

MINUTES of the COMPLAINTS COMMITTEE MEETING
Tuesday 25 May at 10.30am
Via Video Conference Call

Present

Lord Edward Faulks (Chairman)
Nazir Afzal
Andrew Brennan
Janette Harkess
David Hutton
Alastair Machray
Asmita Naik
Miranda Winram
Mark Payton
Andrew Pettie
Miranda Winram
Peter Wright

In attendance: Charlotte Dewar, Chief Executive
Michelle Kuhler, PA and minute taker

Also present: Members of the Executive:

Elizabeth Cobbe
Rosemary Douce
Alice Gould
Sebastian Harwood
Emily Houlston-Jones
Natalie Johnson
Chloe McKiver
Molly Richards
Martha Rowe
Sean Sutherland

Observers: Jonathan Grun, Editors' Code of Practice Committee

1. Apologies

Apologies were received from Helyn Mensah. The Chairman welcomed Jonathan Grun.

2. Declarations of Interest

There were no declarations of interest received.

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 20 April.

4. Matters arising

There were no matters arising.

5. Update by the Chairman – oral

The Chairman informed the committee that IPSO has found a new Head of Complaints, Robert Morrison, who would start in August.

6. Complaints update

The Chief Executive thanked the Complaints Officers and the Complaints Consultant for their support during the vacancy in the Head of Complaints role.

Overall complaints figures were healthy, including a recent large multiple of over 700 complaints, which was under investigation in relation to Clause 1 (Accuracy).

7. Complaint 01360-21 /01902-21 /01903-21 A man and a woman v Liphook Herald/Haslemere Herald/Bordon Herald

The Committee discussed these complaints and ruled that the complaint should not be upheld. **Copies of the rulings appear in Appendix A.**

8. Complaint 02510-21 A woman v The Sunday Times

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

9. Complaint 02152-21 Mitchell v Sunday Mirror

The Committee discussed the complaint, which would be finalised in correspondence.

10. Complaint 02600-21 A woman v The Sunday Times

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

11. Complaints not adjudicated at a Complaints Committee meeting

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

12. Complaints Committee Policy Paper

The Committee considered issues relating to the assignment of editorial responsibility for complaints where there is overlap between content published by different titles published by the same publisher.

The Committee had a discussion regarding the paper. The Chief Executive took questions from the members.

The Committee agreed that the matter required further consideration.

13. Any other business

There were no other business.

14. Date of next meeting

The date of the next meeting was confirmed as 20th July 2021.

The meeting ended at 12.45pm

Appendix A

Decision of the Complaints Committee 01902-21 A man and a woman v Haslemere Herald

Summary of Complaint

1. A man and a woman complained to the Independent Press Standards Organisation that the Haslemere Herald breached Clause 2 (Privacy), Clause 4 (Intrusion into grief and shock) and Clause 9 (Reporting of crime) of the Editors' Code of Practice in an article published in February 2021.
2. The article reported on the court case of a man who had admitted sexually assaulting a woman. The complainants were the man's parents.
3. The article gave details of the crime, and commented that the defendant was the son of the former chairman of a local parish council, naming both the parish council and the male complainant. The article also contained a photograph of the defendant and the male complainant, which was captioned: "[named defendant] with dad, and ex-parish council chair, [named father]". It included a quote from the defendant, who worked as a producer, which had been taken from a previous interview with the same newspaper which referred to both his "dad" and "mum" having appeared as extras in a programme he was working on. The defendant's mother, the female complainant, was not named. The article also referred to the illness of the defendant.
4. The complainants said that the article identified them as relatives of someone convicted of a crime in breach of Clause 9. The father said he had not consented to being named and photographed in the article, and the mother had not consented to being referred to. They said that neither of them was genuinely relevant to the story, as they played no role in the crime and had not attended court proceedings. The complainants said that their relationship with their son would be known within their village, but was not widely known further afield.
5. The complainants said that they had a reasonable expectation of privacy over their relationship to their son, and that the focus on their relationship in the article intruded into their private lives. The complainants also said that due to their son's illness and the stress of the court case, they were in a state of grief and shock, and that by identifying them in the article the journalist had intruded into this.
6. The publication did not accept a breach of the Code. While the defendant's father had been identified in the article, it believed that he was genuinely relevant to the story: he was a prominent public figure in the area due to his work for the district and parish council over three decades. Furthermore, some years earlier it had published an article, written with the family's involvement and featuring images of the father and son together, which reported that the complainant had

appeared as an extra in a television programme produced by his son. This made the complainants relevant to their son's career and their relationship with him was, in the view of the publication, well established in the public domain to the extent that Clause 9 would have no useful purpose. Furthermore, the publication believed that due to the father's position, his inclusion was in the public interest. It said that the editorial team had discussed this issue in advance of publication, and concluded that the previous article connecting the complainants and their son rendered them relevant to the story. The publication said that the quote: "My mum also made an appearance as an extra in the second series" did not identify the other complainant.

