

MINUTES of the COMPLAINTS COMMITTEE MEETING
Wednesday 27 January 2016 at 10.30 a.m.
Gate House, 1 Farringdon Street, London EC4M 7LG

Present: Sir Alan Moses, Chairman
Richard Best
Lara Fielden
Janet Harkess
Gill Hudson
David Jessel
Matthew Lohn
Jill May
Elisabeth Ribbans
Neil Watts
Peter Wright
Nina Wrightson

In attendance: Elizabeth Bardin, Governance Manager and Minute-taker
Charlotte Dewar, Director of Operations
Ben Gallop, Senior Complaints Officer
Bianca Strohmman, Senior Complaints Officer
Matt Tee, Chief Executive

Also present: Members of the Executive:

Xavier Bastin
Ciaran Cronin
Niall Duffy
Vikki Julian
Robyn Kelly
Holly Pick
Liam Tedds
Charlotte Urwin
Hugo Wallace

Observers: Jonathan Grun, Editors' Code of Practice Committee

1. Apologies for Absence

No apologies were recorded. Peter Wright and Matthew Lohn sent advance warning of a late arrival.

2. Declarations of Interest

Peter Wright declared an interest in items 9 to 15 inclusive, due to his connection with Associated Newspapers. He would leave the meeting before these items were discussed.

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 16 December 2015 as a true and accurate record.

4. Update by the Chairman

Rules Changes

The Chairman informed the Committee that a meeting of the RFC was due to take place the next day where it was expected that the proposed Rules changes would be formally agreed, and that an announcement was planned for the following week. He acknowledged with thanks the strenuous efforts of the Chief Executive, the Director of Operations and the Senior Complaints Officer Ben Gallop in bringing about this successful result, and said that it would demonstrate publicly the true independence of IPSO and the sound judgement demonstrated in making its decisions.

Arbitration

He went on to advise the Committee that following the work done by Alistair Henwood a full set of Rules for the pilot scheme would be presented to the Board at the February meeting.

IMPRESS

The Chairman updated the Committee with the news that IMPRESS had applied for recognition as a regulator, with 12 members, mostly hyper-local blogs.

Peter Wright joined the meeting at 10.37 a.m.

Standards

The Chairman introduced Liam Tedds as the newly-appointed Standards Officer, whose arrival he welcomed, and which meant that IPSO now had a full Standards division with which to carry out all necessary work in that important area of the organisation.

The Chairman concluded his update by expressing his thanks to the Director of Operations for all her hard work, before her imminent extended leave, and informed the Committee that the two Senior Complaints Officers would manage the complaints area in her absence, as Heads of Complaints. The Standards, Systems and Arbitration functions would report in to the Chief Executive.

5. Update by the Director of Operations

There was a brief update by the Director of Operations as she noted that the formal Committee meeting would be followed by an informal discussion of a sampling of complaints to IPSO that did not proceed because they were assessed at an early stage by the Executive staff as not raising a potential breach of the Editors' Code. Committee members would have an opportunity to discuss the workings of the assessment system, and the merits of the cases sampled.

It was envisaged that this would be a regular exercise to allow the Committee to understand and offer feedback on the assessment system.

6. Matters Arising

There were no matters arising.

Matthew Lohn joined the meeting at 10.43 a.m.

7. Complaint 06017-15 Burnham v The Sun

The Committee discussed the four clauses addressed in this complaint: Clause 1 (Accuracy), Clause 2 (Opportunity to Reply), Clause 3 (Privacy) and Clause 10 (Clandestine Devices and Subterfuge) and ruled that the complaint should not be upheld, and that the written adjudication should reflect the reasoning behind the decision. A copy of its ruling appears in **Appendix A**.

8. Complaint 05608-15 Hyland-Ward v The Argus (Brighton)

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

Peter Wright left the meeting.

9. Complaint 09324-15 MEND v The Sun
The Committee discussed the complaint and reached a decision. A copy of its ruling appears in **Appendix C**.
10. Complaint 09296-15 MEND v The Times
The Committee discussed the complaint and reached a decision. A copy of its ruling appears in **Appendix D**.
11. Complaint 05764-15 A Man v Daily Record
The Committee discussed the complaint and ruled that it should not be upheld. A copy of its ruling appears in **Appendix E**.
12. Complaint 05190-15 A Man v The Times
The Committee discussed the complaint and ruled that it should not be upheld. A copy of its ruling appears in **Appendix F**.
13. Complaint 05577-15 A Man v The Herald (Glasgow)
The Committee discussed the complaint and ruled that it should not be upheld. A copy of its ruling appears in **Appendix G**.
14. Complaints 05189-15/05330-15 A Man v Edinburgh Evening News/The Scotsman

The Committee discussed the complaints and ruled that they should not be upheld. A copy of its ruling appears in **Appendix H**.
15. Complaint 07252-15 Farrow v Lancashire Evening Post

The Committee discussed the complaint and ruled that it should be upheld, with a recommendation for remedial action. A copy of its ruling appears in **Appendix I**.
16. Draft Complaints Committee Handbook

The Director of Operations introduced a Complaints Committee Handbook in draft form. This document has been produced for consideration by the Committee members, whose suggestions would be noted and incorporated into a further draft for presentation to the Board for its consideration and approval. The final version would assist the Committee in understanding its role in reaching decisions and maintaining standards to allow IPSO to correctly identify breaches of the Editors' Code, and apply the appropriate sanctions where such breaches had been found.

17. Complaints not adjudicated at a Complaints Committee Meeting

The Committee confirmed its formal approval of IPSO Papers listed in **Appendix J**. The approval of the relevant complaints was duly noted.

18. Any Other Business

No other business was recorded.

19. Date of next meeting

The date of the next meeting was confirmed as Wednesday 2 March 2016 at 10.30 a.m.

The meeting ended at 1.00 p.m.

Elizabeth Bardin
Governance Manager
28 January 2016

APPENDIX A

Decision of the Complaints Committee 06017-15 Burnham v The Sun

Summary of Complaint

1. Andy Burnham MP complained, via a representative, to the Independent Press Standards Organisation that The Sun breached Clause 1 (Accuracy), Clause 2 (Opportunity to reply), Clause 3 (Privacy) and Clause 10 (Clandestine devices and subterfuge) of the Editors' Code of Practice in articles headlined "Bung me £5k to meet Burnham" and "Publicly: 'Corbyn's a nice man' privately: 'he will be a disaster', published on 11 September 2015, and a further article, headlined "Exposed Burnham fixer dismissed as 'fantasist' cheers on Jeremy Corbyn at conference", published 2 October 2015.
2. The 11 September articles reported the findings of an undercover investigation by the newspaper in relation to the chairman of Muslim Friends of Labour, Faiz Ul Rasool. The articles reported that an undercover reporter had met with Mr Rasool at a casino in the run-up to the Labour Party leadership election, to investigate whether he would arrange a meeting with a senior Labour politician in exchange for cash. The articles explained that Mr Rasool was a significant donor to the Labour Party who had previously made a legitimate donation of £5000 to the complainant's leadership campaign.
3. The undercover reporter had posed as a wealthy businessman from Dubai, with an interest in Labour Party politics. The articles explained that Mr Rasool had offered to arrange a meeting with the complainant, in exchange for a donation and that, after the reporter had given Mr Rasool £5000, Mr Rasool then introduced the reporter to the complainant at a campaign event. The articles explained that the reporter had been accompanied to the event by his wife and child, and that the reporter's wife, identified as a UK citizen, had handed over a cheque for £3000 to a member of the complainant's campaign team. They included comments made by the complainant to the reporter at the event, in particular certain critical comments about Jeremy Corbyn. The articles contrasted these with remarks he had made about Mr Corbyn during the campaign.
4. The articles said that the £3000 cheque had been rejected by the complainant's campaign, after failing routine due diligence, but that it was unclear what had happened to the £5000 given to Mr Rasool.

5. The 2 October article reported that Mr Rasool had been seen at the Labour Party Conference, despite having been “dismissed as a fantasist” by Mr Burnham’s campaign. It repeated the claim that Mr Burnham had been “caught up in a cash for access row” following the newspaper’s investigation into Mr Rasool.
6. The 2 October article was published online only. The 11 September articles were published in print and online. The online versions included video footage taken by the newspaper’s undercover reporter at the meetings with Mr Rasool and the complainant.
7. The complainant said that the articles gave the misleading impression that he had acted illegally or improperly, and inaccurately stated that he had been caught up in a “cash for access” scandal. At no stage had he offered access in exchange for donations, nor had he accepted donations on that basis. The complainant noted that a complaint to the Parliamentary Commissioner for Standards, made on the basis of the articles, had been dismissed by the Commissioner without investigation.
8. The reporter attended the campaign event uninvited, and the cheque which was given to a member of the complainant’s team at the event was not cashed. The articles failed to accurately report this, or explain that a previous donation from Mr Rasool had been accepted and properly registered. The statement in the article that it was “not known whether Rasool later passed the full £5000 on to Mr Burnham’s campaign team or if the donation was properly registered” was therefore misleading.
9. The complainant said that the newspaper had used its investigation of Mr Rasool to conduct a fishing expedition against the complainant, using complex subterfuge, without any public interest justification: it had no grounds to suggest that the complainant was involved in wrongdoing. This was a clear breach of Clause 10. The complainant was particularly concerned that the reporter had attended the event with a woman and a baby; he said that the baby had been used as a “prop” by the newspaper in photographs which were used to illustrate the articles.
10. The newspaper’s suggestion that his private comments about Jeremy Corbyn contradicted the position he had taken publicly was unfounded, and simply represented an attempt by the newspaper to introduce a public interest justification after the event. These comments were similar to comments he had made at public engagements.

