
MINUTES of the COMPLAINTS COMMITTEE MEETING
Tuesday 10 March 2020 at 10.30am
Gate House, 1 Farringdon Street, London EC4M 7LG

Present Lord Edward Faulks (Chairman)
 Richard Best
 Nazir Afzal
 Andrew Brennan
 Lara Fielden
 Janette Harkess
 Helyn Mensah
 Mark Payton
 Andrew Pettie
 Miranda Winram
 Peter Wright

In attendance: Charlotte Dewar, Director of Operations
 Michelle Kuhler, PA and minute taker
 Holly Pick, Joint Head of Complaints

Also present: Members of the Executive:

 Katrina Bell
 Rosemary Douce
 Hanno Fenech
 Alice Gould
 Vikki Julian
 Thomas Moseley
 Sean Sutherland

Observers: Jonathan Grun, Editors' Code Committee
 Ruth Sawtell, Board Member

1. Apologies for Absence

Apologies were received from David Hutton.

2. Declarations of Interest

No declarations of interest were received

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 28 January.

4. Matters arising

There were no matters arising.

5. Update by the Chairman – oral

The Chairman began by welcoming Jonathan Grun and Ruth Sawtell to the meeting.

He updated the Committee on recent events, including his meetings with Lord Lipsey's group of members of the House of Lords, Lorna Fraser from the Samaritans, Rizwana Hamid from the Centre for Media Monitoring and his newspaper visits.

The Chairman informed the Committee that IPSO were currently in the final stages of recruiting two new Complaints Officers. He also updated the Committee on the recruitment for the Head of Standards and Regulation position.

6. Complaint 01679-17 Sharp v The Daily Record

The Committee discussed the complaint and ruled that the complaint should be upheld under Clause 1 (Accuracy). **A copy of the ruling appears in Appendix A.**

7. Complaint 09539-19 A Woman v Hull Daily Mail

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

8. Complaint 07156-19 Walters v express.co.uk

The Committee discussed the complaint and ruled that the complaint should be upheld under Clause 1 (Accuracy). **A copy of the ruling appears in Appendix C.**

9. Complaints not adjudicated at a Complaints Committee meeting

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

10. Consultation on the Editors' Code of Practice

The Committee discussed the consultation on the Editors' Code and agreed that it had no changes to suggest at this time.

11. Any other business

- (i) Tabled doc: Complaint 07867-19 The Transparency Project v Daily Express.

The Committee discussed the complaint and ruled that the complaint should be upheld under Clause 1 (Accuracy). Before finalising the exact terms of the decision it asked the Executive to give further consideration to one point of the complaint.

12. Date of next meeting

The date of the next meeting was confirmed as Tuesday 21st April 2020.

