

Response to 38 degrees petition

Thank you for writing to IPSO with details of your recent petition and for sharing 38 degrees' open letter. I have read your submission carefully and shared it with relevant colleagues including IPSO's Chairman, Chief Executive, Head of Complaints and Standards team.

IPSO recognises there is a great deal of public concern around potential press harassment and intrusion, particularly recently in the wake of the death of Caroline Flack, and I appreciate your writing to us about this and giving me an opportunity to provide details about what IPSO is doing to address these important issues.

Your submission raised several different points, and I will try to address as many of the issues raised as possible. I hope that this is helpful and would be grateful if you would share this response with those who signed the petition.

Concerns raised by 38 degrees campaigners about their personal experiences

IPSO takes complaints about harassment and press intrusion extremely seriously. Some of the incidents you, and those who wrote to you, describe could potentially raise serious breaches of the Editors' Code of Practice. Although I appreciate that many of your respondents would have disclosed information on an anonymous basis, I would urge anyone who feels they have a complaint under the Editors' Code to get in touch with IPSO directly so we can discuss with them how we might be able to help. Please be assured that IPSO will take all complaints seriously and deal with them robustly.

I, and others at IPSO, have read the case studies in your submission very carefully. Without details about the publications involved or the circumstances in which the incidents occurred; we are limited in our ability to investigate them further. In some cases, it appears that we might face other difficulties. We have certain criteria for considering complaints, to enable us to work in a timely and effective manner, in line with our remit and the Code. Some case studies appear to relate to events that occurred some time ago, even before IPSO's launch. However, just because the incident may be non-recent, does not mean that the concern does not remain relevant now or cannot inform our work.

There are a number of ways in which we uphold high press standards which do not involve the complaints process, including, as you mention, standards investigations, guidance for journalists, pre-publication advice and notices, training and engagement with groups like yourselves. I have provided further detail on some of these below.

The following sections provide general information about how IPSO can help in relation to the issues raised in your submission and signpost to further information on our website, www.ipso.co.uk

How IPSO can help: Concerns about harassment

Contacting people involved in a story is an important part of how news is gathered. It is of course, an individual choice about whether someone wants to speak to the press. The Code makes clear that journalists are allowed to approach people but must do so with sensitivity in cases involving grief or shock (Clause 4) and desist from questioning or photographing the person if asked (Clause 3).

IPSO operates a 24/7 harassment helpline offering practical advice and in appropriate cases, can issue an industry-wide private advisory notice to make editors and journalists aware of any concerns that someone might have and noting what the Code says about how journalists should behave. The notices can communicate specific requests e.g. to stop telephoning or can pass on concerns about the future publication of material which might breach the Code. Unlike broadcast regulators, IPSO can act before publication, so the notices are also sent to broadcasters who – although not regulated by IPSO – receive them on a goodwill basis. Failing to comply with a desist request may be a breach of the Code which would attract a regulatory sanction if upheld.

If any of your respondents are concerned about unwanted approaches from journalists, they should call IPSO. One of our experienced complaints officers will be able to give advice, and a member of the team is on call 24 hours a day to deal with urgent harassment issues.

How IPSO can help: Reporting on a death

The fact of somebody's death is not private information and the press has a right to report the fact that someone has died, including inquests. It is important that deaths are reported on for several reasons. However, the Editors' Code makes clear that journalists must make sure that:

- they approach members of the public with sympathy and discretion
- they do not publish information that might cause any unnecessary upset to friends and family of the person who has died
- they do not break the news of a death to the immediate family
- reports about a death are accurate
- they do not harass people (they can approach the family or friends of the person who has died but must desist from contacting when asked)
- in cases where someone has died by suicide, they must not publish too much information about how they died.

In some cases, families and friends of the person who has died choose to get in touch with journalists. They hope to use media coverage to tell others about what has happened, pay tribute, and sometimes even to campaign to stop the same thing from happening again.

In other cases, some people who have been bereaved find themselves in a situation where they find it difficult to deal with media interest. IPSO can help with through our harassment services. You can find more information about the rules on [reporting of deaths](#) and how IPSO can help on the advice section of our website.

