling

publication insensitively. Although the article had included details of material heard in court, including in relation to the manner in which the complainant's sister had died and personal details relating to her circumstances, it was a factual report of what had been heard in court at the trial. Given the nature of the crime and the court proceedings, these details were, by their very nature, deeply distressing, but the publication had not added any additional commentary or observations which made the presentation of this information insensitive. While the Committee understood the complainant and her family's concern and upset, it concluded that their republication, in this factual manner, was not insensitive such as to raise a breach of Clause 4. There was no breach of the Code.

10. It was not in dispute that the information contained in the article had been heard in open court in 1997. While the publication of this information was plainly deeply distressing to the complainant, it had been made public previously, and as a matter of public record, and re-publishing it did not therefore represent an intrusion into the complainant and her family's private lives. There was no breach of Clause 2 (Privacy) on this point. It was also not in dispute that the woman's manager had made the claims referred to in the article, and these were attributed clearly to her. The Committee understood that the repetition of these claims was clearly upsetting for the family, but they had been reported accurately, and there was no breach of Clause 1 (Accuracy) on this point.

Conclusions

11. The complaint was not upheld.

Remedial action required

12. N/A

Date complaint received: 21 August 2018

Date decision issued: 29 November 2018

APPENDIX B

Decision of the Complaints Committee – 04393-18 Dayman v Gloucestershire Echo

Summary of Complaint

1. Kate Dayman complained to the Independent Press Standards Organisation that the Gloucestershire Echo breached Clause 1 (Accuracy), Clause 2 (Privacy), Clause 4 (Intrusion into grief or shock) and Clause 5 (Reporting of suicide), in an article headlined “Birthday visit ended with tragic death of Deborah, 39”, published on 15 March 2018.
2. The article was a report of an inquest into the death of a woman who had died as a result of an overdose. It described the substance ingested by the woman, and stated that ingesting a high level of this substance “can be fatal”; it also described the concentration of this substance in her blood. It described the woman’s 999 call, in which she expressed “second thoughts” about her attempt, and the location in which paramedics found her on arrival. The symptoms she experienced after the overdose and details of the treatment she received were described in detail, including the details of the time and ultimate cause of her death. The article included extensive comments made by the coroner at the inquest, including details of the woman’s visit to her parents, and the family’s whereabouts at the time of the incident. It also reported that the coroner had said that “they had a party for [the woman] on August 6”. It also said that the woman “who was single and unemployed, had been formally identified by photographs supplied by her mother [name]”.
3. The article appeared in substantially the same format online, under the headline “Caffeine overdose kills woman with history of mental health problems who ‘changed her mind’ over suicide”. This article was published on 13 March 2018. This article included contact information aimed at individuals considering suicide.
4. The complainant, who was the woman’s sister-in-law, said that the article breached Clause 5 (Reporting of suicide). She said that the woman had used a relatively unknown method of suicide, and that the article had increased the likelihood of simulative acts occurring by describing the substance used, and the levels of this substance in her blood. She said that it was common knowledge that some substances, ingested in excess, could be fatal – but this was not the case for the substance in question, the effects of which were not widely known. The complainant also said that the article was inaccurate in breach of Clause 1 (Accuracy): no birthday “party” had taken place, and this gave a misleading impression of the woman; in addition, she had been identified by her brother, rather than her mother.
5. The complainant also said that the article included a level of detail of the circumstances of the woman’s death that was intrusive and insensitive, in breach of Clause 2 (Privacy) and Clause 4 (Intrusion into grief or shock). She said that the article had been published before the family was aware of the outcome of inquest, which was insensitive. The complainant also said that the level of detail the article gave about the woman’s symptoms, her 999 calls, and where she was found by paramedics, was deeply distressing. In addition, the complainant said that the article’s characterisation of the woman as “single and unemployed” diminished her life and accomplishments in an insensitive manner. In addition, she said that the inclusion of the details of the woman’s symptoms and treatment, and details of the family’s movements, including a visit to a relative in hospital, was intrusive into their private lives.