11. Furthermore, the journalist had attended a private and informal gathering on private premises; this was intrusive and breached Clause 3.
12. Separately, the complainant was concerned that an "early" version of the September articles, which omitted some of the comments from his spokesperson, had been circulated to broadcasters and the Press Association, prior to publication. This denied him the opportunity to reply; he considered that this constituted a breach of Clause 2.
13. The complainant said that the 2 October article repeated the inaccurate allegation that he had been involved in wrongdoing, as well as his comments from the event which had been obtained in breach of Clause 3 and Clause 10.
14. The newspaper did not accept a breach of the Code. This was a significant public-interest investigation into Mr Rasool and claims about the abuse of party funding, which had been described by the agent for the Deputy Leader of the Labour Party as "responsible journalism". The articles did not allege that the complainant had offered access in return for payments, or accepted the donations from its reporter; nonetheless, the complainant was accurately reported as being "caught up" in the "cash for access row". Mr Rasool, who the complainant had publicly described as a "campaign star", had claimed to be raising funds for the complainant's campaign, had claimed that he was able to arrange a face-to-face meeting with the complainant in exchange for donations and, having received a donation, had successfully arranged such a meeting, between the reporter and the complainant, at a campaign event.
15. The articles had made clear that the newspaper did not know whether Mr Rasool had passed on the £5000 given to him by the newspaper, and that the cheque presented to the complainant's campaign team by the reporter's wife had not been cashed. The coverage stated that "there is no suggestion that Mr Burnham...acted illegally" and reported that the complainant had described Mr Rasool as a "fantasist" who had "no role, formal or informal, within the Burnham campaign".
16. The newspaper said that it contacted the complainant before publication to enquire whether the £5000 it had given to Mr Rasool, during its investigation, had been passed on to the campaign. It had explained that this was a separate donation to the £5000 Mr Rasool had donated in July. The complainant had responded explaining that the July donation was legitimate, and that the £3000 cheque was never cashed; however, he did not respond in relation to the £5000 given to Mr Rasool. These responses were reflected in the article, as was

the fact that the newspaper did not know what had happened to the £5000 given to Mr Rasool: the complainant had not responded, and Mr Rasool would have had 30 days in which to declare the donation, so the status of the money was unclear.

17. The newspaper provided IPSO with a detailed timeline of the investigation, including an account of meetings between senior editorial figures and the newspaper's legal department, at various stages, to assess whether the use of subterfuge was justified and whether the subsequent publication of material was warranted. It did not accept that the investigation was a fishing expedition. It had solid grounds for suspecting that a well-connected figure was prepared to circumvent rules of party funding and arrange a meeting with the complainant in exchange for cash. The newspaper emphasised that it had not brought up the complainant in discussions with Mr Rasool - it was Mr Rasool who had suggested the meeting.
18. It was necessary to use subterfuge and clandestine recording devices to test whether Mr Rasool was indeed able to secure access to the complainant and to obtain a full and proper record of those meetings, because Mr Rasool was unlikely to speak openly to a journalist.
19. The newspaper said that a freelance reporter had met Mr Rasool at a lunch event organised by two Labour MP's in 2014, at which Mr Rasool had discussed his links to high-profile politicians, as well as his record of donations to the Labour Party. As a consequence of this conversation, the reporter believed that Mr Rasool was suggesting that he would be willing to arrange meetings with frontbench Labour MPs in exchange for donations. The reporter also suspected that Mr Rasool might be willing to break the rules around political fundraising.
20. The reporter contacted a journalist at the newspaper discuss how he should proceed with an investigation. On the basis of the reporter's conversation, the newspaper concluded that using subterfuge would be justified.
21. The investigation began with a dinner meeting, at which the reporter was introduced to Mr Rasool as a wealthy individual from Dubai, who was interested in Labour politics. Mr Rasool explained that he was raising money for the complainant's campaign, and urged the reported to make a donation to the party. He made clear that he was prepared to arrange a meeting between the reporter and the complainant.

22. The newspaper considered that there was a public interest in testing whether Mr Rasool's claims of influence, and his specific claim to be able to arrange a meeting with the complainant, were correct. A second meeting was therefore arranged, on 5 September 2015, at which Mr Rasool told the reporter that, in exchange for an on-the-spot donation, he would arrange a meeting between the reporter and the complainant. The reporter therefore gave Mr Rasool £5000 in cash. The reporter told Mr Rasool he was a Dutch national and was advised that, because of Party funding rules, he would need to make donations through his wife, who is British.
23. Two days later, on 7 September, Mr Rasool contacted the reporter to say that the meeting with the complainant would take place in two hours' time. The reporter informed his contact at the newspaper, who told the managing editor, senior editorial staff and an in house lawyer. This was, in the newspaper's view, the most significant aspect of the investigation; as it was the first opportunity to establish whether Mr Rasool would make good his promise to arrange a meeting with the complainant in exchange for money. The newspaper decided that it therefore was justified to attend the meeting with the complainant and record it, in order to obtain a proper record of the meeting, as the newspaper was unaware of how the complainant would respond to Mr Rasool. The reporter had been told to bring a cheque, and it was also therefore necessary to ensure that there was an accurate record of what happened when the cheque was handed over to the complainant's staff.
24. The reporter's wife agreed to attend the meeting, as she would present the cheque. The couple did not have time to arrange a babysitter so chose to take their baby to the meeting. The newspaper explained that it had been unaware of this decision at the time; it had subsequently offered to pixelate the child's face in any photographs used, although this offer had not been taken up by the reporter.
25. At the meeting, Mr Rasool explained that the reporter had donated to the campaign, and the complainant had expressed his gratitude. The complainant also discussed the leadership campaign, and described the possibility of Mr Corbyn winning the election as a "disaster for the Labour Party".
26. The newspaper noted that, at the time of publication, there was a genuine question about whether the complainant would serve in a shadow cabinet under Mr Corbyn. The complainant had been criticised by a member of his own parliamentary party for being inconsistent in his position in relation to Mr Corbyn. The newspaper cited a number of publication statements in which the

complainant had praised Mr Corbyn and his campaign; as such, the position he took in private, in discussions with the reporter, was evidence of hypocrisy. There was therefore a clear public interest in publishing the comments.

Relevant Code Provisions

27. Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published. In cases involving the Regulator, prominence should be agreed with the Regulator in advance.

Clause 2 (Opportunity to reply)

A fair opportunity for reply to inaccuracies must be given when reasonably called for.

Clause 3 (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 in private places without their consent. Note - Private places are public or private property where there is a reasonable expectation of privacy.

Clause 10 (Clandestine devices and subterfuge)

- i) The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents or photographs; or by accessing digitally-held private information without consent.
- ii) Engaging in misrepresentation or subterfuge, including by agents or intermediaries, can generally be justified only in the public interest and then only when the material cannot be obtained by other means.

Note

IPSO has not received any complaint from Mr Rasool about this coverage, and did not have the benefit of his comments on his conversations with the reporter. The Committee relied in its findings on translations of the conversations, from Urdu, as reported by the newspaper. The accuracy of the

reporting, insofar as it related to Mr Rasool, was not disputed by the complainant. The Committee therefore made no findings concerning Mr Rasool's position; its findings should be understood in that context.

Findings of the Committee

28. The coverage did not allege impropriety by the complainant. Instead, it reported that he had become "caught up" in a cash for access row as a consequence of the actions of Mr Rasool. While the Committee sympathised with the complainant's position that he had been innocently drawn into the scandal, this was accurate: Mr Rasool had accepted £5000 from an individual, purportedly a non-UK national, in exchange for organising a meeting with the complainant. The newspaper was careful to state only that he had become "caught up" in the "row".
29. The coverage explained that the second £3000 "donation" was ultimately rejected as a consequence of the proper checks carried out by the complainant's team. It also recorded that Mr Rasool had made a separate donation of £5000 in July, which had been properly recorded, in line with procedure. The article further explained that it was unclear whether Mr Rasool had passed on the £5000 given to him by the reporter in September. The complainant did not dispute that he had not responded to the newspaper's request for information about this donation: the article was not therefore inaccurate on this point. Indeed, it was important for the newspaper to record that the whereabouts of that £5000 was unknown, given that Mr Rasool would have had 30 days in which to declare it, to avoid the misleading suggestion that an illegitimate donation had been accepted by the complainant's campaign.
30. The newspaper was able to demonstrate that it carried out a structured investigation, assessing at each stage whether the information it had obtained justified the further use of subterfuge. It had initially been given information by the freelance journalist which might have suggested that Mr Rasool was offering to arrange meetings with senior party figures. Its belief that an investigation of that claim was in the public interest was correct: the public are entitled to know whether wealthy individuals are able to pay for access to politicians. The newspaper was entitled to conclude that the information it sought could not have been obtained by other means.
31. The second stage of the investigation followed the initial meeting in the Colony Club. Once Mr Rasool had said he was willing to arrange a meeting with a

senior public figure - the complainant - in exchange for a donation, the newspaper was entitled to test whether he would in fact do so. The Committee accepted that there was a public interest in establishing whether Mr Rasool was able to make the promised introduction, which justified further investigation.

32. It was reasonable for the newspaper to take the view that the only way in which this could be conclusively established was for the reporter to attend the meeting, undercover, and use a clandestine recording device to record what took place there. Doing so was therefore justified under the Code, notwithstanding the absence of any reasonable belief that the complainant was himself involved in wrongdoing.
33. Although the reporter was justified in attending the meeting, his use of subterfuge continued to be governed by the Code. Any activity which significantly altered the remit of the investigation or nature of the subterfuge used would itself require justification to avoid a breach. Nonetheless, a journalist in such a situation is entitled to react to his circumstances and reach a decision on whether continuation of subterfuge is justified: they are not required to demonstrate that each additional step taken in such a case was agreed with their editor, where to do so would be impractical given the need to react to circumstances as they unfold while remaining undercover. It will then be for IPSO to consider whether that decision was correctly made.
34. However, in this case, the newspaper had already, correctly, determined that there was justification for recording the complainant's interaction with Mr Rasool and the reporter, in order to test the veracity of Mr Rasool's claims to influence. As this fell within the agreed remit of the investigation it did not require a separate decision by the journalist as to whether it was appropriate to proceed.
35. Nonetheless, there is a public interest in transparency in relation to the views of those holding, and further seeking, public office. The public were entitled – not least in the context of that leadership contest - to be informed of what the complainant had said; particularly given that, at that stage of the contest, there had been some debate about his position in relation to the then frontrunner, Mr Corbyn, as a consequence of the range of comments he had made in relation to Mr Corbyn's leadership bid. This would not – in itself – have justified an investigation using subterfuge; however, given that the newspaper had separately justified the use of subterfuge to attend and record the meeting, this was sufficient to justify publication of the comments as a matter of public interest.