The meeting ended at 1:17pm

Appendix A

Decision of the Complaints Committee 01679-17 Sharp v Daily Record

Summary of complaint

1. Jill Sharp complained to the Independent Press Standards Organisation that the Daily Record breached Clause 1 (Accuracy), Clause 2 (Privacy), Clause 3 (Harassment) and Clause 4 (Intrusion into grief or shock) of the Editors' Code of Practice in an article headlined "Web of lies", published on 8 February 2017, and an article headlined "I fell foul of Twitter stalker", published on 9 February 2017.
2. The articles, which began on the front page and continued inside, reported that the complainant "silently stalked" a man over the internet for four years, "copying his movements" and editing photographs taken from his Facebook page in order to convince her friends that she was in a relationship with him. The articles claimed that the complainant created a fake Twitter account claiming to be the man and sent "romantic" messages between their accounts. The articles also included tweets and photographs of the complainant that had been taken from the Twitter account it alleged that she operated, including the images which had allegedly been edited to show the complainant and the man together. The second article included the account of someone described as being a former friend of the complainant who said she had been "stalked and terrorised" by the complainant, through text messages and on Twitter, whilst the complainant was said to be leading her "double life". The articles also reported that inquiries by the police into the complainant's alleged behaviour and Twitter activity were ongoing and included her denial of these allegations.
3. The articles were published online in substantively the same format, with the headlines "Stalker faked four-year relationship with man after stealing his Facebook pics to convince pals she was engaged", published on 8 February 2017, and "'I hope she gets help because she clearly needs it' Ex-friend of stalker who faked four-year relationship reveals she was 'terrorised' by her" and "Jill Sharp stalking victim [name] was convicted of assaulting seven-month-old baby", published on 9 February 2017.
4. The complainant said that she was the victim of a "hoax" and that the story was false, yet it had been presented as fact in the articles. She said that she had never operated a Twitter account, nor was there any evidence to link her to this account, and that she had never encountered the man in question. The complainant said that she was not the subject of an ongoing police investigation and denied any knowledge of the matter. She noted that the publication of the articles had damaged her reputation and career, causing her a great deal of distress.
5. The complainant said that the photographs of her included in the articles had been taken from her Facebook page. She also said that Daily Record reporters arrived unannounced at her family home on multiple occasions over two days, making attempts to contact her, her parents and her neighbours. She said that the reporters were parked on her street for more than three hours which made her feel intimidated and unable to leave her home. The complainant said that she briefly spoke to a reporter over the telephone but they did not make clear to her that the allegations related to any Twitter activity, and they did not mention that an article would subsequently be published. The complainant said that there had been an intrusion into her private life because the photographs were taken from her Facebook page without her consent. She also said that the contact made by the reporter intruded into her private life because they contacted her at her home, and that the conduct of the reporter amounted to harassment.

6. The newspaper said that it was informed of the Twitter account by a confidential source who knew the complainant. It said that the account had since been deleted; however, when it was active, it had 3,500 followers and featured numerous tweets dating back several years. It considered that it would have taken a significant period of time to accrue that number of followers; this was proof that the account was not fake. It said that the account contained details of the complainant's alleged relationship as well as everyday tweets and provided screenshots of these. It also provided screenshots of messages dated 8 July 2016 between the complainant and her former friend, the person who spoke to the publication, where the complainant referred to her "relationship" with the man. Although the complainant maintained that she had not fabricated a relationship with the man, she did not appear to dispute in correspondence that she had sent the messages. The newspaper noted that the Twitter account was deleted on 6 February 2017, after the complainant was made aware that the article about her would be published. In light of this, it had been satisfied that the account had not been operated by someone else pretending to be the complainant.

7. The newspaper said that one photograph of the complainant was taken from the Twitter profile picture, which could be seen even when the account was set to private, and the other photographs were taken from tweets that were being circulated by other publicly available accounts. The newspaper said that during the period in which it was researching the story, the Twitter account alternated between being public and private, but it was unable to provide evidence of this. It said that the publication of the photographs did not represent an intrusion into the complainant's private life.

8. The newspaper noted that the story was already circulating on social media prior to the publication of the first article, but it had nonetheless tried to contact the complainant for her comment. The newspaper explained that a reporter went to the complainant's family home, but she was not available and so spoke to her over the telephone. The reporter put the allegations to the complainant, including the fact that social media activity was involved, and informed her that an article would be published. The complainant denied the allegations and requested that supporting evidence was provided to her. The newspaper said that as such, arrangements were made for the reporter to meet the complainant later that evening. The reporter unsuccessfully attempted to meet the complainant at her home on a further two occasions, so she endeavoured to contact her neighbours in order to establish that the woman in the photographs published was the complainant, and that she lived in the house which had been visited.

9. The newspaper said that it was approached by the complainant's former friend before the publication of the second article, who was subsequently interviewed by the newspaper. She told the newspaper that she had made two complaints to the police about the complainant, and the newspaper received verification from the police that an investigation into the circumstances of the allegations was ongoing. The reporter was again unable to reach the complainant at her home to put the further allegations to her. The newspaper said that the steps taken, as outlined above, were in line with its obligations to take care over the accuracy of the article.

10. The newspaper also said that the pre-publication contact did not represent an intrusion into the complainant's private life and that such approaches are standard journalistic procedure. It also said that the reporter was not told to desist at any point, and that they had not engaged in harassing conduct.

11. The newspaper apologised that the complainant was upset by the articles, but it did not accept that Clause 4 had been breached in this instance.