7. The publication said that for similar reasons, the article did not breach Clause 2; both complainants had publicly disclosed their relationship with their son so they did not have a reasonable expectation of privacy over this information and the newspaper was entitled to print it.

8. The publication expressed its condolences to the complainants over what their family was going through. However, it noted that their son's illness was spoken about in court as the reason for the delay in proceedings. It said that it had reported the article sensitively and had not sensationalised the facts; the reporting was restrained and responsible, and it omitted details it was legally entitled to publish.

Relevant Clause Provisions

9. Clause 2 (Privacy)*

i) Everyone is entitled to respect for their private and family life, home, physical and mental 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 9 (Reporting of Crime)*

i) Relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story.

ii) Particular regard should be paid to the potentially vulnerable position of children under the age of 18 who witness, or are victims of, crime. This should not restrict the right to report legal proceedings.

iii) Editors should generally avoid naming children under the age of 18 after arrest for a criminal offence but before they appear in a youth court unless they can show that the individual's name is already in the public domain, or that the individual (or, if they are under 16, a custodial parent or similarly responsible adult) has given their consent. This does not restrict the right to name juveniles who appear in a crown court, or whose anonymity is lifted.

The Public Interest

There may be exceptions to the clauses marked * where they can be demonstrated to be in the public interest.

1. The public interest includes, but is not confined to:

- Detecting or exposing crime, or the threat of crime, or serious impropriety.
- Protecting public health or safety.
- Protecting the public from being misled by an action or statement of an individual or organisation.
- Disclosing a person or organisation's failure or likely failure to comply with any obligation to which they are subject.
- Disclosing a miscarriage of justice.
- Raising or contributing to a matter of public debate, including serious cases of impropriety, unethical conduct or incompetence concerning the public.
- Disclosing concealment, or likely concealment, of any of the above.

2. There is a public interest in freedom of expression itself.

3. The regulator will consider the extent to which material is already in the public domain or will become so.

4. Editors invoking the public interest will need to demonstrate that they reasonably believed publication - or journalistic activity taken with a view to publication - would both serve, and be proportionate to, the public interest and explain how they reached that decision at the time.

5. An exceptional public interest would need to be demonstrated to over-ride the normally paramount interests of children under 16.

Findings of the Committee

10. Clause 9 makes clear that relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story.

11. The Committee first considered the position of the defendant's father, the male complainant. He was named and photographed in the article, and it was not in dispute that he had been identified. The Committee therefore considered whether he was genuinely relevant to the story.

12. The story centred the crime of the complainants' son. It was accepted that the complainants had no part in the crime, or their son's trial. While the complainants had on occasion in the past featured in articles which disclosed their relationship to their son with regard to his position as a producer, the Committee considered that this fell short of making them genuinely relevant to the story of the article under complaint: namely their son's crime.

13. The publication had said that the connection between the identified complainant and his son was so well established in the public domain that Clause 9 would have no useful purpose. The Committee acknowledged that there may be occasions where the nature of a familiar connection is so well-established in the public domain that the purpose for which Clause 9 is intended, of protecting innocent friends and relatives from association with crime and allegations of crime, is no longer relevant. However, in this case, the relationship between the complainant and his son clearly fell short of this threshold. There was a breach of Clause 9 with relation to the defendant's father, the male complainant.

14. The second complainant had not been named or photographed within the article, and the only reference to her had been a quote from her son about her appearance as an extra, in which she was referred to only as "mum". On this basis, the Committee concluded that she had not been identified and Clause 9 was not engaged.

15. The complainants also said that the revelation of their family connection to their son breached their privacy and intruded into their grief and shock. Notwithstanding the breach under Clause 9, the complainants did not have a reasonable expectation of privacy over their relationship to their son, which was a matter of public record and had been previously established in the public domain, albeit not widely. There was no breach of Clause 2.

16. The Committee finally considered the complaint about intrusion into grief and shock. It noted that this was a report of court proceedings, in which the defendant's illness was mentioned, with additional material about the defendant's family background. Notwithstanding that the Committee had found a breach of Clause 9, this did not constitute insensitive handling.

Conclusions

17. The complaint was upheld under Clause 9.

Remedial action required

18. Having upheld the complaint, the Committee considered what remedial action should be required. In circumstances where the newspaper had breached Clause 9 the publication of an adjudication was appropriate.

19. The Committee considered the placement of this adjudication. The adjudication should be published in print, on or before page 3, where the original article appeared. The headline to the adjudication should make clear that IPSO has upheld the complaint, give the title of the publication and refer to the complaint's subject matter. The headline must be agreed with IPSO in advance.

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

A man complained to the Independent Press Standards Organisation that the Haslemere Herald breached Clause 9 (Reporting of crime) in an article published in February 2021.