36. The Committee noted the complainant's particular concern that the reporter had attended the event with his child. While it accepted that there was some basis for believing that this would have made the subterfuge more convincing, the Committee was not satisfied that this changed the character of the subterfuge used to such an extent that this required independent justification under the Code. Furthermore, the child had not been put at any risk by attending a meeting with the complainant and it was for the child's parents - not the complainant or IPSO - to take a view on the child's best interests.
37. The complainant's concern that the reporter's undercover attendance at a campaign event had been intrusive was closely linked to his complaint under Clause 10. Given the nature of the event, any reasonable expectation of privacy which the complainant had, in the circumstances, was limited. His comments to the freelance reporter did not disclose any personal information. Further, they demonstrated the extent to which the reporter was able to obtain "access" to the complainant following the donation. The extent to which this could be said to have been intrusive – on the grounds that the event was private – directly supported the newspaper's position that the nature of the reporter's conversation with the complainant, following the introduction by Mr Rasool, illustrated a matter of public interest. For the same reasons as above, the complaint under Clause 3 was dismissed.
38. Clause 2 relates to requests to respond to inaccuracies after publication. No inaccuracies had been established by the Committee, neither had any request been made by the complainant for the opportunity to respond. Clause 2 was not engaged.

Conclusions

39. The complaint was not upheld.

APPENDIX B

Decision of the Complaints Committee 05608-15 Hyland-Ward v The Argus (Brighton)

Summary of complaint

1. Ben Hyland-Ward complained to the Independent Press Standards Organisation that the Argus breached Clause 1 (Accuracy) and Clause 3 (Privacy) in an article headlined "Update: teenager arrested on suspicion of fraud following Bestival ticket upset", published online on 12 September 2015.
2. The article reported that the complainant had been "arrested after taking thousands of pounds from his friends in payment for festival tickets which he failed to provide". It reported that it was understood that the complainant had been questioned by police "on suspicion of fraud by false representation". The article included a photograph of the complainant, with a caption which appeared to have been published in error; the wording was that of an internal note which included the complainant's phone number, and a brief sentence stating that he had "scammed hundreds of people out of money for fake tickets to Bestival".
3. The complainant was concerned that the publication of his phone number intruded into his privacy, in breach of Clause 3. He was particularly concerned given the nature of the article's subject matter, and because he normally took great care over who he gave his phone number to.
4. Complaining under Clause 1, the complainant said that the publication of his phone number was irrelevant to the story, and that the wording of the caption explaining the allegations against him inaccurately suggested that he was guilty of having "scammed" customers, when in fact the matter was still under police investigation.
5. Before making his complaint, the complainant informally contacted IPSO to explain his concerns. IPSO contacted the newspaper on the complainant's behalf, to make it aware of his position; the caption was subsequently removed.
6. On receipt of the complaint, the newspaper did not accept that the publication of the complainant's phone number intruded into his privacy. It confirmed that the caption had been published by mistake, and that it had removed it as soon as it became aware of the error. It said that, overall, the caption remained online for no more than a few hours. The newspaper said

it understood that the complainant normally carried out his business over the phone, and that a source had informed it that “hundreds” of his customers would have had his phone number.

Relevant Code provisions

7. Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and – where appropriate – an apology published. In cases involving the Regulator, prominence should be agreed with the Regulator in advance.
- iii) The press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

Clause 3 (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 in private places without their consent. Note - Private places are public or private property where there is a reasonable expectation of privacy.

Findings of the Committee

8. The Committee accepted that the caption had been published in error. This did not, however, excuse the newspaper from its obligations under the Code. The Committee started from the point of view that an individual's personal mobile telephone number generally constitutes private information.
9. Under the terms of the Code, account will be taken of a complainant's own public disclosures of information, and the extent to which information is established in the public domain. In this instance, however, there was no evidence (beyond an assertion that the telephone number was known by “hundreds” of people) that the complainant had publicly disclosed the information, and nor was it known to be established in the public domain, for example through its appearance in an advertisement or other commercial activity. The newspaper had accepted that the number had been published in error, and had not sought to justify its publication on public interest or other grounds.

10. In the full circumstances, the Committee took the view that the publication of this information, although inadvertent, represented a failure to respect the complainant's private life, in breach of Clause 3.
11. At the time of publication, the complainant had only been facing allegations of fraud in relation to the sale of festival tickets; the newspaper had an obligation to make this clear in its coverage. The Committee noted with concern the statement in the caption (again, apparently published in error) that the complainant had "scammed" customers, and the article's claims that he had been arrested "after taking thousands of pounds [...] for festival tickets which he failed to provide". However, in circumstances where the caption had clearly been published in error and had appeared online for only a short period of time, and given that the article and headline had made clear that the complainant had only been arrested "on suspicion" of fraud, the Committee took the view that the article overall did not misleadingly suggest that he was guilty of fraud. Further, while the Committee noted the complainant's position that his phone number was "irrelevant" to the coverage, its publication did not render the article inaccurate, misleading or distorted. There was no breach of Clause 1.

Conclusion

12. The complaint was upheld under Clause 3 (Privacy).

Remedial action required

13. In circumstances where the Committee establishes a breach of the Editors' Code, it can require the publication of a correction and/or adjudication. Given the nature of the breach of Clause 3 established, the appropriate remedial action was publication of an adjudication. The original article was published online only. The adjudication should be published on the newspaper's website, and a link to the adjudication should be published on the homepage of the newspaper's website for at least 24 hours, and thereafter archived on the website in the usual way. The headline to the adjudication should include the words "IPSO complaint upheld" and should make reference to the subject matter of the original article; it should be agreed with IPSO in advance. The terms of the adjudication to be published are as follows:

Following an article published online in The Argus on 12 September 2015, headlined "Update: teenager arrested on suspicion of fraud following Bestival ticket upset", Ben Hyland-Ward complained to the Independent Press Standards Organisation (IPSO) that The Argus intruded into his privacy in breach of Clause 3 (Privacy) of the Editors' Code of Practice. IPSO upheld the complaint and established a breach of the Editors' Code. IPSO required

The Argus to publish this decision by its Complaints Committee as a remedy to the breach.

The article reported that the complainant had been “arrested after taking thousands of pounds from his friends in payment for festival tickets which he failed to provide”, and that the complainant had been questioned by police “on suspicion of fraud by false representation”. The article included a photograph of the complainant, with a caption which contained the complainant’s phone number.

The complainant was concerned that the publication of his phone number intruded into his privacy, in breach of Clause 3.

The newspaper did not accept that the publication of the complainant’s phone number intruded into his privacy. It said that the caption had been published by mistake, and that it had removed it as soon as it became aware of the error. Further a source had informed it that “hundreds” of his customers would have had his phone number.

The Committee accepted that the caption had been published in error. This did not, however, excuse the newspaper from its obligations under the Code. The Committee started from the point of view that an individual’s personal mobile telephone number generally constitutes private information.

Under the terms of the Code, account will be taken of a complainant’s own public disclosures of information, and the extent to which information is established in the public domain. In this instance, however, there was no evidence (beyond an assertion that the telephone number was known by “hundreds” of people) that the complainant had publicly disclosed the information, and nor was it known to be established in the public domain. The newspaper had accepted that the number had been published in error, and had not sought to justify its publication on public interest or other grounds.

In the full circumstances, the Committee took the view that the publication of this information, although inadvertent, represented a failure to respect the complainant’s private life, in breach of Clause 3.

APPENDIX C

Decision of the Complaints Committee 09324-15 Mend v The Sun

Summary of complaint

1. Muslim Engagement and Development (MEND) complained to the Independent Press Standards Organisation that The Sun breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "1 in 5 Brit Muslims' sympathy for jihadis", published in print and online on 23 November 2015.
2. IPSO had received a large number of complaints about the coverage. The Committee formally investigated the complaint from MEND, which had been made under Clause 1 (Accuracy)
3. The article, which appeared on the front page, reported the results of a poll commissioned by the newspaper. It reported that "nearly one in five British Muslims has some sympathy with those who had fled the UK to fight for IS in Syria". It noted that the survey showed that "a clear majority of the 2.7 million Brits who follow Islam are moderate". The article was illustrated on the front page with a photograph of Mohammed Emwazi, captioned "Support...Brit Jihadi John who went to Syria".
4. The coverage continued on pages 4 and 5 of the newspaper and included an article by a columnist for the newspaper, describing her reaction to what she presented as the fact of respondents' support for IS. She expressed her "shock, horror, bewilderment, anger and disbelief... Surely this can't be true? There cannot possibly be so many Muslims harbouring sympathy for such a murderous twisted ideology? ... a whopping one in five saying they've some, or a lot of sympathy for IS doesn't make any sense to me".
5. The coverage inside the newspaper also included a report by newspaper's political editor summarising reactions to the poll, with the sub-headline "Shocked Muslim leaders slam backing for jihadis", reporting that Islamic leaders had criticised any British Muslims who "have sympathy with those who join IS". The article noted that these leaders had spoken out after being informed that the newspaper's poll showed that 19% of UK Muslims have "some sympathy with those like Jihadi John". It then noted that the new poll showed that levels of sympathy had fallen in comparison to a previous poll carried out by another organisation. It reported that "if the poll reflected views across the country it would mean 500,000 have some support for jihadis".
6. These inside pages also quoted the question about "sympathy", with a bar chart showing the response: when asked "which of the following statements is closest to your view", 5% of those surveyed had a lot of sympathy, 14% some sympathy and 71% no sympathy with "young Muslims who leave the UK to join fighters in Syria".

Other questions related to the importance of respondents' "Muslim or British identity", the extent to which Islamic leaders in the UK had condemned IS, whether it is the responsibility of Muslims to condemn terrorist attacks carried out in the name of Islam, the possibility of the UK bombing of IS in Iraq. Asked about the "single biggest root cause of IS terrorist attacks", 25% of those surveyed considered that "IS leaders who exploit vulnerable young people" were the biggest root cause of attacks.

7. The online article was substantially the same as the print version. It appeared on a page with the piece by the newspaper's political editor, and was illustrated with a photograph of Mohammed Emwazi, known as "Jihadi John", and a graphic including some of the questions asked in the survey, among them the question relating to sympathy.
8. IPSO received a large number of complaints about the article, largely under Clause 1 (Accuracy). A number of complainants raised concerns that the article breached Clause 12 (Discrimination). In accordance with its procedures when it receives a large number of similar complaints requiring investigation, IPSO selected a lead complainant.
9. The complainant said that the newspaper's presentation of the poll was misleading. The question about sympathy had referenced those "who leave the UK to join fighters in Syria"; the possible answers did not mention IS. Those who responded to the question might not have intended for their answers to be understood as relating to those joining IS; a number of British Muslims had left the UK to fight against IS, or alongside anti-Assad forces or various Sunni groups. The newspaper had therefore distorted the poll results by presenting them as demonstrating "sympathy for jihadis".
10. The complainant also said that the relevant respondents to the poll had agreed that they had sympathy "with" those leaving the UK, not sympathy "for" them. He said that to express sympathy with those leaving the UK to fight in Syria could indicate that those surveyed empathised with the weakness of mind of the individuals fighting, and regretted their misguidance; it was misleading to present this as suggesting sympathy with the ideals of IS.
11. The complainant noted that earlier polls, commissioned by other organisations, had also polled non-Muslims and had found that the level of sympathy for those leaving the UK to fight in Syria were similar among the two groups. He considered it misleading for the article to compare the recent survey with earlier ones without publishing results from non-Muslim groups. The complainant said that the selection and presentation of the material was designed to inflame anti-Muslim sentiment.
12. The newspaper denied breaching the Code. It acknowledged that the matter under complaint was an emotive issue, but emphasised that it had not tried to sensationalise the information which it had obtained, or to cause distress to complainants. It had chosen to publish a story relating to what it considered to be

a pressing contemporary issue. The coverage included the questions in full, along with comment from two positive Muslim voices.