12. Towards the end of IPSO's investigation in 2017, the newspaper informed IPSO that the complainant had been arrested in relation to a stalking offence. It provided a statement from the Crown which confirmed that she was being investigated in relation to "alleged incidents said to have occurred at various locations between September 2016 and August 2017".

13. Due to concerns about the effect a published decision on this complaint could have on the then-ongoing police investigation, the Committee took the decision, with the agreement of both parties, to put the complaint on hold until the conclusion of subsequent legal proceedings in relation to this allegation.

14. The complainant was charged in 2018 with stalking the man named in the articles as being the complainant's "fake boyfriend"; stalking the woman who was the complainant's former friend who told of her experience in the second article under complaint; and stalking the woman's husband. She provided the indictments showing what she was originally charged with, and then what she pleaded guilty to. She admitted stalking the woman and her husband by creating fake online profiles, taking pictures from their social media accounts and posting them elsewhere, sending abusive, sectarian and threatening messages and emails and falsely accusing them of various criminal offences. She said in court that she committed these stalking offences against the woman and her husband as an act of "revenge" because she believed that they were responsible for the articles under complaint. The complainant was sentenced to one year in prison. The charge that the complainant had stalked the man named in the articles as her "fake boyfriend", by acting in the way that the articles alleged, was dropped, and did not form any part of her conviction.

15. Following the conclusion of the legal proceedings, the complaint was reopened. The complainant said that the fact that the charges relating to the man the articles said she had stalked were dropped, was indicative of the fact that they were false and had no evidence to support them.

16. The publication said that the nature of the complainant's conviction did not change the accuracy of the articles under complaint. The publication said that it was not the case that the charges relating to the man were dropped due to lack of evidence as suggested by the complainant, but because the man had not wanted to be a witness and appear in court. It said that this information had been provided by the procurator fiscal to the reporter at the time of the trial. It said that the complainant would not have been charged in relation to this in the first instance, if there was no real evidence to do so. It said that there was no requirement to print an update to the articles, as none of them reported that the complainant was facing criminal charges.

Relevant Code Provisions

17. 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 3* (Harassment)

- i) Journalists must not engage in intimidation, harassment or persistent pursuit.
- ii) They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.
- iii) Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.

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 newspaper handled sensitively. These provisions should not restrict the right to report legal proceedings.

Findings of the Committee

18. The Committee emphasised first that it was not making a finding on the accuracy of the allegations made against the complainant. Its role was to decide whether there had been a breach of the Editors' Code.

19. The articles reported that the complainant had "stalked" the man by creating fake social media accounts, editing photographs, and claiming they were in a relationship. The newspaper said that it had been informed of the complainant's alleged Twitter account by a source, and it had noted that the allegation that she had created a fake relationship had circulated on social media. It had believed that the Twitter account was genuine and operated by the complainant because it had a substantial number of followers and tweets, which had been posted over a significant amount of time, including many which were not relevant to the alleged relationship.

20. When the complainant was approached for comment, she had denied all knowledge of the allegations, and then said that she was the victim of a hoax. Nevertheless, the articles reported these serious claims about the complainant's conducts as fact – including on the front page – describing her variously as a "stalker", a "fantasist", and as having spun a "web of lies".

21. Although the Committee recognised that the newspaper had given consideration before publication to the credibility of the Twitter account and had taken the step of contacting the complainant for her comment before publication, the complainant had denied being responsible for the account, and the newspaper was unable to point to evidence that it had obtained at the time of publication that proved that she was the operator of the account. In these circumstances, reporting as fact that the complainant was responsible for the Twitter account and had "stalked" the man constituted a failure to distinguish comment, conjecture and fact in breach of Clause 1 (iv). Furthermore, presenting these claims as fact constituted a failure to take care not to publish misleading information; the coverage was significantly misleading as to the status of these serious allegations. A clarification was therefore required under Clause 1 (ii), and none had been offered, in breach of Clause 1 (ii).