How IPSO can help: Court reporting

Newspapers routinely report what happens in court as part of making sure justice happens fairly and journalists often go to court to report on the cases being heard. Generally, newspapers can publish:

- anything that has been said in court or used as evidence, including evidence or testimony given by either a witness or a defendant
- the name, age, and address of anyone who is involved in a court case
- photos of anyone involved in a court case, including photos taken by a photographer or photos from social media.

The rules of the Editors' Code, for example around accuracy and harassment, still very much apply here. However, newspapers are generally not allowed to print information which identifies a friend or relative of a criminal who is not at all relevant to the court case or information which is protected by reporting restrictions or might be in contempt of court. The Code and the law also prevent them from publishing information that could identify a victim of sexual assault without their consent. You can find more support around what to expect from [court reporting](#) on the advice section of our website.

How IPSO can help: Material from social media

In general, journalists may publish information from social media which is in the public domain (e.g. where there are no privacy settings). When someone puts information onto social media, they are putting it into the public domain for other people to view. Unless posts are protected by privacy settings, anyone, including journalists, can see them.

Journalists may use social media to get in touch with people, to gather information or to check facts. However, journalists must always consider whether publishing information taken from social media might intrude on grief or privacy, and the standards set out in the Editors' Code still apply.

Journalists should not publish photographs that relate to a child's welfare without parental permission, or which might identify a victim of a sexual offence. More [information](#) about journalism, social media and how IPSO can help is on the advice section of the website.

Caroline Flack and the reporting of suicide

IPSO appreciates there is a huge amount of public concern around the circumstances of the death of Caroline Flack, regarding both reporting related to the court case prior to her death and reporting of her death itself. The suggestion that the activities of journalists may have played a role in these tragic events is of utmost concern. There is currently little information in the public domain about the circumstances of her death, but we continue to closely monitor developments.

In any case of potential harassment, it is for the individual affected to decide how they would like to approach it. Caroline Flack (and her management) had been aware of IPSO for a number of years and we have worked with them to provide advice and other services where requested. While we are not able to provide specific details due to our confidentiality procedures, we have been in touch with the Flack family since her death to ensure that they know about IPSO's services. It would be for the family to take forward any complaint relating to press behaviour, either before or after her death.

Responsible reporting of suicide is an issue IPSO takes extremely seriously. The Editor's Code was amended in 2016 to make the reporting of suicide a stand-alone clause and the risk of 'simulative acts' was explicitly referenced for the first time.

To help editors and journalists report responsibly we have produced [guidance](#) on this issue and it is regularly covered in the training we offer to regulated newspapers and magazines. We also work closely with Samaritans and other suicide prevention charities and regularly engage with publications on this topic. You may be interested in our series of joint [blogs](#) and [podcast](#) with Samaritans, which discuss responsible reporting, and IPSO's work in this area, in depth.

Standards investigations

A Standards Investigation is IPSO's most serious regulatory intervention. It is designed to investigate allegations of systemic wrongdoing at a publisher or specific publishers. If the allegations are upheld, IPSO can levy fines or require [other remedies](#).

To carry out any investigation effectively, IPSO must engage with both the publisher/s under investigation and those who have raised concerns, looking in detail at what has happened and why. It is therefore not the best way for us to look into broad concerns about the activities of the press. We would not be able to take enforcement action such as issuing fines without specific evidence relating to an individual publisher.

That said, addressing broader concerns about potential patterns across the industry is an important part of IPSO's work. We undertake monitoring using information from complaints, the broader media landscape and engagement with groups interested in coverage of particular issues. We use the monitoring to track patterns and identify areas of potential concern so we can provide targeted interventions to raise press standards, for example through our guidance and training.

What IPSO will do with this information

The information you have provided will be used to inform our monitoring work, particularly feeding into considerations about the reporting of suicide and death, potential harassment, use of social media and court reporting.

The issues you have raised have been discussed by IPSO's Board and by our Liaison Committee, a group of Board and Complaints Committee members, who have asked us to continue monitoring reporting around Caroline Flack's death, and the wider associated issues, closely.

Should anyone who has signed the petition wish to get in touch to discuss concerns about an individual IPSO publication, they are welcome to contact us at inquiries@ipso.co.uk