13. The newspaper did not accept that the meaning of “those who leave the UK to join fighters in Syria” was ambiguous. It said that this question had been asked as part of a longer telephone survey, which had taken the form of a discussion, and that a number of previous questions, including the directly preceding one “thinking about the root cause of ISIS terrorist attacks, what do you think is the root cause”, had made explicit reference to IS. It did not consider that those surveyed would have been in doubt about the question’s meaning.
14. In addition, the newspaper argued that the question would be understood by respondents as referring to IS because, as a factual matter, the overwhelming majority of those who leave the UK to join fighters are joining IS. It provided an article from the New York Times, which reported the Director of the International Centre of the Study of Radicalisation as saying that 80 percent of British fighters in Syria had joined IS, 20 per cent had joined the Nusra Front, “al Qaeda’s Syrian branch”, and that “very, very few are joining other groups”. It also said that the media narrative around “young Muslims who leave the UK to join fighters in Syria” had focused on those joining IS; in the past year it could find only one news story relating to a British Muslim joining Kurdish separatist group the PKK, which operates in some parts of Syria, and none joining the Free Syrian Army. The headline had referred to “jihadis”, which the newspaper noted was commonly accepted to mean those pursuing their religious beliefs via a violent struggle. It did not consider this to be an inaccurate description of young Muslims fighting in Syria in a conflict inspired by religion.
15. The questions had been written by the polling company, and had been designed to mirror questions asked in similar polls, to provide a comparison with the earlier polls. The question about sympathy had used the same wording as earlier polls, and the newspaper said that the CEO of the polling company had confirmed to it on the day of publication that the question was intended to refer to IS. The two previous questions, making direct reference to IS, had been suggested by the newspaper but worded by the polling company. The newspaper did not consider that the omission of polling data from non-Muslims rendered the article misleading. The poll had been conducted by a company registered with the British Polling Council. It was intended to stand alone and could be interpreted independently of previous polls or other data sets.
16. The newspaper said that the sentiment of “sympathy” in the sense of regret or sorrow was still sympathy. It considered that sympathy with those who had elected to join an organisation such as IS was improper, regardless of the motivation.

Relevant Code provisions

17. Clause 1 (Accuracy)

- (i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.

(ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and – where appropriate – an apology published.

(iii) The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

Clause 12 (Discrimination)

(i) The Press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any physical or mental illness or disability.

Findings of the Committee

18. The essential question was whether the newspaper had taken sufficient care in reporting the findings of the poll. This required the newspaper to form a judgement on what those polled would have understood from the question, and to present a justifiable interpretation of the poll results.
19. There will be those who firmly believe that conducting and reporting a poll of this nature was in itself distasteful or socially harmful; such concerns do not constitute a possible breach of the Code. The newspaper was entitled to commission the poll, and it had used a reputable polling company to do so. The coverage had included the full text of the poll question, along with extensive commentary putting the findings into context, including comment from Muslim leaders, distancing themselves from extremism, and emphasising that the ideology of IS was condemned by the vast majority of British Muslims.
20. In assessing the accuracy of the newspaper's interpretation of the poll results, the Committee considered the entirety of the coverage. The newspaper had provided various interpretations of the poll result. These conflated important distinctions between those travelling to Syria and those already fighting in Syria; between "sympathy" for these individuals and "support" for their actions; and between individuals attracted by the ideology of IS, and the ideology of IS itself. The poll results had been reported by the newspaper as demonstrating that those surveyed showed "some sympathy with those like Jihadi John"; the newspaper's columnist states as fact that there was "support" for IS, and sympathy with a "murderous, twisted ideology"; the political editor had made reference to "support" for jihadis; and the picture caption of the front page referred to "support" for "Jihadi John", emphasising the factual implication that sympathy for known terrorists and support for the ideology of IS are synonymous with sympathy for those who have left the UK to join fighters in Syria.
21. While the newspaper was entitled to interpret the poll's findings, taken in its entirety, the coverage presented as a fact that the poll showed that 1 in 5 British Muslims had sympathy for those who left to join ISIS and for ISIS itself. In fact, neither the question nor the answers which referred to "sympathy" made reference to IS. The newspaper had failed to take appropriate care in its presentation of the

poll results, and as a result the coverage was significantly misleading, in breach of Clause 1.

22. The Committee did not consider any complaints raised under the terms of Clause 12 (Discrimination), as these complaints did not raise a potential breach of the Code against any particular individual. In light of the large number of complaints raising concerns under this Clause, however, the Committee took this opportunity to note publicly that Clause 12 prevents pejorative or prejudicial reference to an individual's race or religion. The article under complaint did not include pejorative or prejudicial reference to any individual. The terms of Clause 12 were therefore not engaged.

Conclusions

23. The complaint was upheld.

Remedial action required

24. Having upheld the complaint, the Committee considered the remedial action that should be required. In circumstances where the cumulative effect of the coverage had been a misleading factual presentation of the survey results, the appropriate remedy was the publication of an upheld adjudication. The Committee gave careful consideration to requiring a reference to this to be published on the front page, but decided that the adjudication should appear on page 4 or 5, or further forward. The newspaper had taken steps to inform readers about the nature of the poll and the questions asked. Furthermore, the breach of the Code had been established by the Committee based on the cumulative effect of the coverage, the majority of which appeared on pages 4 and 5.
25. The headline of the adjudication must make clear that IPSO has upheld the complaint, and refer to its subject matter; it must be agreed in advance. It should also be published on the newspaper's website, with a link to the full adjudication appearing on the homepage for 24 hours; it should then be archived online in the usual way. Should the newspaper intend to continue to publish the article online, without amendment, in light of this decision it should publish the adjudication in full, beneath the headline.
26. The terms of the adjudication to be published are as follows:

Following an article published in The Sun on 23 November 2015 headlined "1 in 5 Brit Muslims' sympathy for jihadis", Muslim Engagement and Development (Mend) complained to the Independent Press Standards Organisation that The Sun had published inaccurate information in breach of Clause 1 (Accuracy) of the Editors' Code of Practice. IPSO upheld the complaint and has required The Sun to publish this decision as a remedy to the breach.

The article reported the results of a poll commissioned by the newspaper. It reported that "nearly one in five British Muslims [had] some sympathy with those who had fled the UK to fight for IS in Syria" and was illustrated on the front page

with a photograph of Mohammed Emwazi, captioned "Support...Brit Jihadi John who went to Syria".

The coverage continued on pages 4 and 5 of the newspaper and included an article by a columnist for the newspaper, describing her reaction to what she presented as the fact of support for IS, and an article by the newspaper's political editor, which noted that 19% of UK Muslims have "some sympathy with those like Jihadi John".

The complainant said that the presentation of the poll was misleading; those surveyed had not been asked about the ideals of IS, and to express sympathy with those leaving the UK to fight in Syria could indicate that those surveyed empathised with the weakness of mind of the individuals fighting, and regretted their misguidance

The newspaper did not accept that the meaning of "those who leave the UK to join fighters in Syria" was ambiguous. It said that previous questions in the telephone survey had made explicit reference to IS, and the overwhelming majority of those who leave the UK to join fighters in Syria are joining IS. It said that the sentiment of "sympathy" in the sense of regret or sorrow was still sympathy. The newspaper emphasised that its coverage of the poll went beyond the front page story. It had included the questions in full, along with comment from two positive Muslim voices.

In assessing the accuracy of the newspaper's interpretation of the poll results, the Committee considered the entirety of the coverage. The newspaper had provided various interpretations of the poll result. These didn't make sufficiently clear that there were important distinctions between those travelling to Syria and those already fighting in Syria; between "sympathy" for these individuals and "support" for their actions; and between individuals attracted by the ideology of IS, and the ideology of IS itself.

Taken in its entirety, the coverage presented as a fact that the poll showed that 1 in 5 British Muslims had sympathy for those who left to join ISIS and for ISIS itself. In fact, neither the question nor the answers which referred to "sympathy" made reference to IS. The newspaper had failed to take appropriate care in its presentation of the poll results, and as a result the coverage was significantly misleading, in breach of Clause 1.

APPENDIX D

Decision of the Complaints Committee 09296-15 Mend v The Times

Summary of complaint

1. Muslim Engagement and Development (MEND) complained to the Independent Press Standards Organisation that The Times breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "One in five British Muslims has sympathy for Isis", published in print and online on 24 November 2015.
2. The article reported that, according to an opinion poll conducted by The Sun newspaper, one in five Muslims "has sympathy for fighters who choose to leave Britain to wage war in Syria". It included comments from a number of prominent Muslim individuals, criticising the so-called Islamic State (IS). It also noted that some had questioned the reliability of the poll, with critics saying that it did not distinguish between "those who have gone out to fight for Islamic State and the multitude of other factions, including the Shia militants and Kurds fighting in Syria". The article included an image of the poll question, taken from The Sun.
3. The article was also published in the same form online, without the image of the poll question.
4. The complainant said that the headline was inaccurate: the survey question reported had not made explicit reference to IS, and those surveyed could have believed it to refer to individuals fighting in Syria for other groups. The article had later referred to this point. It was inaccurate to report that 1 in 5 British Muslims had sympathy for the ideals of IS.
5. The newspaper did not accept a breach of the Code. It noted that the presence of British Muslims among IS fighters had been widely reported, with the estimated number ranging from 700 to 2000. In contrast, only a handful of cases in which British Muslims had joined other groups had been reported. The newspaper did not consider, therefore, that survey respondents would have been in any doubt as to which fighters the question referred to. Furthermore, the questions preceding that reported had made explicit reference to IS. The context of the question was therefore clear.
6. The newspaper noted that the question of whether there was a meaningful distinction between sympathy for those who fight for IS and sympathy for the ideals of IS was a matter of opinion. To clarify its headline, and following earlier complaints, it published the following clarification on 26 November, in its corrections and clarifications column on its letters page, on page 36:

We reported the findings of a Survation poll of 1000 British Muslims (News 24 Nov). Asked "How do you feel about young Muslims who leave the UK to join fighters in Syria?", 14% of respondents expressed "some sympathy" and 5 per cent "a lot of sympathy". The survey did not distinguish between those who go to fight

for Islamic State and those who join other factions in Syria, and it did not ask about attitudes towards Isis itself. Our headline, "One in five British Muslims has sympathy for Isis," was misleading in failing to reflect this.