22. The Committee noted the material provided by the newspaper following the conclusion of legal proceedings against the complainant: the message from the complainant to a third party in which she appeared to imply that she had a relationship with the man during the period in which the alleged “stalking” took place, and the fact that the complainant was at one point charged with criminal offences in relation to the man, although these were later removed from her indictment. However, the Committee reiterated that it would not be making a finding on whether the complainant had acted in the way alleged in the articles, and it was not necessary to do so in order to maintain the breach of 1(iv) and 1(ii) as set out above, based on the information the newspaper had prior to publication.

23. Whilst the complainant initially disputed that she was the subject of an ongoing investigation into her behaviour and alleged Twitter activity, the newspaper had provided a statement from the police which had confirmed this at the time it was ongoing, and it had accurately reported it. The Committee also noted the complainant’s subsequent guilty plea in relation to incidents which took place before and after the articles’ publication. There was no breach of Clause 1 on this point.

24. The Committee acknowledged that the complainant was upset by the approaches made by the reporter; however, it considered that these were limited and it did not consider that they were made in a manner that was intimidating. The complainant did not make any requests to desist and there was no evidence that the reporter had engaged in harassing behaviour. There was no breach of Clause 3.

25. Clause 2 is designed to ensure that an individual’s right to a private life is respected. The complainant said that the newspaper had breached her privacy through its approaches to her for comment and in its use of photographs of her. The Committee did not consider that the approaches made by the reporter, which had been part of its efforts to take care over the accuracy of its reporting, represented an intrusion into the complainant’s private life. The complainant also said that the published photographs were taken from her private Facebook account. The newspaper said that they were taken from the Twitter account. Both parties did not dispute that the photographs had been circulating on social media in conjunction with the allegations prior to publication. Whilst there was some dispute as to where the images were taken from, the Committee did not consider that they depicted any private information about the complainant, and it was clear that the images were already in the public domain at the time of publication. There was no breach of Clause 2 on these points.

26. The Committee acknowledged the complainant’s upset at being approached by a reporter at her home, and at the publication of the articles. However, the complainant’s situation was not one involving grief or shock, and therefore these issues did not engage with the terms of Clause 4.

Conclusions

27. The complaint was upheld in part under Clause 1.

Remedial action required

28. The publication had not offered to take any remedial action and there was a breach of Clause 1(ii). The Committee considered that the appropriate remedial action was the publication of a correction acknowledging that the claims that the complainant had stalked the man by pretending to be in a relationship with him, creating a fake Twitter account, and photoshopping images, were allegations, not established fact. The correction should include a reference to the newspaper title, the article subject, and that it has been required following an upheld ruling from IPSO.

29. In determining where the correction should appear, the Committee had regard for the fact that the breach of the Code appeared on the front page – including in the headline – and continued throughout the articles under complaint where the allegations against the complainant were reported as fact. As such, the Committee considered that in order to be proportionate to the prominence of the breach, the correction should be referenced on the front page, in the same font and size as the sub-headline to the article which began “stalker had fake relationship...” with the full correction continuing on page 2.