The article reported on the court case of the complainant's son who had admitted sexually assaulting a woman. It gave details of the crime, and commented that the defendant was the son of the former chairman of a local parish council, naming both the parish council and the complainant. The article also contained a photograph of the defendant and the complainant, which was captioned: "[named defendant] with dad, and ex-parish council chair, [named father]". It included a quote from the defendant, who worked as a producer, which had been taken from an interview with the same newspaper which referred to both his "dad" and "mum" having appeared as extras in a programme he was working on.

The complainant said that the article breached Clause 9 as it identified him as the relative of someone convicted of a crime. The complainant said he had not consented to being named and photographed in the article, and that he was not genuinely relevant to the story, as he played no role in the crime and had not attended court proceedings. He said his relationship with his son would be known within his village, but was not widely known further afield.

IPSO considered that the complainant had no part in the crime, or his son's trial. While he had previously featured in articles which disclosed his relationship to his son with regard to his position as a producer, IPSO considered that this fell short of making him genuinely relevant to the story of the article under complaint: namely his son's crime. IPSO acknowledged that there may be occasions where the nature of a familiar connection is so well-established in the public domain that the purpose for which Clause 9 is intended, of protecting innocent friends and relatives from association with crime and allegations of crime, is no longer relevant, but that was not the case here.

There was no basis for a finding that the complainant was genuinely relevant to the story at the time of publication, and the newspaper had breached Clause 9 of the Editors' Code.

Date complaint received: 10/02/2021

Date complaint concluded by IPSO: 10/06/2021

Decision of the Complaints Committee 01903-21 A man and a woman v Bordon Herald

Summary of Complaint

1. A man and a woman complained to the Independent Press Standards Organisation that the Bordon Herald breached Clause 2 (Privacy), Clause 4 (Intrusion into grief and shock) and Clause 9 (Reporting of crime) of the Editors' Code of Practice in an article published in February 2021.
2. The article reported on the court case of a man who had admitted sexually assaulting a woman. The complainants were the man's parents.
3. The article gave details of the crime, and commented that the defendant was the son of the former chairman of a local parish council, naming both the parish council and the male complainant. The article also contained a photograph of the defendant and the male complainant, which was captioned: "[named defendant] with dad, and ex-parish council chair, [named father]". It included a quote from the defendant, who worked as a producer, which had been taken from a previous interview with the same newspaper which referred to both his "dad" and "mum" having appeared as extras in a programme he was working on. The defendant's mother, the female complainant, was not named. The article also referred to the illness of the defendant.
4. The complainants said that the article identified them as relatives of someone convicted of a crime in breach of Clause 9. The father said he had not consented to being named and photographed in the article, and the mother had not consented to being referred to. They said that neither of them was genuinely relevant to the story, as they played no role in the crime and had not attended court proceedings. The complainants said that their relationship with their son would be known within their village, but was not widely known further afield.
5. The complainants said that they had a reasonable expectation of privacy over their relationship to their son, and that the focus on their relationship in the article intruded into their private lives. The complainants also said that due to their son's illness and the stress of the court case, they were in a state of grief and shock, and that by identifying them in the article the journalist had intruded into this.
6. The publication did not accept a breach of the Code. While the defendant's father had been identified in the article, it believed that he was genuinely relevant to the story: he was a prominent public figure in the area due to his work for the district and parish council over three decades. Furthermore, some years earlier it had published an article, written with the family's involvement and featuring images of the father and son together, which reported that the complainant had appeared as an extra in a television programme produced by his son. This made the complainants relevant to their son's career and their relationship with him was, in the view of the publication, well established in the

public domain to the extent that Clause 9 would have no useful purpose. Furthermore, the publication believed that due to the father's position, his inclusion was in the public interest. It said that the editorial team had discussed this issue in advance of publication, and concluded that the previous article connecting the complainants and their son rendered them relevant to the story. The publication said that the quote: "My mum also made an appearance as an extra in the second series" did not identify the other complainant.

7. The publication said that for similar reasons, the article did not breach Clause 2; both complainants had publicly disclosed their relationship with their son so they did not have a reasonable expectation of privacy over this information and the newspaper was entitled to print it.

8. The publication expressed its condolences to the complainants over what their family was going through. However, it noted that their son's illness was spoken about in court as the reason for the delay in proceedings. It said that it had reported the article sensitively and had not sensationalised the facts; the reporting was restrained and responsible, and it omitted details it was legally entitled to publish.

Relevant Clause Provisions

9. Clause 2 (Privacy)*

- i) Everyone is entitled to respect for their private and family life, home, physical and mental 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 9 (Reporting of Crime)*

- i) Relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story.

ii) Particular regard should be paid to the potentially vulnerable position of children under the age of 18 who witness, or are victims of, crime. This should not restrict the right to report legal proceedings.

iii) Editors should generally avoid naming children under the age of 18 after arrest for a criminal offence but before they appear in a youth court unless they can show that the individual's name is already in the public domain, or that the individual (or, if they are under 16, a custodial parent or similarly responsible adult) has given their consent. This does not restrict the right to name juveniles who appear in a crown court, or whose anonymity is lifted.