6. The publication denied any breach of Clause 5 (Reporting of suicide). It said that the terms of Clause 5 related to the excessive detail of the “method” used; reporting only the substance used did not therefore constitute excessive detail. The publication said that including the level of this substance in her blood did not indicate how much of the substance had been ingested, such as would support any simulative acts.
7. The publication denied any breach of Clause 2 (Privacy) or Clause 4 (Intrusion into grief or shock). It said that, while it understood the distressing nature of the material published, the article was a report of a public inquest; all the details contained in the article had been made public at the inquest, and it was entitled to report on them.
8. The publication denied any breach of Clause 1 (Accuracy) with respect of the claim that a “party” had been held to celebrate the woman’s birthday: a ‘celebration’ had been referred to at the inquest, and witnesses had described ‘a really enjoyable birthday’. In these circumstances, it said, the use of the term “party” was not significantly misleading. However, the publication had immediately accepted that it was inaccurate to state that the woman had been identified by photos provided by her mother. It therefore offered to publish the following clarification on page 2:

The article ‘Birthday visit ended with tragic death of Deborah, 39’, 15 March 2018, which reported the inquest into the death of Deborah Frayling, suggested that Deborah’s body was identified by photographs provided by her mother. We are happy to clarify that Deborah’s body was identified by photographs provided by her brother.

Relevant Code Provisions

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.*

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. In considering an individual's reasonable expectation of privacy, account will be taken of the complainant's own public disclosures of information and the extent to which the material complained about is already in the public domain or will become so.*
- 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 5 (Reporting of suicide)*

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

Findings of the Committee

9. The Committee expressed its sincere condolences to the complainant and her family for their loss.
10. There is a public interest in reporting cases of suicide. The purpose of Clause 5 is to prevent the publication of material which might lead to simulative acts. The article had named the substance the woman had used in her suicide attempt, and indicated that this had been the cause of her death; it had also included the concentration of this substance in her blood. However, the article did not include any details which might support an individual in carrying out a simulative act, such as the amount of substance required, the preparation of the substance, and how the substance could be obtained or administered. Furthermore, the details included in the article helped to explain the coroner's finding that the woman appeared to have changed her mind about taking her own life. While the Committee understood the complainant's concern that the substance used was relatively unknown as a method of suicide, it did not consider that the article contained "excessive detail" about this method. There was no breach of Clause 5. The Committee commended the steps taken by the publication to remove details which could lead to simulative acts, and the inclusion of information about where people with suicidal thoughts could seek help.
11. The Committee acknowledged that the details included in the article were deeply distressing for the complainant and her family. However, Clause 4 (Intrusion into grief or shock) explicitly states that its provisions "should not restrict the right to report legal proceedings", and inquests are held in public; the information revealed during proceedings is therefore already in the public domain, and is not private to the family of the deceased. In choosing to publish this information, the publication had not sought to mock or belittle the circumstances of the woman's death, and the article was a factual account of the information heard at the inquest. Reporting the details of the woman's death in a factual manner was not insensitive in such a way as to breach Clause 4. In addition, reporting on the details heard in the public proceedings did not intrude on the family's privacy, and there was no breach of Clause 2 on this point. In relation to the complainant's concern about the timing of the article's publication, it was not in dispute that the article had been published after the conclusion of the inquest. While it was unfortunate that the family had not been made aware of the outcome at this time, the publication was not obliged to seek confirmation of whether any relevant authority had informed them, when the proceedings had been conducted and concluded publicly. Publishing the details heard at the inquest, after its conclusion, did not represent a breach of Clause 2 or Clause 4.
12. In relation to the concerns raised under Clause 1 (Accuracy), the Committee did not consider that it was significantly misleading to refer to a "party" having occurred; this claim was attributed to the coroner in the article, and the complainant was not in a position to dispute that this word had been used. In any event, it was not in dispute that a "celebration" had occurred, and the Committee did not consider that characterising this as a "party" gave rise to any misleading impression. There was no breach of Clause 1 on this point. The reference to

the woman's mother identifying her was accepted to be inaccurate, and the Committee acknowledged the importance of accurately reporting inquest proceedings. However, in the context of an article which focused on the events surrounding the woman's death, the Committee did not consider that this represented a significant inaccuracy such as would require correction; this was not a claim to which any significance was attached in the piece. Nevertheless, it welcomed the publication's immediate offer to clarify this point, should the complainant wish this to be printed.