30. In regards to the online versions of the articles, the correction should appear below the headline.

Date complaint received: 03/03/2017

Date complaint concluded by IPSO: 22/04/2020

Appendix B

Decision of the Complaints Committee 09539-19 A Woman v Hull Daily Mail

Summary of complaint

1. A woman complained to the Independent Press Standards Organisation that the Hull Daily Mail breached Clause 1 (Accuracy), Clause 2 (Privacy), Clause 6 (Children) and Clause 9 (Reporting of crime) of the Editors' Code of Practice in an article headlined "Kids' entertainer 'Bobby Bubbles' jailed for abusing a child / Children's entertainer 'Bobby Bubbles' behind bars for abusing young girl who thought 'she was in love' with him" published on 10 December 2019.
2. The article, which featured on the front page and then continued on page 4, reported on the conviction of a man for ten historic child sex offences, including raping a child. It reported that the court heard that at the time of the offences, the victim "thought she was in love" with the man, and refused to cooperate with the police investigation – it was only when she became a mother herself that she reported the abuse. It reported that the man was well known in the local area as a children's entertainer and clown, and that he regularly came into contact with children in his work. The article included several large photographs of the man in his role as a clown, as well as a photograph of him released by the police.
3. The article also appeared online on 9 December 2019 with the headline "Kids entertainer 'Bobby Bubbles' raped child who 'thought she was in love' with him". The text of the article was substantially the same as the print version. However, the online version was headlined with a photograph of the man in costume, posing with two children. The children's faces were pixelated, but their bodies and hair were not. The image which was used in this version of the article also appeared in the Google search results for the newspaper, and on the publication's Facebook and Twitter posts advertising the article. A cropped version of the photograph showing the man with only one of the children, also appeared in an Instagram story posted by the publication.
4. The complainant was the mother of the two children included in the online version of the article. She said that her children had no connection to the man or his convictions. She said that despite pixelation, her children were still identifiable because the photograph of her children had been taken in 2017 to advertise the opening of a local venue, and had been widely circulated at the time. She said that she had been contacted by many people who were familiar with the image and recognised her children. The complainant said that the image of the children was taken in the context of a fun day, and she did not consent to its use in the context of a court report. When the complainant contacted the newspaper directly, it cropped her children from the image. However, she said that the image had been widely shared on social media by this point.
5. The complainant said that the online article breached Clause 2, Clause 6 and Clause 9. She said that her children had been distressed and confused by the use of the photograph to illustrate a court report of a convicted paedophile, an issue which she said involved their welfare. She also said that other children at school and extra-curricular clubs had been able to identify them, and had asked them about the article.
6. The complainant also said that the article breached Clause 1 as the photograph, in conjunction with the headline, gave the impression that her daughter was the victim of the convicted man. She said that many people had contacted her to ask whether this was the case, which had caused her and her daughter much distress.

7. The publication did not accept that there was a breach of the Code. It apologised for any distress caused to the complainant and her children, and noted that when the complainant contacted it directly, it had cropped the image to remove the children. It said that where the children's faces were pixelated, they were therefore only identifiable to those who had known they had been photographed for the opening of the local venue. Furthermore, the photograph in the article did not relate to an issue involving their welfare. Nevertheless, parental consent had been given to publish the image when it was for the purposes of advertising the local venue. It said that in relation to whether the children's time at school had been intruded upon, any child who had been able to identify the children must also have read the full article, and in doing so would understand that the victim was now an adult and so could not be the girl pictured in the photograph. For these reasons, the publication did not accept that there was a breach of Clause 6. As it did not accept that the children were identifiable, the publication said that the terms of Clause 9 were not engaged.

8. The publication said that the image had been taken with the parent's consent for the purpose of an advertisement, and an image of the children remained on the local venue's website. As such, it said that it could not be an intrusion into the children's privacy to republish the image, and there was no breach of Clause 2.

9. The publication did not accept that the article gave the impression that the complainant's daughter was the victim of the convicted man, in breach of Clause 1. It said that the article made clear that the victim, although abused as a child, was now an adult. Furthermore, any person who was familiar with the image from the advertising campaign would also be aware that the image was the one taken for the opening of the local venue, and not for the purposes of illustrating a victim of crime.

Relevant Code 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.
- 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.

11. 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.

12. 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

13. 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.

Findings of the Committee

14. The photograph of the children only appeared in the online version of the article and on social media channels. It did not appear in the print version of the article and as such, the Committee did not make findings in relation to the print article.

15. Parental consent had been given for the photograph to be used to publicise the opening of a local venue; however, the newspaper had used the image to illustrate a report concerning the conviction of a paedophile. The Committee did not consider that the purposes for which consent had been provided covered the use of the photograph in this context. This was a highly sensitive subject, and regardless of the extent to which the children were identifiable in the image, it constituted an issue involving the children's welfare. The image had been published in this context without parental consent, and as such, there was a breach of Clause 6 (iii).