The Public Interest

There may be exceptions to the clauses marked * where they can be demonstrated to be in the public interest.

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- Detecting or exposing crime, or the threat of crime, or serious impropriety.
- Protecting public health or safety.
- Protecting the public from being misled by an action or statement of an individual or organisation.
- Disclosing a person or organisation's failure or likely failure to comply with any obligation to which they are subject.
- Disclosing a miscarriage of justice.
- Raising or contributing to a matter of public debate, including serious cases of impropriety, unethical conduct or incompetence concerning the public.
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2. There is a public interest in freedom of expression itself.

3. The regulator will consider the extent to which material is already in the public domain or will become so.

4. Editors invoking the public interest will need to demonstrate that they reasonably believed publication - or journalistic activity taken with a view to publication - would both serve, and be proportionate to, the public interest and explain how they reached that decision at the time.

5. An exceptional public interest would need to be demonstrated to over-ride the normally paramount interests of children under 16.

Findings of the Committee

9. Clause 9 makes clear that relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story.

10. The Committee first considered the position of the defendant's father, the male complainant. He was named and photographed in the article, and it was not in dispute that he had been identified. The Committee therefore considered whether he was genuinely relevant to the story.

11. The story centred the crime of the complainants' son. It was accepted that the complainants had no part in the crime, or their son's trial. While the complainants had on occasion in the past featured in articles which disclosed their relationship to their son with regard to his position as a producer, the Committee considered that this fell short of making them genuinely relevant to the story of the article under complaint: namely their son's crime.

12. The publication had said that the connection between the identified complainant and his son was so well established in the public domain that Clause 9 would have no useful purpose. The Committee acknowledged that there may be occasions where the nature of a familiar connection is so well-established in the public domain that the purpose for which Clause 9 is intended, of protecting innocent friends and relatives from association with crime and allegations of crime, is no longer relevant. However, in this case, the relationship between the complainant and his son clearly fell short of this threshold. There was a breach of Clause 9 with relation to the defendant's father, the male complainant.

13. The second complainant had not been named or photographed within the article, and the only reference to her had been a quote from her son about her appearance as an extra, in which she was referred to only as "mum". On this basis, the Committee concluded that she had not been identified and Clause 9 was not engaged.

14. The complainants also said that the revelation of their family connection to their son breached their privacy and intruded into their grief and shock. Notwithstanding the breach under Clause 9, the complainants did not have a reasonable expectation of privacy over their relationship to their son, which was a matter of public record and had been previously established in the public domain, albeit not widely. There was no breach of Clause 2.

15. The Committee finally considered the complaint about intrusion into grief and shock. It noted that this was a report of court proceedings, in which the defendant's illness was mentioned, with additional material about the defendant's family background. Notwithstanding that the Committee had found a breach of Clause 9, this did not constitute insensitive handling.

Conclusions

16. The complaint was upheld under Clause 9.

Remedial action required

17. Having upheld the complaint, the Committee considered what remedial action should be required. In circumstances where the newspaper had breached Clause 9 the publication of an adjudication was appropriate.

18. The Committee considered the placement of this adjudication. The adjudication should be published in print, on or before page 7, where the original article appeared. The headline to the adjudication should make clear that IPSO has upheld the complaint, give the title of the publication and refer to the complaint's subject matter. The headline must be agreed with IPSO in advance.

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

A man complained to the Independent Press Standards Organisation that the Bordon Herald breached Clause 9 (Reporting of crime) in an article published in February 2021.

The article reported on the court case of the complainant's son who had admitted sexually assaulting a woman. It gave details of the crime, and commented that the defendant was the son of the former chairman of a local parish council, naming both the parish council and the complainant. The article also contained a photograph of the defendant and the complainant, which was captioned: "[named defendant] with dad, and ex-parish council chair, [named father]". It included a quote from the defendant, who worked as a producer, which had been taken from an interview with the same newspaper which referred to both his "dad" and "mum" having appeared as extras in a programme he was working on.

The complainant said that the article breached Clause 9 as it identified him as the relative of someone convicted of a crime. The complainant said he had not consented to being named and photographed in the article, and that he was not genuinely relevant to the story, as he played no role in the crime and had not attended court proceedings. He said his relationship with his son would be known within his village, but was not widely known further afield.

IPSO considered that the complainant had no part in the crime, or his son's trial. While he had previously featured in articles which disclosed his relationship to his son with regard to his position as a producer, IPSO considered that this fell short of making him genuinely relevant to the story of the article under complaint: namely his son's crime. IPSO acknowledged that there may be occasions where the nature of a familiar connection is so well-established in the public domain that the purpose for which Clause 9 is intended, of protecting innocent friends and relatives from association with crime and allegations of crime, is no longer relevant, but that was not the case here.

There was no basis for a finding that the complainant was genuinely relevant to the story at the time of publication, and the newspaper had breached Clause 9 of the Editors' Code.