Conclusions

13. The complaint was not upheld.

Remedial action required

14. N/A

Date complaint received: 12 July 2018

Date decision issued: 22 November 2018

APPENDIX C

Decision of the Complaints Committee – 04394-18 Dayman v Northampton Chronicle & Echo

Summary of Complaint

15. Kate Dayman complained to the Independent Press Standards Organisation that the Northampton Chronicle & Echo breached Clause 2 (Privacy), Clause 4 (Intrusion into grief or shock) and Clause 5 (Reporting of suicide) in an article headlined “Northampton woman dies of caffeine overdose, inquest hears” published on 14 March 2018.
16. The article was a report of an inquest into the death of a woman who had died as a result of an overdose. It described the substance ingested by the woman; the amount of this substance used; what this was mixed with; the approximate cost of the substance; the amount of the substance which constituted a “lethal dose”; and where it had been purchased. It also described the woman’s 999 call, in which she expressed regret at her attempt, and the location in which paramedics found her on arrival. The symptoms she experienced after the overdose and details of the treatment she received were described, including the details of the time and ultimate cause of her death. The article included extensive comments made by the coroner at the inquest, including details of the woman’s visit to her parents, and the family’s whereabouts at the time of his death. It described the woman as being “single and unemployed”.
17. The complainant, who was the woman’s sister-in-law, said that the article breached Clause 5 (Reporting of suicide). She said that the level of detail included in the article made it easy for individuals to understand how they could take their own lives using the method described. She was particularly concerned, because such information was difficult to find online in other sources, due to the relatively unknown method the woman used.
18. The complainant also said that the article included a level of detail of the circumstances of the woman’s death that was intrusive and insensitive, in breach of Clause 2 (Privacy) and Clause 4 (Intrusion into grief or shock). She said that the level of detail the article gave about the woman’s symptoms, and where she was found by paramedics, was deeply distressing. In addition, the complainant said that the article’s characterisation of the woman as “single and unemployed” diminished her life and accomplishments in an insensitive manner. She also said that the inclusion of the details of the woman’s symptoms and treatment, and details of the family’s movements, including a visit to a relative in hospital, was intrusive into their private lives.
19. The publication accepted that it had fallen short of the expectations of Clause 5 (Reporting of suicide), in terms of the level of detail included in the article about the method used. It said that its local news team had initially thought that this detail would serve as a warning to others, but fully understood that this was mistaken. The publication said that it had been contacted by Samaritans shortly after the article was published, in relation to these concerns, and had therefore removed it from its website within 24 hours of publication. It said that, subsequent to the article’s publication, the publisher had taken steps to improve its staff’s understanding of Clause 5, to avoid a repeat of the incident. Specifically, it had briefed the local news team in relation to the issues arising from the complaint; it had raised the issue formally with all content editors in the region; and it had taken steps to arrange a conference call with a representative of Samaritans for these editors. The publication offered to issue a personal and a public apology to the family, and to publish a tribute to the woman, with full copy approval.

20. The publication denied any breach of Clause 2 (Privacy) or Clause 4 (Intrusion into grief or shock). It said that, while it understood the sensitive nature of the material published, the article was a report of a public inquest; all the details contained in the article had been made public at the inquest, and were reported in a factual manner, without sensationalising the issue.

Relevant Code Provisions

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. In considering an individual's reasonable expectation of privacy, account will be taken of the complainant's own public disclosures of information and the extent to which the material complained about is already in the public domain or will become so.*
- 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 5 (Reporting of suicide)*

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

Findings of the Committee

21. The Committee expressed its sincere condolences to the complainant and her family for their loss.
22. The purpose of Clause 5 is to prevent the publication of material which might lead to imitative acts. The article had provided extensive details regarding the method of suicide the woman had used, as outlined above. The Committee was concerned that this level of detail had been included, and the details included were sufficient to support an individual, in a number of ways, in engaging in a simulative act. This was concerning when the article related to a relatively unusual method of suicide, as there was a risk of increasing the awareness of this method among the population. The level of detail included in the article was excessive in a number of respects, and this represented a breach of Clause 5 (Reporting of suicide). The Committee noted that it was reassured by the publication's response to the complaint; the steps it had taken indicated that it appreciated the severity of the breach to the Code in this instance.
23. The Committee acknowledged that the details included in the article were deeply distressing for the complainant and her family. However, Clause 4 (Intrusion into grief or shock) explicitly states that its provisions "should not restrict the right to report legal proceedings", and inquests are held in public; the information revealed during proceedings is therefore already in the

public domain, and is not private to the family of the deceased. In choosing to publish this information, the publication had not sought to mock or belittle the circumstances of the woman's death, and the article was a factual account of the information heard at the inquest. Reporting the details of the woman's death in a factual manner was not insensitive in such a way as to breach Clause 4. In addition, reporting on the details heard in the public proceedings did not intrude on the family's privacy, and there was no breach of Clause 2 on this point.