This was also added to the online article, and the online headline was amended to "One in five British Muslims has sympathy for young Muslims who join fighters in Syria".

7. The complainant did not consider that the correction had been published promptly, or with sufficient prominence.

Relevant Code provisions

8. Clause 1 (Accuracy)

(i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.

(ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence.

Findings of the Committee

9. Respondents had been asked about their levels of sympathy for individuals "who leave Britain to join fighters in Syria". They had not been asked about sympathy for IS itself, or its ideology. It was therefore misleading for the headline to present the survey findings as showing sympathy for IS. This distinction between sympathy for individuals and for the ideology of IS was significant: sympathy for the ideology would not allow for the sort of reasonable alternative explanation which might be given by someone who had expressed sympathy with the individuals involved. The headline misrepresentation of the survey findings represented a failure to take care over the accuracy of the article in breach of Clause 1 (i), and a correction was required to avoid a breach of 1(ii).
10. Following complaints, the newspaper had promptly published a clarification, in print and online, and had amended the online headline. The print clarification had appeared in the newspaper's regular Corrections and Clarifications column, two days after the original article had been published. The Committee recognised the importance of such columns, which provide a consistent position for corrections. The article under complaint had appeared on page 11, and the publication of a clarification in the regular column was sufficiently prominent. The Committee considered that the action taken by the newspaper was sufficient to meet the terms of 1 (ii). There was no further breach of the Code on this point.
11. The text of the article had made clear that the question had referred to "fighters who choose to leave Britain to wage war in Syria". It had not failed to distinguish between individuals and ideals, and the text of the article did not raise a further breach of the Code.

Conclusions

12. The complaint was upheld.

Remedial action required

13. The newspaper had promptly published a sufficiently prominent clarification, which corrected the inaccurate impression given by the headline, and had amended the online article and appended a clarification to it. No further action was required.

APPENDIX E

Decision of the Complaints Committee 05764-15 A man v Daily Record

Summary of complaint

1. A man complained to the Independent Press Standards Organisation, through a representative, that the Daily Record breached Clause 1 (Accuracy), Clause 2 (Opportunity to reply), Clause 3 (Privacy), Clause 4 (Harassment) and Clause 11 (Victims of sexual assault) of the Editors' Code of Practice in an article published in 2015.
2. The article reported that a defendant had been found not guilty of an allegation of sexual assault; she had been accused of rubbing her breasts against the complainant at a party. The alleged offence took place in Scotland, and the trial had also taken place there. The alleged victim was named in the report.
3. The complainant said that his identification in this context breached Clause 11. He said that he had been assured by the police in advance that he would not be identified by the media. The article had caused him significant upset: it was humiliating to be identified in this way, and his family and friends had found out about the incident through reading about it in the newspaper. The complainant also said that the publication of his name revealed private information about him – that he considered himself to be a victim of sexual assault – and the article therefore breached Clause 3 also.
4. The complainant also said that the article had inaccurately reported his initial response to the incident; this breached Clause 1. He said that he had not been offered a right to reply to the allegations, and that this breached Clause 2. Lastly, he said that publication of the article constituted harassment, in breach of Clause 4.
5. The newspaper acknowledged that it is usual practice in Scotland not to name alleged victims of sexual offences. However, unlike in the rest of the UK, there is no specific provision in Scottish law which grants automatic anonymity to victims, or alleged victims, of sexual assault; a judge has the power to make such an order. No order had been made in this case.
6. In these circumstances, the newspaper was legally free to publish the complainant's name. It was therefore entitled under Clause 11 to identify the complainant if there was "adequate justification" for doing so. At the conclusion of the case the sheriff had said that "against the whole

background it's hard to understand the decision making process by which it was found by the Crown to be in the public interest to pursue this case. Although I wasn't convinced by the evidence provided by the accused I'm not going to find beyond reasonable doubt that the accused was guilty of criminal assault, far less a sexual one." The newspaper said that it was clear in this case that the alleged offence should never have been classed as a sexual assault; it had therefore been justified in naming the complainant.

7. The newspaper said that Clause 3 was not relevant to this complaint. The case had been heard in open court and therefore there could be no privacy concern.
8. Nonetheless, as a gesture of goodwill the newspaper arranged for the article to be removed from third-party aggregator websites which had republished it. It had not been published on the newspaper's own website.
9. The complainant wanted the newspaper to apologise to him, both privately and in print, and provide a reassurance that it would not publish the names of alleged victims of sexual assault in future.

Relevant Code provisions

10. Clause 1 (Accuracy)

- (i) The press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- (ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and – where appropriate – an apology published.
- (iii) The press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

Clause 2 (Opportunity to reply)

A fair opportunity for reply to inaccuracies must be given when reasonably called for.

Clause 3 (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.

Clause 4 (Harassment)

- (i) Journalists must not engage in intimidation, harassment or persistent pursuit.

- (ii) They must not pursue in questioning, telephoning, pursuing or photographing individuals once asked to desist, nor remain on their property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.

Clause 11 (Victims of sexual assault)

The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and they are legally free to do so.

Findings of the Committee

11. The Editors' Code prohibits the identification of victims of sexual assault in almost all circumstances. The protection of the identities of people who make allegations of sexual assault is of great importance to society generally, and not just to those individuals at the centre of ongoing cases, as it is essential in ensuring that other victims are not dissuaded from reporting sexual offences to the police, for fear of unwanted publicity. The provisions of the Code apply as soon as a person complains that they are a victim of a sexual assault, regardless of whether the defendant is acquitted or the allegation is later withdrawn. The protections of Clause 11 exist independently of legal proceedings, and a later finding by the court that a defendant is not guilty is not relevant to whether the accuser is covered by Clause 11, although this could be relevant to the Committee's consideration of whether identification was adequately justified.
12. The terms of the Sexual Offences (Amendment) Act 1992 did not apply in this case, and no order preventing identification of the complainant had been imposed. The newspaper had been legally free to name the complainant. However, the Code sets out a more stringent test than the law in that, regardless of the legal position, publications may not name victims of sexual assault unless there is "adequate justification" to do so. This justification must be a compelling one in order to outweigh the general public interest in preserving victims' anonymity.
13. The newspaper argued that the naming of the alleged victim in this case was justified, as the sheriff had said that the offence should never have been classed as a sexual assault in the first place. However, the fact remained that the case had been taken forward to trial by the prosecuting authorities, and there was no finding that the complainant had acted improperly in making the accusation. Neither the acquittal nor the sheriff's comments affected the complainant's status as a self-identified victim of sexual assault. The sheriff's criticism of the decision to prosecute was insufficient to justify identification of the complainant, and it was not necessary to name the

complainant in order to report this criticism. The newspaper breached Clause 11.

14. The fact that the complainant considered himself to be a victim of sexual assault was clearly private information. While the Committee acknowledged that the information had been heard in open court, the Editors' Code specifically provides protection to people making allegations of sexual assault, and standard practice is that victims are not identified. The inclusion of the complainant's name in the article represented an unjustified intrusion into the complainant's private life, and a breach of Clause 3 of the Code.
15. The Committee then considered the complainant's additional concerns. The newspaper's role was to accurately report the proceedings as heard in court; it was not required to independently investigate the accuracy of the statements heard there. While the complainant evidently disagreed with the claim about his initial reaction to the incident, this disagreement did not raise a breach of Clause 1. Further, in the absence of any established inaccuracies an opportunity to reply was not required; there was no breach of Clause 2.
16. The terms of Clause 4 generally relate to the conduct of journalists and photographers during the newsgathering process. The concern that the article represented harassment did not engage the terms of Clause 4.

Conclusions

17. The complaint was upheld under Clause 3 and Clause 11.

Remedial action required

18. Having upheld the complaint under Clause 3 and Clause 11, the Committee considered what remedial action should be required, taking into account that the newspaper had already arranged for the article to be removed from third-party aggregator sites. The Committee has the power to require the publication of a correction and/or adjudication; the nature, extent and placement of which is to be determined by IPSO. It may also inform the publication that further remedial action is required to ensure that the requirements of the Editors' Code are met.
19. The Committee required the newspaper to publish the Committee's ruling upholding the complaint. The article had been published on page 15 of the newspaper; the adjudication should be published in full on page 15, or further forward. The headline of the adjudication should make clear that IPSO has upheld the complaint, and refer to its subject matter; it must be

agreed with IPSO in advance. As the article had not appeared on the newspaper's website, no online remedial action was required.

20. The terms of the adjudication to be published are as follows:

Following an article published in the Daily Record in 2015 a man complained to the Independent Press Standards Organisation that the Record breached Clause 3 (Privacy) and Clause 11 (Victims of sexual assault) of the Editors' Code of Practice. IPSO upheld the complaint and has required the Record to publish this decision as a remedy to the breach.

The article reported that a defendant had been found not guilty of an allegation of sexual assault; she had been accused of rubbing her breasts against the complainant at a party. The alleged offence took place in Scotland, and the trial had also taken place there. The alleged victim was named in the report.

The complainant said that his identification in this context breached Clause 11. He said that he had been assured by the police in advance that he would not be identified by the media. The complainant also said that the publication of his name revealed private information about him – that he considered himself to be a victim of sexual assault – and the article therefore breached Clause 3 also.

The newspaper said that there is no specific provision in Scottish law which grants automatic anonymity to victims, or alleged victims, of sexual assault; the newspaper was legally free to publish the complainant's name. It was therefore entitled under Clause 11 to identify the complainant if there was "adequate justification" for doing so. The newspaper said that it was clear in this case that the alleged offence should never have been classed as a sexual assault; it had therefore been justified in naming the complainant.

The newspaper said that Clause 3 was not relevant to this complaint. The case had been heard in open court and therefore there could be no privacy concern.