Date complaint received: 10/02/2021

Date complaint concluded by IPSO: 10/06/2021

Decision of the Complaints Committee 01360-21 A man and a woman v Liphook Herald

Summary of Complaint

1. A man and a woman complained to the Independent Press Standards Organisation that the Liphook Herald breached Clause 2 (Privacy), Clause 4 (Intrusion into grief and shock) and Clause 9 (Reporting of crime) of the Editors' Code of Practice in an article published in February 2021.
2. The article reported on the court case of a man who had admitted sexually assaulting a woman. The complainants were the man's parents.
3. The article gave details of the crime, and commented that the defendant was the son of the former chairman of a local parish council, naming both the parish council and the male complainant. The article also contained a photograph of the defendant and the male complainant, which was captioned: "[named defendant] with dad, and ex-parish council chair, [named father]". It included a quote from the defendant, who worked as a producer, which had been taken from a previous interview with the same newspaper which referred to both his "dad" and "mum" having appeared as extras in a programme he was working on. My mum also made an appearance as an extra in the second series." The defendant's mother, the female complainant, was not named. The article also referred to the illness of the defendant.
4. The complainants said that the article identified them as relatives of someone convicted of a crime in breach of Clause 9. The father said he had not consented to being named and photographed in the article, and the mother had not consented to being referred to. They said that neither of them was genuinely relevant to the story, as they played no role in the crime and had not attended court proceedings. The complainants said that their relationship with their son would be known within their village, but was not widely known further afield.
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relationship with him was, in the view of the publication, well established in the public domain to the extent that Clause 9 would have no useful purpose. Furthermore, the publication believed that due to the father's position, his inclusion was in the public interest. It said that the editorial team had discussed this issue in advance of publication, and concluded that the previous article connecting the complainants and their son rendered them relevant to the story. The publication said that the quote: "My mum also made an appearance as an extra in the second series" did not identify the other complainant.

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- i) Relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story.

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14. The second complainant had not been named or photographed within the article, and the only reference to her had been a quote from her son about her appearance as an extra, in which she was referred to only as "mum". On this basis, the Committee concluded that she had not been identified and Clause 9 was not engaged.

15. The complainants also said that the revelation of their family connection to their son breached their privacy and intruded into their grief and shock. Notwithstanding the breach under Clause 9, the complainants did not have a reasonable expectation of privacy over their relationship to their son, which was a matter of public record and had been previously established in the public domain, albeit not widely. There was no breach of Clause 2.

16. The Committee finally considered the complaint about intrusion into grief and shock. It noted that this was a report of court proceedings, in which the defendant's illness was mentioned, with additional material about the defendant's family background. Notwithstanding that the Committee had found a breach of Clause 9, this did not constitute insensitive handling.

Conclusions

17. The complaint was upheld under Clause 9.

Remedial action required

18. Having upheld the complaint, the Committee considered what remedial action should be required. In circumstances where the newspaper had breached Clause 9 the publication of an adjudication was appropriate.

19. The Committee considered the placement of this adjudication. The adjudication should be published in print, on or before page 7, where the original article appeared. The headline to the adjudication should make clear that IPSO has upheld the complaint, give the title of the publication and refer to the complainant's subject matter. The headline must be agreed with IPSO in advance.

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

A man complained to the Independent Press Standards Organisation that the Liphook Herald breached Clause 9 (Reporting of crime) in an article published in February 2021.

The article reported on the court case of the complainant's son who had admitted sexually assaulting a woman. It gave details of the crime, and commented that the defendant was the son of the former chairman of a local parish council, naming both the parish council and the complainant. The article also contained a photograph of the defendant and the complainant, which was captioned: "[named defendant] with dad, and ex-parish council chair, [named father]". It included a quote from the defendant, who worked as a producer, which had been taken from an interview with the same newspaper which referred to both his "dad" and "mum" having appeared as extras in a programme he was working on.

The complainant said that the article breached Clause 9 as it identified him as the relative of someone convicted of a crime. The complainant said he had not consented to being named and photographed in the article, and that he was not genuinely relevant to the story, as he played no role in the crime and had not attended court proceedings. He said his relationship with his son would be known within his village, but was not widely known further afield.

IPSO considered that the complainant had no part in the crime, or his son's trial. While he had previously featured in articles which disclosed his relationship to his son with regard to his position as a producer, IPSO considered that this fell short of making him genuinely relevant to the story of the article under complaint: namely his son's crime. IPSO acknowledged that there may be occasions where the nature of a familiar connection is so well-established in the public domain that the purpose for which Clause 9 is intended, of protecting innocent friends and relatives from association with crime and allegations of crime, is no longer relevant, but that was not the case here.

There was no basis for a finding that the complainant was genuinely relevant to the story at the time of publication, and the newspaper had breached Clause 9 of the Editors' Code.

