

**MINUTES of the COMPLAINTS COMMITTEE MEETING**  
**Wednesday 24 April 2019 at 2.30pm**  
Gate House, 1 Farringdon Street, London EC4M 7LG

**Present**

Alan Moses (Chairman)  
Nazir Afzal  
Andrew Brennan  
Lara Fielden  
Janette Harkess  
David Hutton  
Mark Payton  
Andrew Pettie  
Miranda Winram  
Peter Wright

**In attendance:**

Michelle Kuhler, PA and minute taker  
Lauren Sloan, Senior Complaints Officer  
Bianca Strohmman, 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

**Observers:**

Jonathan Grun, Editors' Code of Practice Committee

1. Apologies for Absence

Apologies were received from Richard Best and Helyn Mensah.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 13 March.

4. Update by the Chairman – oral

The Chairman updated the Committee on recent events. He updated the Committee on the RFC draft funding agreement for the next five years, soon to be finalised. Meeting held with Fiyzal Mughal from Tell Mamma and the Policy Exchange.

The Committee expressed their gratitude to Bianca Strohmann who will be leaving IPSO. The Committee welcomed and congratulated Lauren Sloan who has been promoted to Joint Head of Complaints along with Holly Pick.

5. Matters arising

There were no matters arising.

6. Complaint 02322-19 A man v Yorkshire Evening Post

The Committee discussed the complaint and ruled that the complaint should be upheld under Clause 6. A copy of its ruling appears in **Appendix A**.

7. Complaint 01029-19 A woman v Airdrie & Coatbridge Advertiser

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

8. Discussion Paper: Promptness Factors for consideration

The Head of Complaints introduced the paper. The Committee discussed the paper recommendations and comments from the Committee were noted.

9. Tabled Doc: Complaint 00779-19 Sutton v Daily Express

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

10. Complaints not adjudicated at a Complaints Committee meeting

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

11. Any other business

There was no other business.

12. Date of next meeting

The date of the next meeting was confirmed as Wednesday 12th June 2019.

The meeting ended at 4.10pm

## Appendix A

### Decision of the Complaints Committee 02322-19 A Man v Yorkshire Evening Post

#### Summary of Complaint

1. A man complained to the Independent Press Standards Organisation that the Yorkshire Evening Post breached Clause 2 (Privacy) and Clause 6 (Children) of the Editors' Code of Practice in an article headlined "Fundraiser for the family of 'amazing' Alexis, published on 9 March 2019.

2. The article reported that a fundraising event was being organised in memory of a local woman who had recently died, to raise money to take her two children on holiday. It included comments from the woman's partner, and from her friend who was organising the event. The article included two un-pixelated photographs of the woman and her children – the first photograph covered approximately half of the article's page and showed the trio in the swimming pool, and the second smaller image showed the woman with her two children in fancy dress. The article also included the children's first names and ages, and reported the date on which the woman had died.

3. The article appeared online in the same format with the headline "Fundraiser after cancer death of 'amazing' Leeds singer Alexis Woolerton, 34", and was published on 9 March 2019. A link to the article appeared on the website's homepage "news" section.

4. The complainant, the woman's former partner and the children's father, said that the photographs of his children had been published without his consent, in breach of Clause 2 (Privacy) and Clause 6 (Children). He also said the publication of the article had been very distressing for the family. He said that the children had not previously known the date of their mother's death. Since publication, other children had approached them at school to talk about their mother's death.

5. The publication expressed its condolences to the complainant and his family, and apologised for any distress caused. It said that it had been contacted by the children's grandmother, who wanted to raise awareness of the fundraising efforts. She had spoken to the journalist, who had asked whether she could provide any photographs of her daughter and grandchildren. She had directed the journalist to her daughter's partner, not the father of the children, who had provided the photographs for publication. The newspaper said that the photographs had been published in good faith with the intention of helping raise awareness of the fundraising effort; modern families were complicated and it had no reason to believe that the person who provided the photographs was not in a position to consent to their publication.

6. The newspaper said that the photographs were not on an issue related to the children's welfare, and nothing private was revealed by them, or the article. It noted that information about the woman's illness and the day that she had died had already appeared on the fundraising group's open Facebook page. Nonetheless, it said that on learning of the complainant's concerns, it had amended the online article to

remove the photographs of the children, and the editor and reporter met the complainant to discuss his concerns.

### Relevant Code Provisions

#### 7. 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 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. The Committee wished to express its sympathies to the complainant and his family for the circumstances which brought about this complaint.

9. The publication had intended to publish a positive article, raising awareness of the woman's illness, and the fundraising effort. Nonetheless, it was still required to have regard for the terms of Clause 6.