16. It was clear that despite the steps the newspaper had taken, the children were identified by their peers, and the Committee noted the advertising campaign which meant that the image was in the public domain. Furthermore, the children had been contacted by their peers in relation to the article, some of whom had asked whether they had any connection to the convicted man or his crimes. The complainant was particularly concerned about the use of the image on social media, where it had been cropped so that only one child was visible alongside the man. The Committee considered that the article, when read as a whole, did not suggest that the children were victims of the man; it made clear that the victim was now an adult and had children of her own. However, given the sensitive nature of the article, and the presentation of the image in which the children were identifiable, the Committee considered that the publication of the image had represented an unnecessary intrusion into their time at school in breach of Clause 6(i).

17. The Committee then considered the complaint under Clause 2. The photograph of the children had been used with parental consent to publicise the opening of a venue, and simply showed the children alongside the man; it did not reveal anything private about them. In light of the complaint upheld under Clause 6(i) in relation to intrusion, the Committee did not find that there was a further breach of Clause 2.

18. The complainant had also raised concerns under Clause 1 as to whether the photograph gave the impression that her children were victims of the man. However, given the Committee's findings under Clause 6, namely that the article made clear that the victim was now an adult with children of her own, the Committee considered that there were no further issues to pursue under Clause 1.

19. The terms of Clause 9 serve to protect friends or family of a person accused or convicted of a crime from being identified, unless they are genuinely relevant to the story. In this case, the children were neither friends nor family of the convicted man, and so the terms of Clause 9 were not engaged.

Conclusions

20. There was a breach of Clause 6.

Remedial Action Required

21. The Committee considered that the appropriate remedy to the breach of Clause 6 was the publication of an adjudication. The breach of the Code had occurred only in the online article; as such the adjudication should be published online, with a link to it (including the headline) being published on the newspaper's homepage for 24 hours, as well as via a link on the publication's social media channels where the photograph had appeared. The publication should contact IPSO to confirm the amendments it now intends to make to the online material, including social media posts, to avoid the continued publication of material in breach of the Editors' Code of Practice.

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

Following an article published on 10 December 2019, a woman complained to the Independent Press Standards Organisation that the Hull Daily Mail breached Clause 1 (Accuracy), Clause 2 (Privacy), Clause 6 (Children) and Clause 9 (Reporting of crime) of the Editors' Code of Practice in an article headlined "Kids entertainer 'Bobby Bubbles' raped child who 'thought she was in love' with him".

The article reported on the conviction of a man for historic child sex offences, including raping a child. The article included a headline photograph of the man posing with two children. The children's faces were pixelated, but their bodies and hair were not.

The complainant was the mother of the children who were included in the photograph. She said that she had not given consent for the image to be used in the context of a court report – the use of the photograph in the article had caused her children much distress, and they had been asked by peers who recognised them whether they had any connection to the convicted man. The publication said that the children were not identifiable because the photograph was pixelated, that the image was already in the public domain, and that readers of the whole article would understand that the children were not connected to the man.

IPSO found that the use of the image in the article was so different for the purpose for which it was originally taken, that the parental consent that was originally given did not stand in this context. The article covered a highly sensitive subject, and so the newspaper had published a photograph of the children on an issue involving their welfare, without parental consent. Furthermore, as the image was already in the public domain, people were able to identify the children.

The children had been identified because the image had been well-publicised elsewhere in an advertising campaign. They had been contacted by their peers in relation to the article, some of whom had asked whether they had any connection to the convicted man. This was upsetting to the children and constituted an unnecessary intrusion into their time at school.

For these reasons, IPSO found that the article breached Clause 6.

Date received: 14/12/2019

Date concluded by IPSO: 22/04/2020

Appendix C

Decision of the Complaints Committee 07156-19 Walters v express.co.uk

Summary of complaint

1. Ailsa Walters complained to the Independent Press Standards Organisation that express.co.uk breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Why are Man City fans booing Liverpool star James Milner in Vincent Kompany testimonial?", published on 11 September 2019.
2. The article reported that footballer James Milner had been "booed by a smattering of Manchester City supporters when he touched the ball during Vincent Kompany's testimonial."
3. The complainant said that the article was inaccurate in breach of Clause 1 (Accuracy) as Mr Milner did not play at Mr Kompany's testimonial and it was therefore impossible that he had been booed by fans. She also noted that the match was a testimonial, rather than a competitive match, which had a large impact on whether he would be jeered as it was for charity.
4. The publication did not accept that Clause 1 of the Code had been breached, though it accepted that the article was inaccurate. The article had been prewritten, based on previous games in which Mr Milner had been booed by Manchester City fans. In addition, the publication had relied on social media claims that Mr Milner had received abuse after leaving the team bus. The article had then been accidentally published. The publication had taken steps in order to stop this mistake from reoccurring, by sending a formal email to the journalist in question and a general email to the team to make them aware of the issue and to stop it from happening again. The article had been removed shortly after publication and the following correction was published after the complaint was referred by IPSO:

Correction - Man City fans boo James Milner - 19.09.19

In an article headlined 'Why are Man City fans booing Liverpool star James Milner in Vincent Kompany testimonial?' and published on September 11 2019 we claimed that James Milner was booed by Manchester City supporters when he 'touched the ball during the Vincent Kompany's testimonial.' To clarify, the match was between the Man City Legends and Premier League All Stars teams. The match was a celebration of Kompany's 11 years at Manchester City and to raise money for the charity 'Tackle 4 MCR' which campaigns to support homeless people in Manchester. James Milner was expected to appear as he was listed on the team sheet for the 'Man City Legends' though in fact he did not play. He has previously been booed by Manchester City supporters in their matches against Liverpool at the Etihad stadium in March 2017 and again in September 2017. In January 2019 he was again booed by Manchester City fans during the match against Liverpool. At the time of the Kompany testimonial match there were unconfirmed claims on social media that when James Milner had got off the Man City Legends' team bus he had received abuse. Those unconfirmed claims should not have formed the basis of the article and we apologise for that error. We are happy to set the record straight.

5. The complainant said that the correction was inadequate and did not put the correct position on record, as booing on previous occasions was not relevant to the article and therefore not to the correction either.

Relevant Code Provisions

6. 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

7. The publication had reported that Mr Milner had been booed during a football game, despite Mr Milner not having played and not having been booed. The article had been written in advance of the game and had been published by mistake. This represented a failure to take care not to publish inaccurate information in breach of Clause 1(i).

8. The entire article centred on Mr Milner being booed whilst playing; this did not occur and therefore the article was significantly inaccurate. A correction was required under the terms of Clause 1(ii).

9. When alerted to the error, the article was removed from the website and the publication had published a correction, which was suitably prompt. However, the Committee did not consider that the published correction had clearly identified the inaccuracy being corrected or made the correct position clear in order to satisfy the requirements of Clause 1(ii). The wording also contained additional information regarding the reasons for the match and the previous times Mr Milner had been booed. The inclusion of this information, which was not required to correct the inaccuracy, further obscured the position. As such, there was a breach of Clause 1(ii).

Conclusions

10. The complaint was upheld under Clause 1(i) and Clause 1(ii).

Remedial Action Required

11. Having upheld the complaint, the Committee considered what remedial action should be required. In circumstances where the Committee establishes a breach of the Editors' Code, it can require the publication of a correction and/or adjudication. The nature, extent and placement of which is determined by IPSO.

12. In circumstances where the publication had promptly published a correction, albeit that the wording was not suitable to satisfy the terms of Clause 1(ii), the Committee considered that the publication of a further correction in the online corrections page was the appropriate remedy.

13. The wording should only include information required to correct the inaccuracy: that the article had been written before the match had taken place and had been published in error; and that the original article had reported that Mr Milner had played in the match when he did not, and that he had not therefore been booed. The wording should also state that it has been published following an upheld ruling by the Independent Press Standards Organisation. The full wording should be agreed with IPSO in advance.

Date complaint received: 12/09/19

Date complaint concluded by IPSO: 30/04/20

Appendix D

Paper No.	File Number	Name v Publication
1799	04817-19	Wilson v The Sunday Times
1801	06272-19	Shadforth v The Sunday Times
1822	06303-19	Hoy v Wisbech Standard
1806	06319-19	Docherty v Evening Times
1832	06470-19	Thompson v Sunday Life
1846	07037-19	Foley v Mail Online
1853	09224-19	Laws v Daily Star