IPSO's Complaints Committee said that the Editors' Code prohibits the identification of victims of sexual assault in almost all circumstances. The newspaper had been legally free to name the complainant. However, the Code sets out a more stringent test than the law in that, regardless of the legal position, publications may not name victims of sexual assault unless there is "adequate justification" to do so.

The case had been taken forward to trial by the prosecuting authorities, and there was no finding that the complainant had acted improperly in making the accusation. Criticism of the decision to prosecute was insufficient to

justify identification of the complainant. The newspaper breached Clause 11.

The fact that the complainant considered himself to be a victim of sexual assault was clearly private information. The inclusion of the complainant's name in the article represented an unjustified intrusion into his private life, and a breach of Clause 3 of the Code.

APPENDIX F

Decision of the Complaints Committee 05190-15 A man v The Times

Summary of complaint

1. A man complained to the Independent Press Standards Organisation, through a representative, that The Times breached Clause 1 (Accuracy), Clause 2 (Opportunity to reply), Clause 3 (Privacy), Clause 4 (Harassment) and Clause 11 (Victims of sexual assault) of the Editors' Code of Practice in an article published in 2015.
2. The article reported that a defendant had been found not guilty of an allegation of sexual assault; she had been accused of rubbing her breasts against the complainant at a party. The alleged offence took place in Scotland, and the trial had also taken place there. The alleged victim was named in the report.
3. The article had appeared in the newspaper's Scottish edition only, and on the newspaper's website.
4. The complainant said that his identification in the article breached Clause 11. He said that he had been assured by the police in advance that he would not be identified by the media, and the article had caused him significant upset: it was humiliating to be identified in this way, and his family and friends had found out about the incident through reading it in the newspaper. The complainant also said that the publication of his name revealed private information about him – that he considered himself to be a victim of sexual assault – and the article therefore breached Clause 3 also.
5. The complainant also said that the article had been biased towards the defendant, and included claims the defendant had made in evidence which the complainant said were inaccurate; this breached Clause 1. He said that he had not been offered a right to reply to the allegations, and that this breached Clause 2. Lastly, he said that publication of the article constituted harassment, in breach of Clause 4.
6. When the complainant's representative contacted the newspaper directly it removed the article from its website, deleted it from its databases, and circulated a note to all staff reminding them of their obligations under both the law and the Editors' Code, in relation to alleged victims of sexual assault.

7. The newspaper noted that it had been legally free to name the complainant, as Scots law does not provide for automatic anonymity for victims and no order had been in place preventing his identification.
8. While the newspaper said that its article was in breach of the Editors' Code, it also noted that an argument might be advanced that identification was justified: there is a public interest in reporting proceedings heard in open court, and the sheriff's remarks in dismissing the case strongly suggested an abuse of process and a waste of public funds. He had said that "it's hard to understand the decision-making process by which it was found by the Crown to be in the public interest to pursue this case." However, the newspaper said that it was not seeking to argue that identification was justified in this case.
9. The newspaper said that as the proceedings had been heard in open court, there was no breach of Clause 3.
10. The terms of the Sexual Offences (Amendment) Act 1992, which provides for automatic anonymity for victims of specified sexual offences against the law of England, Wales and Northern Ireland, do not apply in this case - despite the material being available to readers in England and Wales on the newspaper's website - as it was a report of offences against Scottish law.

Relevant Code provisions

11. Clause 1 (Accuracy)

- (i) The press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- (ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and – where appropriate – an apology published.
- (iii) The press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

Clause 2 (Opportunity to reply)

A fair opportunity for reply to inaccuracies must be given when reasonably called for.

Clause 3 (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.

Clause 4 (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 their property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.

Clause 11 (Victims of sexual assault)

The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and they are legally free to do so.

Findings of the Committee

12. The Editors' Code prohibits the identification of victims of sexual assault in almost all circumstances. The protection of the identities of people who make allegations of sexual assault is of great importance to society generally, and not just to those individuals at the centre of ongoing cases, as it is essential in ensuring that other victims are not dissuaded from reporting sexual offences to the police, for fear of unwanted publicity. The provisions of the Code apply as soon as a person complains that they are a victim of a sexual assault, regardless of whether the defendant is acquitted or the allegation is later withdrawn. The protections of Clause 11 exist independently of legal proceedings, and a later finding by the court that a defendant is not guilty is not relevant to whether the accuser is covered by Clause 11, although this could be relevant to the Committee's consideration of whether identification was adequately justified.
13. The terms of the Sexual Offences (Amendment) Act 1992 did not apply in this case, and no order preventing identification of the complainant had been imposed. The newspaper had been legally free to name the complainant. However, the Code sets out a more stringent test than the law in that, regardless of the legal position, publications may not name victims of sexual assault unless there is "adequate justification" to do so. This justification must be a compelling one in order to outweigh the general public interest in preserving victims' anonymity.
14. The Committee did not accept the newspaper's argument that the remarks made by the sheriff could justify identification of the complainant. The fact remained that the case had been taken forward to trial by the prosecuting

authorities, and there was no finding that the complainant had acted improperly in making the accusation. Neither the acquittal nor the sheriff's comments affected the complainant's status as a self-identified victim of sexual assault. The sheriff's criticism of the decision to prosecute would have been insufficient to justify identification of the complainant, and it was not necessary to name the complainant in order to report this criticism. The newspaper breached Clause 11.

15. The fact that the complainant considered himself to be a victim of sexual assault was clearly private information. While the Committee acknowledged that the information had been heard in open court, the Editors' Code specifically provides protection to people making allegations of sexual assault, and standard practice is that victims are not identified. The inclusion of the complainant's name in the article represented an unjustified intrusion into the complainant's private life, and a breach of Clause 3 of the Code.
16. The Committee then considered the complainant's additional concerns. The newspaper's role was to accurately report the proceedings as heard in court; it was not required to independently investigate the accuracy of the statements heard there. While the complainant evidently disagreed with some of the claims made by the defendant in court, this disagreement did not raise a breach of Clause 1. Further, in the absence of any established inaccuracies an opportunity to reply was not required; there was no breach of Clause 2.
17. The terms of Clause 4 generally relate to the conduct of journalists and photographers during the newsgathering process. The concern that the article represented harassment did not engage the terms of Clause 4.

Conclusions

18. The complaint was upheld under Clause 3 and Clause 11.

Remedial action required

19. Having upheld the complaint under Clause 3 and Clause 11, the Committee considered what remedial action should be required, taking into account the newspaper's prompt acknowledgement that it had breached the Code, and the steps already taken by the newspaper in response to the complaint. The Committee has the power to require the publication of a correction and/or adjudication; the nature, extent and placement of which is to be determined by IPSO. It may also inform the publication that further remedial action is required to ensure that the requirements of the Editors' Code are met.

20. The Committee required the newspaper to publish the Committee's ruling upholding the complaint. The article had been published on page 21 of the newspaper; the adjudication should be published in full on page 21, or further forward. As the article had only been published in the Scottish edition of the newspaper, the adjudication need only appear in that edition. The headline of the adjudication should make clear that IPSO has upheld the complaint, and refer to its subject matter; it must be agreed with IPSO in advance. The adjudication should also be published on the newspaper's website, with a link to the full adjudication appearing with the headline on the homepage (as it is presented to readers in Scotland) for 24 hours; it should then be archived online in the usual way.

21. The terms of the adjudication to be published are as follows:

Following an article published in The Times in 2015 a man complained to the Independent Press Standards Organisation that The Times breached Clause 3 (Privacy) and Clause 11 (Victims of sexual assault) of the Editors' Code of Practice. IPSO upheld the complaint and has required The Times to publish this decision as a remedy to the breach.

The article reported that a defendant had been found not guilty of an allegation of sexual assault; she had been accused of rubbing her breasts against the complainant at a party. The alleged offence took place in Scotland, and the trial had also taken place there. The alleged victim was named in the report.

The complainant said that his identification in the article breached Clause 11. He also said that the publication of his name revealed private information about him – that he considered himself to be a victim of sexual assault – and the article therefore breached Clause 3 also.

When the complainant's representative contacted the newspaper directly it removed the article from its website, deleted it from its databases, and circulated a note to all staff reminding them of their obligations under both the law and the Editors' Code, in relation to alleged victims of sexual assault.

The newspaper said that it had been legally free to name the complainant. While it said that its article was in breach of the Editors' Code, it also noted that an argument might be advanced that identification was justified: there is a public interest in reporting proceedings heard in open court, and the sheriff's remarks in dismissing the case strongly suggested an abuse of process and a waste of public funds. However, the newspaper said that it was not seeking to argue that identification was justified in this case.

The newspaper said that as the proceedings had been heard in open court, there was no breach of Clause 3.

IPSO's Complaints Committee said that the Editors' Code prohibits the identification of victims of sexual assault in almost all circumstances. The newspaper had been legally free to name the complainant. However, the Committee did not accept the argument that the remarks made by the sheriff could justify identification of the complainant. The newspaper breached Clause 11.

Further, the inclusion of the complainant's name in the article represented an unjustified intrusion into his private life, and a breach of Clause 3 of the Code.

APPENDIX G

Decision of the Complaints Committee 05577-15 A man v The Herald (Glasgow)

Summary of complaint

1. A man complained to the Independent Press Standards Organisation, through a representative, that the Herald (Glasgow) breached Clause 1 (Accuracy), Clause 2 (Opportunity to reply), Clause 3 (Privacy), Clause 4 (Harassment) and Clause 11 (Victims of sexual assault) of the Editors' Code of Practice in an article published in 2015.
2. The article reported that a defendant had been found not guilty of an allegation of sexual assault; she had been accused of rubbing her breasts against the complainant at a party.
3. The complainant said that, although the article had not named him, it had included sufficient detail for him to be identified as an alleged victim of sexual assault: it had described him as a "mutual friend" of the defendant and another named friend, and noted the estate in which the alleged assault had taken place. He lives in a small community and has a close circle of friends. The complainant said that the article breached Clause 11 of the Editors' Code. He had also complained about a number of other articles which reported the outcome of the case, some of which had named him. The complainant said that the fact that he had been named by other newspapers meant that he could be identified from the article in the Herald.
4. The complainant also said that the article had been biased towards the defendant, and included claims made in evidence which the complainant said were inaccurate; this breached Clause 1. He said that he had not been offered a right to reply to the allegations, and that this breached Clause 2. He said that the article revealed that he had been sexually assaulted, which was private information, in breach of Clause 3. Lastly, he said that publication of the article constituted harassment, in breach of Clause 4.
5. The newspaper did not believe that a general reader would have been able to identify the complainant, although it said that, because of the nature of the case, some people in the local community would already have known of the complainant's involvement: it had been heard in court that discussion of the incident locally had prompted the complainant to contact police. The newspaper also noted that the sheriff, in his judgment, had said that he could not find beyond reasonable doubt that the alleged offender was guilty of a criminal assault, "far less a sexual one".