10. The article was about the death of the children's mother, which was an issue which related to their welfare. The Committee acknowledged that it may not always be possible to know who has parental responsibility for a child, and that the reporter had been acting in good faith in assuming that the people who provided the photographs were in a position to consent to their publication. However, the reporter

had made no enquiries as to whether either of those adults had parental responsibility for the children. Neither of them did, and therefore they were not “similarly responsible adult” for the purposes of Clause 6, where there was a remaining custodial parent. In these circumstances, publishing the photographs without the complainant’s consent constituted a breach of Clause 6.

11. The fact or date of a death is not private information. The friend and partner of the woman were free to speak about the circumstances of her death, in line with their right to freedom of expression. This was not an intrusion into the children’s privacy. The photographs did not reveal any information about the children beyond their likeness, and their relationship to the woman (their mother). Notwithstanding the issues raised under Clause 6, there was no breach of Clause 2.

### **Conclusions**

12. The complaint was upheld under Clause 6.

### **Remedial Action Required**

13. Having upheld the complaint, the Committee considered what remedial action should be required. In circumstances where the newspaper had breached Clause 6, the publication of an adjudication was appropriate.

14. The Committee considered the placement of this adjudication. The article was trailed on the front page of the publication, however, the photographs of the children which the Committee found to be in breach of the Code appeared on page 3. Therefore, the adjudication should appear on page 3 or further forward. The headline to the adjudication should be in the same typeface and size as other headlines on the page, and the text of the adjudication should be the same size as other text on the page, and in the same font. The headline should make clear that IPSO has upheld the complaint, give the title of the publication, and refer to the complaint’s subject matter. It must be agreed with IPSO in advance.

15. The adjudication should also be published on the publication’s website, with a link to the adjudication (including the headline) appearing in the news section on the publication’s website for 24 hours; it should then be archived in the usual way.

The terms of the adjudication for publication are as follows:

A man complained to the Independent Press Standards Organisation that the Yorkshire Evening Post breached Clause 2 (Privacy) and Clause 6 (Children) of the Editors’ Code of Practice in an article headlined “Fundraiser for the family of ‘amazing’ Alexis”, published on 9 March 2019.

The article reported that a fundraising event was being organised in memory of a local woman who had recently died, to raise money to take her two children on holiday. The article included two un-pixelated photographs of the woman and her children.

The complainant, the woman’s former partner and the children’s father, said that the photographs of his children had been published without his consent.

The publication expressed its condolences to the complainant and his family, and apologised for any distress caused. It said that it had been contacted by the children's grandmother, who wanted to raise awareness of the fundraising efforts. She had spoken to the journalist, who had asked whether she could provide any photographs of her daughter and grandchildren. She had directed the journalist to her daughter's partner, who had provided the photographs for publication. The newspaper said that the photographs had been published in good faith; modern families were complicated and it had no reason to believe that the person who provided the photographs was not in a position to consent to their publication. Nonetheless, it said that on learning of the complainant's concerns, the online article was amended to remove the photographs of the children, and the editor and reporter met the complainant to discuss his concerns.

The article was about the death of the children's mother. This was an issue which related to their welfare. Despite the newspaper intending the article to assist the children, it was clear that the newspaper had not undertaken any inquiries into who had custodial responsibility for the children. The photos had therefore been published without the consent of a custodial parent. There was a breach of Clause 6 and the complaint was upheld.

Date complaint received: 12/03/2019

Date decision issued: 10/05/2019

## APPENDIX B

### Decision of the Complaints Committee

#### 01029-19 A woman v Airdrie & Coatbridge Advertiser

##### Summary of complaint

1. A woman complained to the Independent Press Standards Organisation that the Airdrie & Coatbridge Advertiser breached Clause 1 (Accuracy), Clause 2 (Privacy) and Clause 11 (Victims of sexual assault) of the Editors' Code of Practice in an article published in 2019.
2. This decision is written in general terms, to avoid the inclusion of information which could identify a victim of sexual assault.
3. On its front page, the newspaper reported that an individual had received a custodial sentence after being convicted of sexual offences against two children; it reported that the offences had taken place over ten years ago. It reported witness evidence heard in court regarding the location in which the offences took place; it disclosed both the complainant's and the defendant's association with that location. The article set out the period of time over which these offences had occurred, the age of the victims during that time, and their ages now.
4. The article was also published online, in substantially the same form, on the same day. The online article did not report the victims' current ages.
5. The complainant said that the article had contained details which had identified her as a victim of sexual assault; in fact, she had been identified as the victim in the case by members of her local community. The complainant also said that the disclosure of this information was deeply upsetting and an unjustified intrusion into her privacy, in breach of Clause 2.
6. The complainant said that the article was an inaccurate report of the evidence heard in court. She said that contrary to the article's claim, she had not "fled to a neighbours" twice following two separate incidents; in fact, she only went there once following the first incident.
7. The newspaper expressed regret that the article had caused the complainant upset and distress, but said that it took care to remove any excessive information that was heard in court, which might likely to lead to identification. It said that it was entitled to report court proceedings held in public, in the public interest. The publication provided explanations as to why it did not believe that the information identified by the complainant were likely to contribute to her identification.
8. The newspaper said that the journalist had attended court and upon writing the story two consecutive incidents recorded accurately in their notes were conflated into one. The publication did not accept that this error was a significant inaccuracy, however as a gesture of goodwill, it offered to publish the following correction on p. 2 of the print edition. The publication also removed the online article.