Date complaint received: 10/02/2021

Date complaint concluded by IPSO: 10/06/2021

Appendix B

Decision of the Complaints Committee 02510-21 A woman (B) v The Sunday Times

Summary of Complaint

1. A woman (B) complained to the Independent Press Standards Organisation that The Sunday Times breached Clause 1 (Accuracy), Clause 4 (Intrusion into grief or shock), Clause 7 (Children in sex cases), and Clause 11 (Victims of sexual assault) of the Editors' Code of Practice in an article headlined "Exit, chased by a supernatural bear", published on 7 March 2020.

2. The article was a television column which included a brief review of a documentary, centring on Max Clifford, who had been convicted in 2014 of historic sex offences. The programme featured some of Mr Clifford's victims, who contributed anonymously to the show. The columnist criticised the manner in which the women's identities had been obscured in the documentary: "Yet instead of handling the women tastefully, they'd been given joke-shop wigs to wear and their voices had been lowered to disguise them, like pre-op transwomen on a day trip from Brighton. What started off as an attempt to make their stories heard only made them victims again."

3. The article also appeared online in substantially the same form under the headline "TV reviews: The Terror; Max Clifford: The Fall of a Tabloid King; Deutschland 89; Ben Fogle: Inside Chernobyl".

4. The complainant was one of the women who had appeared in the documentary, and who 30 years prior had been a victim of a sexual offence perpetrated by Max Clifford. She said that the reference to her wearing a "joke shop wig" and having her voice distorted to sound like "pre-op transwomen on a day-trip from Brighton" intruded into her grief and shock as a victim of a serious sexual assault, and was insensitive in breach of Clause 4. She said that these hurtful comments sought to diminish the assault on her by making light of the situation and served to undermine her testimony. She was also concerned that the article could prevent other victims of sexual assault from coming forward to speak out about their experiences.

5. The complainant said that the article also breached Clause 1, as it was inaccurate to state that she and the other women who participated in the documentary were wearing "joke-shop wigs". She also considered Clause 7 and Clause 11 had been breached, as the piece portrayed victims of sexual assault – including a victim who had been a child at time of the assault – in a deeply insensitive and sensational manner. She also said that the review had seriously hampered her own recovery from years of suffering resulting from the assault, the court case, and the ordeal of recounting her experience for the documentary.

6. The publication did not accept that the Code had been breached. It extended its sympathies to the complainant and said that there had been no intention to exacerbate her suffering as a victim of sexual assault. It did not, however, consider that Clause 4 was engaged by the complaint, as the Clause applies only to approaches made by journalists and contemporaneous reporting of personal cases of grief and shock; the terms of the Clause do not apply in perpetuity and therefore would not be engaged by a television review focusing on historic crimes. The publication noted that the title of the clause itself referred to “shock”, which it characterised as “a spontaneous reaction to a sudden event.” It further said that the comments under complaint were references to a television programme which was in the public domain with the complainant’s cooperation.

7. The publication said that the reference to “joke-shop wigs” was the writer’s comment on the appearance of the wigs; it was not a definitive statement of fact and nor was it presented as such. It noted that the Preamble to the Editors’ Code of Practice makes clear that newspapers have the “fundamental right to freedom of expression – such as to inform, to be partisan, to challenge, shock, be satirical and to entertain.”

8. While the publication acknowledged the concerns raised by the complainant under the terms of Clause 7 and Clause 11, it said that the terms of these Clauses related to the identification of victims of sexual offences and did not cover concerns about sensitivity and sensationalism when referring to the offences.

9. The complainant said that, regardless of the amount of time that had passed since she had been assaulted, the shock and grief of it persisted; she remained a victim of sexual assault and continued to suffer the emotional effects of its aftermath. She found the definition of the term “shock” advanced by the publication to be narrow, and said that shock could be long-lasting and chronic. She also said her decision to take part in the programme did not absolve the newspaper of its obligation to handle publication sensitively. She reiterated that she found the article offensive, not only towards herself and other victims of sexual offences, but also towards transgender people.

Relevant Clause Provisions

10. 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.

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

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 7 (Children in sex cases)

The press must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences.

In any press report of a case involving a sexual offence against a child -

- i) The child must not be identified.
- ii) The adult may be identified.
- iii) The word "incest" must not be used where a child victim might be identified.
- iv) Care must be taken that nothing in the report implies the relationship between the accused and the child.

Clause 11 (Victims of sexual assault)

The press must not identify 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. Journalists are entitled to make enquiries but must take care and exercise discretion to avoid the unjustified disclosure of the identity of a victim of sexual assault.