Conclusions

24. The complaint was upheld under Clause 5 (Reporting of suicide).

Remedial action required

25. Having upheld the complaint under Clause 5, the Committee considered what remedial action should be required.
26. The publication had published excessive detail regarding the method of suicide, in breach of Clause 5. In these circumstances, the appropriate remedy was the publication of an adverse adjudication.
27. The article had not appeared in print, and had been online for less than 24 hours, and the Committee noted the considerable steps taken by the publication since the article was published. However, given the severity of the breach, and having considered the layout of the publication's website, the Committee considered that a link to the adjudication should appear in the top five articles on the publication's homepage for a period of 24 hours, in the font size standard for items in this location, before being archived in the usual way. The wording of this link should be the same as the headline of the adjudication, which should be agreed with IPSO in advance.
28. The terms of the adjudication for publication are as follows:

Kate Dayman complained to the Independent Press Standards Organisation that the Northampton Chronicle & Echo breached Clause 5 (Reporting of suicide) in an article headlined "Northampton woman dies of caffeine overdose, inquest hears" published online on 14 March 2018. The complaint was upheld, and the Northampton Chronicle & Echo has been required to publish this ruling as a remedy to the breach of the Code.

The article reported on an inquest into the death of the complainant's sister-in-law, who had died as a result of an overdose. It described the substance ingested by the woman; the amount of this substance used; what this was mixed with; the approximate cost of this substance; the amount of the substance which constituted a "lethal dose"; and where it had been purchased.

The complainant said that the article included an excessive level of detail about the method the woman had used, and that this increased the risk of other individuals using the same method. She said this was especially concerning when the method used was relatively unusual, with little information available about it online.

The publication accepted that it had not acted within the spirit of Clause 5 (Reporting of suicide) and had published an excessive level of detail of the method used. It said that it had been contacted by Samaritans shortly after the article was published, in relation to these concerns, and had therefore removed it from its website within 24 hours of publication. The publication said that, since the article was published, it had taken steps to train its staff in relation to the reporting of suicide.

The Committee noted that the purpose of Clause 5 (Reporting of suicide) is to prevent the publication of material which might lead to imitative acts. The article had provided extensive details regarding the method the woman had used, as outlined above. The Committee was concerned that this level of detail had been included, and the details included were sufficient to support an individual, in a number of ways, in engaging in a simulative act. This was concerning when the article related to a relatively novel method of suicide, as there was a risk of increasing the awareness of this method among the population. The level of detail included in the article was excessive in a number of respects, and this represented a breach of Clause 5 (Reporting of suicide). The Committee noted that it was reassured by the publication's response to the complaint; the steps it had taken indicated that it appreciated the severity of the breach to the Code in this instance.

Date complaint received: 12 July 2018

Date decision issued: 22 November 2018

APPENDIX D

Decision of the Complaints Committee

04846-18 MacLeod v Mail Online

Summary of Complaint

1. Andrew MacLeod complained to the Independent Press Standards Organisation that Mail Online breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Landmark ruling sees British court recognise sharia law for the first time as judge rules wife married in Islamic ceremony can make claim on husband's assets under UK law", published on 2 August 2018.
2. The article reported on a High Court judgment, following a divorce petition filed by a wife against her husband. The husband defended the petition for divorce on the basis that the parties had not entered into a marriage which was valid according to English law but had instead undergone the Islamic law marriage ceremony, the Nikah. The judge concluded that the marriage between the wife and husband was "void" for the purposes of s.11 of the Matrimonial Causes Act 1973 and decided that as a consequence, the wife was entitled to a decree of nullity, thereby enabling her to seek relief which could potentially include a division of assets or maintenance.
3. The article described the judgment as a "landmark decision" which "recognised sharia law for the first time". The article reported that in the ruling, the judge had said that the couple's union "should be valid and recognised because their vows have similar expectations of a British marriage contract". The article continued: "This means women married in an Islamic faith ceremony will have an easier time securing a divorce in the UK, paving the way for them to claim half their husband's assets". The article noted that a review had been undertaken with the purpose of exploring whether Sharia law was being applied in a way that was incompatible with domestic legislation. The article said: "A panel of experts, said Muslim couples should be required to undergo civil marriages in addition to Muslim ceremonies to bring Islamic marriage legally into line with Christian and Jewish marriage".
4. The complainant said that the British court had not "recognised" sharia law; no reasonable reading of the judgment could find that the judge had incorporated or accepted Sharia Law into English Law.
5. The complainant provided a copy of the judgment. The complainant noted that the judge had said at paragraph 5: "what this case is not about though is whether an Islamic marriage ceremony (a Nikah) should be treated as creating a valid marriage in English law"; the complainant said that this made clear that the case was not about the application of Sharia Law in English Law.
6. Under English Matrimonial law, a marriage ceremony can either be valid, void or voidable, or deemed a 'non-marriage'. The court can make financial orders to redistribute assets if a marriage is found to valid, void or voidable; the court cannot