*In our article [headline], we reported that a young victim of sexual assault fled to a neighbours twice after she had been attacked on two separate occasions. We are happy to clarify that the victim only fled to a neighbours on one of these occasions.*



## 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.
- 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 11 (Victims of sexual assault)

The press must not identify or publish material likely to lead to the identification of a victim of sexual assault unless there is adequate justification and they are legally free to do so.

## Finding of the Committee

9. It is a fundamental principle of open justice that court proceedings are reported by the media in an open and transparent way. Both the law and the Code requires that, when upholding this fundamental principle in cases involving sexual assault, a publication must not publish material likely to lead to the identification of the victim. The article had disclosed information heard in court regarding the circumstances in which the offences had occurred. This included the location in which the offences had taken place and the defendant and the complainant's association with that location. The Committee considered that the combination of these particular details, alongside the period of time in which the offences had occurred, and the ages of the victims, represented information which would be known to the complainant's community, particularly those who knew the defendant and the complainant, and was likely to lead to her identification as a victim in the case. The complaint was therefore upheld as a breach of Clause 11.
10. The Committee acknowledged that the publication of the details subject to complaint had caused the complainant distress. This information was a matter of public record, having been disclosed during the course of open court proceedings; in accordance with the fundamental principle of open justice, the publication of this information did not represent a breach of Clause 2, leaving aside the issues that arose under Clause 11.
11. It was inaccurate to report that the court had heard that the complainant had fled to a neighbour's house on two separate occasions, however, it did not represent a significant inaccuracy given that the complainant had fled to a neighbour's house on one occasion. While this error did not represent a breach of Clause 1, given the sensitivity of the complaint, the Committee welcomed the newspaper's offer to publish a correction.

## Conclusion

12. The complaint was upheld.

**Remedial Action required**

13. Having upheld the complaint under Clause 11, the appropriate remedy was the publication of an adjudication.
14. The Committee considered the placement of its adjudication. In exercising its powers to determine the nature, extent and placement of a remedy to a breach of the Code that it has established, the Committee will have regard to a number of factors including the seriousness of the breach, its placement within the article, and its prominence. The Committee is also obliged to act proportionately. The article was published on the newspaper's front page, however the details which were likely to contribute to the identification of the complainant as the victim in the case had appeared on p.2. The newspaper was entitled to report on the court case but had failed to comply with its obligations under Clause 11. In this instance, the adjudication should be published on p.2 where the material found to be in breach of the Code had appeared. The headline to the adjudication should make clear that IPSO has upheld the complaint, give the title of the newspaper and refer to the complaint's subject matter. The headline must be agreed with IPSO in advance.
15. The adjudication should also be published on the newspaper's website, with a link to the full adjudication (including the headline) appearing in the top 50% of stories on the publication's website for 24 hours; it should then be archived in the usual way. The terms of the adjudication for publication are as follows:

*A woman complained to the Independent Press Standards Organisation that the Airdrie & Coatbridge Advertiser breached Clause 11 (Victims of sexual assault) of the Editors' Code of Practice in an article published in print and online in 2019. Clause 11 of the Code requires that the press must not identify victims of sexual assault or publish material likely to lead to such identification unless there is adequate justification and they are legally free to do so. IPSO upheld the complaint and has required the Airdrie & Coatbridge Advertiser to publish this decision as a remedy to the breach.*

*The article reported that an individual had received a custodial sentence after being convicted of sexual offences against two children.*

*The complainant said that the article had contained details which had identified her as a victim of sexual assault.*

*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.*

*The Committee made clear that it is a fundamental principle of open justice that court proceedings are reported on by the media in an open and transparent way. Both the law and the Code requires that, when upholding this fundamental principle in cases involving sexual assault, a publication must not publish material likely to contribute to the identification of the victim. The article had disclosed information heard in court regarding the circumstances in which the offences had occurred. This included the location in which the offences had taken place, and the defendant and the complainant's association with that location. The Committee considered that the combination of these particular details, alongside the period of time in which the offences had occurred, and the ages of the victims, represented information which would only be known to the complainant's community, and was likely to lead to her identification as a victim in the case. The complaint was therefore upheld as a breach of Clause 11.*