Findings of the Committee

11. The Committee understood that the complainant had found the reference to her wearing a "joke shop wig" and having her voice distorted to sound like "pre-op transwomen on a day-trip from Brighton" during the documentary distressing, and had interpreted the comments as an attack aimed at her and other victims of sexual assault. However, the Committee noted that the comments were not directed at the complainant, nor did they criticise or mock her and her experiences as a victim of a serious sexual offence. Rather, the comments, which formed part of a television review of the documentary, were aimed at the production of the documentary and the manner in which the complainant and her fellow contributors were presented by its makers. Specifically, it sought to criticise the methods employed to disguise the contributors, which the reviewer considered to be tasteless. Therefore, while the Committee acknowledged that the complainant found the comments distressing and offensive, it did not consider that the comments were insensitive towards the complainant and her experiences in breach of Clause 4.

12. The complainant also said that the article was inaccurate in breach of Clause 1 in its reference to her and the other show participants wearing “joke-shop wigs.” The Committee noted that the complainant found the phrasing to be offensive, but as the terms of Clause 1 do not relate to matter of taste and offence it could not make a ruling on the grounds that it was offensive to the complainant. Instead, it was for the Committee to decide whether the phrase was inaccurate, misleading, or distorted. The Committee noted that Clause 1 (iv) makes clear that newspapers can editorialise and publish comment, and it considered that the article was clearly distinguished as comment: it was framed as a television review and focused on the writer’s subjective reaction to television programmes. The Committee considered that it was clear from the context and tone of the article – which was satirical – that the reference to “joke-shop wigs” was not a statement of fact; it expressed the reviewer’s view of the appearance of the wigs provided to the participants of the programme. There was no breach of Clause 1 on this point.

13. Clause 7 and Clause 11 relate to the identification of victims of sexual offences and child witnesses in sex cases. The complainant did not say that the article identified her as a victim of sexual assault, and the terms of these Clauses were not engaged.

Conclusions

14. The complaint was not upheld.

Date complaint received: 08/03/2021

Date complaint concluded by IPSO: 24/06/2021

Appendix C

Decision of the Complaints Committee 02600-21 A woman (A) v The Sunday Times

Summary of Complaint

1. A woman (A) complained to the Independent Press Standards Organisation that The Sunday Times breached Clause 1 (Accuracy), Clause 4 (Intrusion into grief or shock), Clause 11 (Victims of sexual assault) of the Editors' Code of Practice in an article headlined "Exit, chased by a supernatural bear", published on 7 March 2021.

2. The article was a television column which included a brief review of a documentary, centring on Max Clifford, who had been convicted in 2014 of historic sex offences. The programme featured some of Mr Clifford's victims, who contributed anonymously to the show; it referred to Mr Clifford's offences as "pathetic crimes". The columnist criticised the manner in which the women's identities had been obscured in the documentary: "Yet instead of handling the women tastefully, they'd been given joke-shop wigs to wear and their voices had been lowered to disguise them, like pre-op transwomen on a day trip from Brighton. What started off as an attempt to make their stories heard only made them victims again." The article also referred to the Mr Clifford's biographer who, the article stated, "helped to produce" the documentary.

3. The article also appeared online in substantially the same form under the headline "TV reviews: The Terror; Max Clifford: The Fall of a Tabloid King; Deutschland 89; Ben Fogle: Inside Chernobyl".

4. The complainant was one of the women who had appeared disguised in the documentary. She said that the article was insensitive in breach of Clause 4 (Intrusion into grief or shock), as she considered it to be so offensive in its portrayal of her as a victim of sexual assault.

5. The complainant also said that the review contained several inaccuracies in breach of Clause 1. She said that it was inaccurate and offensive to refer to the show's participants wearing "joke-shop wigs" and comparing their voices to "pre-op transwomen"; noting that the latter phrase was also offensive to transwomen. She then said that it was inaccurate to say that Max Clifford's biographer had "helped to produce" the documentary, where she had acted as a consultant on the programme and not as a producer. She said that the inaccuracies served to sensationalise the victims of sexual crimes.

6. The complainant also said that she considered Clause 11 had been breached, where she said the article trivialised the experiences of survivors of sexual assault and made light of methods used to disguise their identity.

7. The publication said that it did not accept that the Code had been breached, though it extended its sympathies to the complainant and said that there was no intention either on the part of the publication or the article's writer to exacerbate the pain she felt as a victim of sexual assault. However, it did not consider that the terms of Clause 4 applied, as the publication considered that the terms of the Clause applied only to approaches made by journalists and contemporaneous reporting of personal cases of grief and shock; it did not believe that the terms of the Clause applied in perpetuity and therefore would not be engaged by a television review focusing on historic crimes. The publication noted that the title of the Clause itself referred to "shock", which it characterised as "a spontaneous reaction to a sudden event." It further said that the comments under complaint were references to a television programme which was in the public domain and which the complainant had willingly participated in.

8. Regarding the complainant's Clause 1 concerns, the publication said that it accepted that Max Clifford's biographer had acted as a consultant on the show. However, it did not accept that this represented a breach of Clause 1, where this was a passing reference in a television review and the phrase "helped to produce" could refer to an individual assisting in any capacity in the production of a television programmer; the phrase did not necessarily refer solely to producers.