6. The newspaper said that the freelance reporter who had provided the copy had been in court to hear the outcome of the case, and it provided shorthand notes and a transcript of the sheriff's summing up of the case. It did not believe that its coverage was inaccurate.
7. The complainant asked the newspaper to apologise to him for the distress caused by the article.

Relevant Code provisions

8. Clause 1 (Accuracy)

- (i) The press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- (ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and – where appropriate – an apology published.
- (iii) The press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

Clause 2 (Opportunity to reply)

A fair opportunity for reply to inaccuracies must be given when reasonably called for.

Clause 3 (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.

Clause 4 (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 their property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.

Clause 11 (Victims of sexual assault)

The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and they are legally free to do so.

Findings of the Committee

9. The Committee found that the details included in the article were not likely to contribute to the identification of the alleged victim. The fact that other newspapers had named the complainant did not mean that the details published by this newspaper contributed to his identification. There was no breach of Clause 11.
10. The Committee then considered the complainant's additional concerns. The newspaper's role was to accurately report the proceedings as heard in court; it was not required to independently investigate the accuracy of the statements heard there. While the complainant evidently disagreed with some of the claims made in court, this disagreement did not raise a breach of Clause 1. Further, in the absence of any established inaccuracies an opportunity to reply was not required; there was no breach of Clause 2.
11. The information included in the article had been heard in open court, and so the newspaper had been entitled to report it, so long as it did not include material likely to contribute to the identification of the complainant. As the Committee had found that the article had not included such material, there was no intrusion into the complainant's private life; there was no breach of Clause 3.
12. The terms of Clause 4 generally relate to the conduct of journalists and photographers during the newsgathering process. The concern that the article represented harassment did not engage the terms of Clause 4.

Conclusions

13. The complaint was not upheld.

APPENDIX H

Decision of the Complaints Committee 05189-15 A man v Edinburgh Evening News

Summary of complaint

1. A man complained to the Independent Press Standards Organisation, through a representative, that the Edinburgh Evening News breached Clause 1 (Accuracy), Clause 2 (Opportunity to reply), Clause 3 (Privacy), Clause 4 (Harassment) and Clause 11 (Victims of sexual assault) of the Editors' Code of Practice in an article published in 2015.
2. The article reported that a defendant had been found not guilty of an allegation of sexual assault; she had been accused of rubbing her breasts against the complainant at a party.
3. The complainant said that, although the article had not named him, it had included sufficient detail for him to be identified as an alleged victim of sexual assault: it had suggested that the complainant, the defendant, and a third individual had all been known to each other at the time of the incident; noted the estate in which the alleged assault had taken place; and included his age. The complainant said that the article breached Clause 11 of the Editors' Code. He had also complained about a number of other articles which reported the outcome of the case, some of which had named him. The complainant said that the fact that he had been named in other newspapers meant that he could be identified from the article in the Edinburgh Evening News.
4. The complainant also said that the article had been biased towards the defendant, and included claims made in evidence which the complainant said were inaccurate; this breached Clause 1. He said that he had not been offered a right to reply to the allegations, and that this breached Clause 2. He said that the article revealed that he had been sexually assaulted, which was private information, in breach of Clause 3. Lastly, he said that publication of the article constituted harassment, in breach of Clause 4.
5. The newspaper said that there was so little detail in its report that it would be impossible for anyone without prior knowledge of the case to identify the complainant. It was a reasonable and responsible report of court proceedings, and the newspaper had taken the correct steps to protect the complainant.

6. The complainant asked the newspaper to apologise to him and outline the steps it would take in future to prevent the identification of victims of sexual assault.

Relevant Code provisions

7. Clause 1 (Accuracy)

- (i) The press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- (ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and – where appropriate – an apology published.
- (iii) The press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

Clause 2 (Opportunity to reply)

A fair opportunity for reply to inaccuracies must be given when reasonably called for.

Clause 3 (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.

Clause 4 (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 their property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.

Clause 11 (Victims of sexual assault)

The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and they are legally free to do so.

Findings of the Committee

8. The Committee found that the details included in the article were not likely to contribute to the identification of the alleged victim. The fact that other newspapers had named the complainant did not mean that the details published by this newspaper contributed to his identification. There was no breach of Clause 11.

9. The Committee then considered the complainant's additional concerns. The newspaper's role was to accurately report the proceedings as heard in court; it was not required to independently investigate the accuracy of the statements heard there. While the complainant evidently disagreed with some of the claims made in court, this disagreement did not raise a breach of Clause 1. Further, in the absence of any established inaccuracies an opportunity to reply was not required; there was no breach of Clause 2.
10. The information included in the article had been heard in open court, and so the newspaper had been entitled to report it, so long as it did not include material likely to contribute to the identification of the complainant. As the Committee had found that the article had not included such material, there was no intrusion into the complainant's private life; there was no breach of Clause 3.
11. The terms of Clause 4 generally relate to the conduct of journalists and photographers during the newsgathering process. The concern that the article represented harassment did not engage the terms of Clause 4.

Conclusions

12. The complaint was not upheld.

Decision of the Complaints Committee 05330-15 A man v The Scotsman

Summary of complaint

1. A man complained to the Independent Press Standards Organisation, through a representative, that the Scotsman breached Clause 1 (Accuracy), Clause 2 (Opportunity to reply), Clause 3 (Privacy), Clause 4 (Harassment) and Clause 11 (Victims of sexual assault) of the Editors' Code of Practice in an article published in 2015.
2. The article reported that a defendant had been found not guilty of an allegation of sexual assault; she had been accused of rubbing her breasts against the complainant at a party.
3. The complainant said that the article had included sufficient detail for him to be identified as an alleged victim of sexual assault: it had suggested that the complainant, the defendant, and a third individual had all been known to each other at the time of the incident; noted the estate in which the alleged assault had taken place; and included his age. The complainant said that the article breached Clause 11 of the Editors' Code. He had also complained about a number of other articles which reported the outcome of the case, some of which had named him. The complainant said that the fact that he had been named in other newspapers meant that he could be identified from the article in the Scotsman.
4. The complainant also said that the article had been biased towards the defendant, and included claims made in evidence which the complainant said were inaccurate; this breached Clause 1. He said that he had not been offered a right to reply to the allegations, and that this breached Clause 2. He said that the article revealed that he had been sexually assaulted, which was private information, in breach of Clause 3. Lastly, he said that publication of the article constituted harassment, in breach of Clause 4.
5. The newspaper said that there was so little detail in its report that it would be impossible for anyone without prior knowledge of the case to identify the complainant. It was a reasonable and responsible report of court proceedings, and the newspaper had taken the correct steps to protect the complainant.
6. The complainant asked the newspaper to apologise to him and outline the steps it would take in future to prevent the identification of victims of sexual assault.

Relevant Code provisions

7. Clause 1 (Accuracy)

- (iv) The press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- (v) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and – where appropriate – an apology published.
- (vi) The press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

Clause 2 (Opportunity to reply)

A fair opportunity for reply to inaccuracies must be given when reasonably called for.

Clause 3 (Privacy)

- (iii) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.
- (iv) 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.

Clause 4 (Harassment)

- (iii) Journalists must not engage in intimidation, harassment or persistent pursuit.
- (iv) They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on their property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.

Clause 11 (Victims of sexual assault)

The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and they are legally free to do so.

Findings of the Committee

- 8. The Committee found that the details included in the article were not likely to contribute to the identification of the alleged victim. The fact that other newspapers had named the complainant did not mean that the details published by this newspaper contributed to his identification. There was no breach of Clause 11.
- 9. The Committee then considered the complainant's additional concerns. The newspaper's role was to accurately report the proceedings as heard in

court; it was not required to independently investigate the accuracy of the statements heard there. While the complainant evidently disagreed with some of the claims made in court, this disagreement did not raise a breach of Clause 1. Further, in the absence of any established inaccuracies an opportunity to reply was not required; there was no breach of Clause 2.

10. The information included in the article had been heard in open court, and so the newspaper had been entitled to report it, so long as it did not include material likely to contribute to the identification of the complainant. As the Committee had found that the article had not included such material, there was no intrusion into the complainant's private life; there was no breach of Clause 3.

11. The terms of Clause 4 generally relate to the conduct of journalists and photographers during the newsgathering process. The concern that the article represented harassment did not engage the terms of Clause 4.

Conclusions

12. The complaint was not upheld.

APPENDIX I

Decision of the Complaints Committee 07252-15 - Farrow v Lancashire Evening Post

Summary of complaint

1. Kate Farrow, acting on behalf of Carly Potts' father Ian Farrow, complained to the Independent Press Standards Organisation that the Lancashire Evening Post breached Clause 3 (Privacy) and Clause 5 (Intrusion into grief or shock) of the Editors' Code of Practice in an article headlined "Student committed suicide in hotel room", published on 14 October 2015.
2. The article reported on the inquest of Carly Potts, the complainant's stepdaughter. It said that the inquest had heard that Ms Potts had hanged herself in a hotel room "mirroring the death of her mother seven years earlier". It said that in the hours preceding her death, Ms Potts had been three times over the drink-drive limit, and had taken three drugs, which it named. The article quoted from the coroner's summing up, in which he had said that Ms Potts had "made the decision to bring about her death quickly". The newspaper also reported that Ms Potts had worked as a dancer in order to fund her university studies and to pay off debts.
3. The online version of the article included additional information on the method of suicide. It identified the item from which Ms Potts had been found hanged, and two of the captions identified the item used as a ligature. The online piece was illustrated by a number of photographs of Ms Potts, and included a quotation attributed to her grandmother, who had described her granddaughter as a "very caring, hard-working and big-hearted girl".
4. The complainant said that the content of the online article and the accompanying images had caused considerable distress to Ms Potts' family at a time of grief. She said that the article had included explicit details of her stepdaughter's death, about which some members of the family had been unaware, and had focused inappropriately on her work in a gentleman's club. She said her stepdaughter had not "fallen into debt", as reported; rather, she had "struggled to make ends meet". She had also not lived with her grandparents.
5. The complainant said that despite the coroner making clear that Ms Potts' father and grandmother did not wish to comment on the matter, her grandmother had been pressured to comment by reporters outside court. She considered that comments made in those circumstances should not have been published.
6. She said the newspaper had also published personal photographs of Ms Potts taken from her Facebook page without permission. She said the

images were “disproportionate” and inappropriate in number and nature. She said the images, combined with the article’s focus on Ms Pott’s work as a lap dancer, had created an insensitive “lads’ mag tone”. She expressed particular concern that an image of Ms Potts wearing a bikini on a motorbike had been published.