## APPENDIX C

### Decision of the Complaints Committee – 00779-19 Sutton v Daily Express

#### Summary of Complaint

1. William Sutton complained to the Independent Press Standards Organisation that the Daily Express breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "SECOND VOTE WILL LEAD TO CIVIL UNREST", published on 22 January 2019.
2. The article appeared on the front page of the newspaper, and continued on pages 4 and 5. The sub-headline said "PM: New poll would threaten democracy", and the article reported that the Prime Minister had "warned that a second EU referendum could trigger civil disorder and unrest across Britain by destroying trust in Parliament". The article went on to quote the Prime Minister's comment that a second referendum "could damage social cohesion by undermining faith in our democracy".
3. The complainant said that the article was inaccurate in breach of Clause 1 (Accuracy), because the front page headline stated as fact that a second referendum would lead to civil unrest, when this was only a possibility, and the Prime Minister had stated social cohesion "could" be damaged. The complainant also said that the article breached Clause 3 (Harassment) because its headline represented a veiled threat to individuals including himself who were campaigning for a second referendum, suggesting that any civil unrest would be the fault of those campaigners, rather than its perpetrators. He said that the headline was aimed at deterring their campaign, which represented harassment.
4. The publication denied any breach of Clause 1 (Accuracy). It said that the words "will lead to" in the headline showed that the newspaper's intention was to suggest that a second referendum would precipitate a move *towards* civil unrest; it did not indicate that this was a certainty. The publication also said that the article made clear that the Prime Minister had suggested that there was a potential for civil unrest in the event of a second referendum, by quoting directly from her comment that "a second referendum could damage social cohesion by undermining faith in our democracy". It said that the remainder of the article was an interpretation of this warning, and noted that the headline was not presented as a direct quotation from the Prime Minister.

#### Relevant Code Provisions

5. 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**

6. The complainant had not sought to argue that the Prime Minister's comments could not be interpreted as a reference to possible civil disorder; rather, he was concerned that the headline suggested that this was an inevitable outcome, rather than a possibility.
7. The headline claim that a second referendum "will lead to civil unrest" was not attributed to the Prime Minister, and was not a direct quotation from her speech. The sub-headline summarised the Prime Minister's position that a "new poll would threaten democracy"; the Prime Minister's position was reported in the first line of the article, which explained that she had warned that a second referendum "could trigger civil disorder and unrest across Britain by destroying trust in Parliament", and the article went on to quote the Prime Minister's claim that it "'could damage social cohesion by undermining faith in our democracy'". The headline did not suggest that the Prime Minister personally had said that a second referendum would inevitably "lead to civil unrest"; the headline was the position of the newspaper - in light of the warnings given by the Prime Minister - and was presenting a prediction, which would have been understood by readers of the headline. The Committee did not, in these circumstances, consider that there had been a failure to take care over the presentation of the headline, and it did not consider that the headline gave rise to any significantly misleading impression that would require correction. There was no breach of Clause 1.
8. The terms of Clause 3 (Harassment) generally relate to the nature of approaches made by journalists to individuals, and are usually engaged when an individual continues to be contacted or approached by journalists after having made a request to desist. In this case, the complainant had not been approached by any journalist; rather, he disagreed with the headline and felt that it was an attempt to change his behaviour. This was not a concern that engaged with the terms of Clause 3.

### **Conclusions**

9. The complaint was not upheld.

### **Remedial action required**

10. N/A

**Date complaint received:** 22 January 2019

**Date decision issued:** 29 May 2019

**APPENDIX D**

<b>Paper No.</b>	<b>File Number</b>	<b>Name v Publication</b>
1595	06781-18	Jordon v The Sun
1606	07858-18	Labour Party v The Sun
1607	07454-18	Belcher v The Times
1609	07797-18	Shorten v Shoreham Herald
1617	07446-18	Heppell v Bella
1618	08070-18	Family of Tony Carroll v Mail Online
1622	00952-19	Richardson v express.co.uk
1623	07921-18	NUJ v The Cumberland News
1627	00154-19	Stirling v The Daily Telegraph
1628		Request for review
1629	00149- 19/00168- 19	Jamelia v The Sun/thesun.co.uk
1632	03180-18	Purcell v thesun.co.uk
1633	03194-18	Purcell v Daily Mirror
1634	03195-18	Purcell v Hackney Gazette
1635	07264-18	A woman v The Sun
1636	07265-18	A woman v Mail Online
1637	07266-18	A woman v Daily Express
1638	03743-18	Purcell v metro.co.uk
1640		Request for review
1641	07411-18	Arcadia Group Limited and Top Shop/Top Man Limited v The Daily Telegraph
1643		Request for review
1644	08062-18	Gordon v Sunday Life
1646		Request for review
1647	01114-19	King's College Hospital NHS Foundation Trust v The Sun
1649		Request for review