9. The publication also said that the terms of Clause 11 were not engaged, where the Clause relates to the identification of victims of sexual assault and where the complainant did not say that the review under complaint identified her.

10. The complainant said in response to the publication that, regardless of whether she had willingly participated in the documentary, she was entitled to the protections afforded by the Editors' Code of Practice; they did not cease to apply simply because she had agreed to appear in a documentary to share her experiences. She further said that referring to Max Clifford's crimes as "pathetic" diminished their impact and was insensitive towards her as a victim of sexual assault, in breach of Clause 4. She then noted that, regardless of how much time had passed since the original assault, the impact and effect on her persisted throughout the years.

11. The complainant said that, while she accepted that the reference to a consultant having "helped to produce" the documentary was not a serious issue, she considered to be inaccurate nonetheless and queried why the publication had not taken care over the reference, given what she considered would be the relative ease of fact-checking the information.

Relevant Clause 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.

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

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 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. Journalists are entitled to make enquiries but must take care and exercise discretion to avoid the unjustified disclosure of the identity of a victim of sexual assault.

Findings of the Committee

13. The Committee understood that the complainant had found the reference to her wearing a “joke shop wig” and having her voice distorted to sound like “pre-op transwomen on a day-trip from Brighton” during the documentary distressing, and had interpreted the comments as an attack aimed at her and other victims of sexual assault. However, the Committee noted that the comments were not directed at the complainant, nor did they criticise or mock her and her experiences as a victim of a serious sexual offence. Rather, the comments, which formed part of a television review of the documentary, were aimed at the production of the documentary and the manner in which the complainant and her fellow contributors were presented by its makers. Specifically, it sought to criticise the methods employed to disguise the contributors, which the reviewer considered to be tasteless. The Committee noted that the complainant had also expressed concerns over the writer’s characterisation of Max Clifford’s crimes as “pathetic”. It considered, however, that this comment was clearly directed at Max Clifford and served to mock and belittle him, rather than the complainant. Therefore, while the Committee acknowledged that the complainant found the comments distressing and offensive, it did not consider that the comments were insensitive towards the complainant and her experiences in breach of Clause 4.

14. The complainant also said that the article was inaccurate in breach of Clause 1 in its reference to her and the other show participants wearing “joke-shop wigs.” The Committee noted that the complainant found the phrasing to be offensive, but as the terms of Clause 1 do not relate to matter of taste and offence it could not make a ruling on the grounds that it was offensive to the complainant. Instead, it

was for the Committee to decide whether the phrase was inaccurate, misleading, or distorted. The Committee noted that Clause 1 (iv) makes clear that newspapers can editorialise and publish comment, and it considered that the article was clearly distinguished as comment: it was framed as a television review and focused on the writer's subjective reaction to television programmes. The Committee considered that it was clear from the context and tone of the article – which was satirical – that the reference to “joke-shop wigs” was not a statement of fact; it expressed the reviewer's view of the appearance of the wigs provided to the participants of the programme. There was no breach of Clause 1 on this point.

15. The Committee did not consider that the reference to a consultant having “helped produce” the programme was inaccurate or misleading in breach of Clause 1, where the article did not state that the consultant was in fact a producer, and where the ambiguity of the phrasing did not render the article significantly inaccurate, misleading, or distorted; it was not in dispute that the convicted man's biographer worked on the production of the show and was credited as having done so.

16. Clause 11 relate to the identification of victims of sexual offences. The complainant did not say that the article identified her as a victim of sexual assault, and the terms of these Clauses were not engaged.

Conclusions

17. The complaint was not upheld.

Date complaint received: 10/03/2021

Date complaint concluded by IPSO: 24/06/2021

Appendix D

Paper No.	File Number	Name v Publication
2106	27813-20	Steinhardt v Mail Online
2092	12132-20	Agius v Hull Daily Mail
2121	28003-20	Clunes v The Mail on Sunday
2131	30003-20	A man v burymercury.co.uk
2141		Request for review
2138	30113-20	De Naray v metro.co.uk
2148		Request for review
2122	28947-20	Laker v Daily Mail
2127	28530-20	Sayles v Daily Mail
2132	28913-20	Garrity v The Times
2134	27841-20	Dainton v Bristol Post
2135	28914-20	Garrity v The National
2147	29107-20	Bird v The Jewish Chronicle
2152		Request for review
2130	28295-20	SKY GLOBAL INC. v The Scottish Sun
2140	28854-20	Ross v The Sunday Times
2145	28565-20	African Caribbean Care Group v manchestereveningnews.co.uk
2146	00322-21	Campbell v stokesentinel.co.uk
2119	28275-20	Saftenberg v spectator.co.uk
2149	29919-20	Hall v express.co.uk
2161	28851-20	Tomlin v Mail Online
2168		Request for review
2166	12352-20	Hewitt v chroniclelive.co.uk
2167	29170-20	Richardson v express.co.uk
2170	28287-20	Lyons v The Scottish Sun