grant a decree of nullity nor can it make such financial orders following a non-marriage. The judge concluded that although the marriage was “entered into in disregard of certain requirements”, it could not legally be declared a non marriage. The complainant argued that in coming to the decision that the marriage was “void”, the judge had taken a flexible approach to s.11 of the Matrimonial Causes Act 1973. He said that the judge took into account non-religious factors particularly actions of being held in public, promises exchanged, officiated and witnessed; the complainant said that these factors existed in all religious ceremonies and none were exclusive to Islam generally, or sharia law specifically.

7. The publication argued that IPSO should not consider the complaint, as the complainant was a third party, with no direct involvement in the case. It also said that the complainant was seeking to argue a matter of opinion as to the interpretation of the judge’s decision.
8. Without prejudice to its position that the complainant was a third party, the publication did not accept a breach of the Code and said that care had been taken to accurately report a complex and nuanced High Court judgment. It said that it was not in dispute that the case was the first time a British judge has recognised a ‘Nikah’ marriage ceremony conducted in Britain as coming under the auspices of the Matrimonial Causes Act 1973, by virtue of it being found to be void.
9. The publication said that the consequence of the judgment, was that the wife was able to make a claim on her former husband’s assets under English law. The publication said that this recognition had wider implications for Muslim women who had undertaken an Islamic marriage ceremony (without corresponding civil ceremonies under UK law) to make a claim on their husband’s assets should the marriage break down.
10. The publication said that in coming to his decision that the marriage was “void” for the purposes of s.11 of the Matrimonial Causes Act 1972, the judge made clear reference to “the nature of the ceremony” and the fact that it bore “all the hallmarks of a marriage in that it was held in public, witnessed, officiated by an Iman”. It said that the reference to the Iman meant that the judge considered a factor which was exclusive to Islam. Furthermore, the publication said that the judge had referred to the marriage as being treated as valid in the UAE – a country whose official state religion is Islam. The publication said that in those circumstances, the judge took into consideration, factors which were exclusive to Islam, and the validity of the marriage in the eyes of Islam were relevant to his finding.
11. The publication did not accept that the article had given the misleading impression that the couple’s marriage was considered to have a legal status akin to that of a marriage conducted under English law. It said that the characterisation of the union as “valid” was in the general sense, and not the specific legalistic one which was set out in the lengthy judgment. The publication said that it removed the following passage, in order to clarify the complex and nuanced judgment: “before the landmark decision, the courts did not legally recognise [the Nikah] as a valid marriage”. It also amended the article, as a gesture of goodwill, and added the following passage:

[The judge] said the marriage was considered to be void under section 11 of the Matrimonial Causes Act 1973 due to it having been “entered into in disregard of certain requirement as to the formation of marriage”. This meant that [the wife] was “entitled to a decree of nullity”. Previously, Nikah marriages had been deemed legally non-existent, meaning that any party wishing to terminate the marriage had no legal recourse for any division of assets. The implications of the judgment are that women married in an Islamic faith ceremony will have an easier time securing a divorce in the UK, paving the way for them to claim half their husband’s assets”.

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 Committee recognised that the term “valid” has a legal meaning, as well as a general one. The media plays an important role in reporting on complex and nuanced legal cases in an accessible way. The Committee’s role was to consider the meaning of the article, and how it would be understood by the general public. The publication was entitled to report on the case in a way which would be understood to its readership, provided that in doing so, it had taken care not to publish the judge’s findings in an inaccurate, misleading or distorted way.
- 14. The article had claimed that a UK court had said that the couple’s marriage was “valid and recognised”; it said that “before the landmark decision, the courts did not recognise [Nikah ceremonies] as a valid marriage”. The article had reported that the wife was able to make a claim on her husband’s financial assets, following her successful petition for divorce. However, the judge found that the marriage had been “entered into in disregard of certain requirement as to the formation of marriage”, and was therefore “void”, not “valid” under UK law. The article had failed to explain that the judge’s finding that the marriage was “void”, had created limitations as to the nature of its validity. The claim that marriage had been found to be “valid and recognised”, in combination with the omission of any qualification as to the nature of that validity, as set out in the publicly available judgment, represented a failure to take care over the accuracy, in breach of Clause 1(i). The Committee considered that there was a significant difference between a marriage conducted under UK law, and a marriage which conferred limited rights on the parties; the failure to make clear that

distinction was significantly misleading, and required correction under the terms of Clause 1(ii).