7. The newspaper said that the story and photographs, which had been taken from an open Facebook page, had been supplied by a press agency and were published in good faith. It said that it had a duty to report on the inquest to ensure that the public understood the circumstances surrounding an untimely death.
8. The newspaper said it had raised the complainant’s concerns regarding the conduct of reporters outside court with the agency that supplied the copy. It said it was sorry that the actions of others had added to the family’s distress. Had it been aware of these circumstances, it would not have published the comments made by Ms Potts’ grandmother, and it removed them from the online article.
9. Although the newspaper did not consider that the article’s tone had been insensitive, it said that the publication of the image of Ms Potts on a motorbike had been “inappropriate”. It removed it, and offered to remove any others if requested.
10. While it had great sympathy for members of the family who had been unaware of the method of Ms Potts’ suicide, this information had been central to the inquest; it would not have been possible to provide a fair and accurate report of the proceedings without it. It did not consider that the print or online version of the piece had included “excessive detail” regarding the method of suicide. It explained that it had not identified the item used as a ligature in the print article, or in the main copy of the online version, because this would have fallen “outside guidelines” for reporting suicide. This detail had appeared in two captions online as it had been automatically copied from information attached to the images by the agency; it had since been removed.
11. The newspaper did not consider that identifying the item from which Ms Potts had been found hanged constituted excessive detail in the online article. It said that it had not included information, such as how the ligature had been applied or secured, that would enable anyone to imitate the method. Nevertheless, it offered to remove this detail. The newspaper also considered that it was necessary for it to report Ms Potts’ use of alcohol and drugs in the hours preceding her death as it was material evidence of her state of mind at that time; this was also a point considered by the coroner when he recorded his verdict. In addition, the statement that she had been found in a “locked room” and had known how “swift death would be” had formed part of a direct quotation from the coroner’s summing up, and were

important factors in how he had reached his verdict. Nonetheless, it offered to remove these details.

12. The newspaper did not accept the complainant's contention that the article had focused on Ms Potts' employment. Out of respect for the family, it had chosen to only refer to her as "a dancer"; it had not, in fact, referred to her as a "lap dancer" or referred to the nature of her place of work being a gentleman's club. However, it considered that her work had been central to the court's understanding of her final hours and had therefore been relevant to the story. The court had heard that Ms Potts had been working at a club on the night of her death, and had texted colleagues in the hours preceding her death. The court had also been asked to consider the impact that Ms Potts' financial situation might have had on her decision to take her own life.
13. The newspaper noted that the complainant had also contacted other newspapers to raise concerns about their coverage of the inquest, and had resolved those complaints on the basis of apologies and charitable donations. It said it was not willing to make a charitable donation, but it offered to write a private letter of apology to Ms Potts' family, and said it would consider any other steps the complainant might suggest to resolve the matter.

Relevant Code provisions

14. Clause 3 (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 in private places without their consent. Note - Private places are public or private property where there is a reasonable expectation of privacy.

Clause 5 (Intrusion into grief or shock)

- i) In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. This should not restrict the right to report legal proceedings, such as inquests.
- ii) When reporting suicide, care should be taken to avoid excessive detail about the method used.

Findings of the Committee

15. The purpose of Clause 5 (ii) is to prevent the publication of material that might lead others to imitate a method of suicide. The online article had included a number of details relating to the method of suicide, which were not included in the print article. In particular, the publication of details concerning the items Ms Potts had used illustrated that they were easily accessible and could have led to simulative acts. These details were clearly excessive, and their publication was irresponsible. This represented a breach of Clause 5 (ii) in the online article.
16. The Committee acknowledged that some of the information about the method of suicide had been accidentally published because the photographer's caption had been automatically included with the image file. The Committee noted that this issue had arisen previously in relation to other publications, and it took the opportunity to draw to editors' attention the potential dangers of these errors, and the importance of checking all elements of online material before – and after – it is published.
17. Both the print and online versions of the article had stated that Ms Potts had consumed alcohol and had taken three specific drugs in the hours preceding her death. However, there was no suggestion in the article that the substances had been consumed as part of the method of suicide. As such, the inclusion of these details did not represent a breach of Clause 5. Similarly, the references to the speed of death did not amount to excessive detail in breach of Clause 5. The complaint under Clause 5 (ii) was not upheld in relation to the print article.
18. Newspapers are entitled to report on inquests, which are public hearings. They play an important role in informing readers about the evidence presented during the proceedings, and the coroner's conclusions regarding the facts surrounding a person's death. However, inquests can be very upsetting for the families of the deceased. The proceedings necessarily involve revisiting the events leading up to a person's death in detail, and may reveal information of which family members had previously been unaware, or which family members would otherwise consider to be extremely private. In this setting, it is particularly important that journalists make their enquiries with sensitivity and discretion, as required by Clause 5 (i) of the Code.
19. Reporters in attendance at the inquest into Ms Potts' death had been informed by the coroner that members of the Potts family did not wish to comment on the case to newspapers. The newspaper's agents were made aware through these means that the family would not welcome an approach for comment about Ms Potts, and were obliged to take this into account in deciding how to proceed with the sensitivity required by the Code. In the absence of any specific justification for persisting with inquiries

despite the family's desire not to be approached, the reporters' approach to Ms Potts' grandmother in these circumstances represented a failure to make enquiries with sensitivity and discretion, and an intrusion into the family's grief in breach of Clause 5 (i).

20. The newspaper had been entitled to report details of Ms Potts' employment, which had been heard at the inquest and were directly relevant to the events leading up to her death. The newspaper had not presented her work in a gratuitous or disrespectful manner. In addition, the images that were included in the online article had been taken from Ms Potts' open Facebook profile; they were not explicit or embarrassing, but simply showed her posing for photographs at home and on holiday. The presentation of the images had not sought to mock or ridicule Ms Potts; and their publication, along with the factual information concerning her employment, did not constitute insensitive handling of the story in breach of Clause 5. Furthermore, in the context of a report on the inquest into Ms Potts' death, the publication of images of Ms Potts did not engage the terms of Clause 3.

Conclusions

21. The complaint was upheld.

Remedial Action Required

22. Having upheld the complaint, the Committee considered what remedial action should be required.
23. The newspaper's agents had failed to make enquiries with sensitivity at a time of grief in breach of Clause 5 (i); and, in the online article, the newspaper had published excessive detail regarding the method of suicide in breach of Clause 5 (ii).
24. In order to remedy the breaches of the Code, the newspaper should publish the following adjudication on its website, with a link to the full adjudication appearing on the homepage for 24 hours; it should then be archived online in the usual way. The headline must be agreed with IPSO in advance. It should make clear that the complaint has been upheld by IPSO and make reference to the subject matter.
25. The same adjudication should also be published in print, omitting paragraphs 3, 6 and 8, which relate to the breach of Code in the online article. It should appear on page 5, where the original article appeared, or further forward.

1) *Kate Farrow, acting on behalf of Carly Potts' father Ian Farrow, complained to the Independent Press Standards Organisation that*

the Lancashire Evening Post breached Clause 5 (Intrusion into grief or shock) of the Editors' Code of Practice in an article headlined "Student committed suicide in hotel room", published on 14 October 2015.

- 2) The article reported on the inquest of Carly Potts, the complainant's stepdaughter. It said that the inquest had heard that Ms Potts had hanged herself.
- 3) The complainant said that the online version of the article had caused considerable distress to Ms Potts' family at a time of grief. It had included explicit details of her stepdaughter's death, about which some family members had been unaware.
- 4) The complainant said that despite the coroner making clear that Ms Potts' father and grandmother did not wish to comment on the matter, her grandmother had been pressured to comment by reporters outside the coroner's court.
- 5) The newspaper said that the story had been supplied by a press agency and was published in good faith. It had raised the complainant's concerns regarding the conduct of reporters outside court with the agency. Had it been aware of the circumstances, it would not have published the comments.
- 6) It said it would not have been possible to provide an accurate report of the inquest without referring to the method of suicide. It did not consider that the article had included "excessive detail" that would enable the method to be imitated. It explained that details of one of the items used by Ms Potts had been included in the captions as it had been copied through from information attached to the pictures by the agency.
- 7) The Committee was very concerned that despite the family's clear position, Ms Potts' grandmother had felt pressured to comment by reporters outside the coroner's court. The newspaper's agents had not made enquiries with sensitivity and discretion at a time of grief. This represented an intrusion into the family's grief in breach of Clause 5 (i).
- 8) The purpose of Clause 5 (ii) is to prevent the publication of material that might lead others to imitate a method of suicide. In this instance, the identification of the items Ms Potts had used to take her life had been excessive, and could have led to simulative acts. The publication of these details was irresponsible, and represented a breach of Clause 5 (ii).

- 9) *The complaint was upheld, and the Committee required the publication of this adjudication.*

APPENDIX J

Paper No.	File Number	Name v Publication
467	Various	Third Party
468	Various	Request for Review
470	05748-15	Talavera v Liverpool Echo
474	05905-15	Dani-Pal v The Times
475	05903-15	Shadforth v The Daily Telegraph
476	04697-15 / 04737-15	Issrof v Ham & High / London24.com
478	Various	Third Party
479	Various	Request for Review
488	05386-15	The Royal Marsden NHS Foundation Trust v The Spectator
489	Various	Request for Review
500	05546-15	Flower v Bournemouth Echo
501	06088-15	Slade v The Argus (Brighton)
502	Various	Request for Review
503	Various	Third Party
507	06076-15	O'Connell v Daily Express
508	06116-15	Steele v The Times
509	05019-15	Beer v Daily Mirror
510	05893-15	Kudmany v Southern Daily Echo
511	05946-15	Kudmany v The Daily Telegraph
512	04727-15	Hanks v Ayrshire Post
513	04622-15	A woman v Irish News
514	05056-15	A man v Daily Record
515	05240-15	A man v Daily Express
516	05241-15	A man v The Herald
517	Various	Third Party
518	Various	Request for Review
520	07347-15	Davies v Daily Mirror
521	06205-15	Allen v Birmingham Mail
522	05168-15	Wanstall v Dover Express
524	Various	Third Party