15. The publication had removed references to “valid” from the article, and had amended the piece to make clear that that the marriage was “void” under section 11 of the Matrimonial Causes Act 1973. However, no footnote clarification had been published to record the amendments which had been made. This represented a breach of Clause 1(ii).
16. The Committee then turned to consider the broader complaint regarding the use of the term “recognised”. The article did not claim that sharia law had been incorporated or accepted into UK law, or that sharia law had been applied by a UK court, as the complainant had suggested. It was not in dispute that the case was the first time that a woman married under Islamic law—and who had not subsequently undertaken a civil marriage ceremony—had petitioned for a divorce through a UK court and was able to make a claim on her husband’s assets. The Committee noted that the wider implications which the judgment may have on women married in a Nikah ceremony had been acknowledged in the article. In coming to his decision that the marriage was “void”, rather than a “non marriage”, the judge had considered a number of elements in the couple’s marriage, one of which was the officiation by the Imam. Care had been taken to present the UK court’s “recognition” of sharia law in the specific context of the facts of the case; the article reported that a British court had ruled a wife “married in an Islamic ceremony can claim husband’s assets.” Following a petition for divorce, recognition had been afforded to the couple’s marriage as a consequence of it being found to be “void” under UK law. There was a real and meaningful distinction between a marriage found to be “void” and a “non marriage” which conferred no legal rights. The Committee did not consider that the reference to sharia law being “recognised” by a UK court was misleading in those circumstances. The article did not claim that all aspects of sharia law had been recognised in British law. There was no further breach of Clause 1 on this point.
17. The Committee rejected the publication’s argument that it lacked jurisdiction to consider the complaint on the basis that the complainant was seeking to argue a point of opinion. The complainant had explained why he believed the article had contained inaccurate, misleading and distorted information; this was the complainant’s explanation as to why a publicly available judgment was reported inaccurately, and his complaint under Clause 1. Further, the absence of any input from the parties most closely involved, did not prohibit the Committee from making an objective determination on the care taken over the reporting of a publicly available judgment, and adequate information had been presented before it, in order to do so. There is also a public interest in ensuring that court cases are reported accurately.

Conclusion

18. The complaint was upheld.

Remedial Action Required

19. Having upheld the complaint under Clause 1, the Committee considered what remedial action should be required.
20. In circumstances where the Committee establishes a breach of the Editors' Code, it can require the publication of a correction and/or adjudication, the nature, extent and placement of which is determined by IPSO.
21. In this case, the publication had taken steps to address the concerns raised, and had made amendments to the article, as set out above. However, this did not represent corrective action under the terms of Clause 1(ii) and no wording had been offered or published which identified the inaccuracy in the piece. The Committee therefore considered that the appropriate remedy was the publication of a correction, which would make clear the legal status of the marriage. The Committee considered that the publication of this correction as a footnote to the article, as well as a standalone correction on the publications homepage for 24 hours, which would be then archived in the usual way, was sufficient to meet the terms of Clause 1 (ii). This wording should be agreed with IPSO in advance and should make clear that it has been published following an upheld ruling by IPSO.

APPENDIX E

Paper No.	File Number	Name v Publication
1479	03999-18	Bromley v Metro
1480	04135-18	Iqbal v birminghammail.co.uk
1486	03565-18	McGurk v scottishdailystar.co.uk
1489	04419-18	Muslim Council of Britain v The Times
1490	01061-18	Ewing v The Sunday Times
1494	04743-18	Sykes v Huddersfield Examiner
1495	04524-18	McAlpine v The Scottish Sun
1497	04605-18	Milton v The Courier
1498	04216-18	Chapman v Daily Mail
1499		Request for review
1502	03863-18	Acharya v northamptonchron.co.uk
1503		Request for review
1504	04402-18	Department of Health Northern Ireland v The Times
1507		Request for review
1508	04853-18	Lennon v Daily Express
1509		Request for review
1511	04767-18	Hudspeth v essexlive.news
1516	05653-18	Crichton v Mail Online
1518		Request for review