

MINUTES of the COMPLAINTS COMMITTEE MEETING
Wednesday 24 July 2019 at 10.30am
Gate House, 1 Farringdon Street, London EC4M 7LG

Present Richard Best (Deputy Chairman)
Janette Harkess
David Hutton
Helyn Mensah
Mark Payton
Andrew Pettie
Miranda Winram
Peter Wright

In attendance: Michelle Kuhler, PA and minute taker
Lauren Sloan, Joint Head of Complaints
Matt Tee, Chief Executive

Also present: Members of the Executive:

Katrina Bell
John Buckingham
Jonathan Harris
Vikki Julian
Sophie Malleson
Thomas Moseley
Madeline Palacz
Charlotte Urwin

Observers: Jonathan Grun, Editors Code Committee

1. Apologies for Absence

Apologies were received from Sir Alan Moses, Nazir Afzal, Andrew Brennan and Lara Fielden.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 12 June.

4. Update by the Chief Executive – oral

The Chief Executive updated the Committee on recent events. He updated the Committee informing them that it was the final meeting for Madeline Palacz, John Buckingham and Jonathan Harris.

He updated the Committee on the current status of recruitment for replacements in the office and the Chairman. He also informed the Committee that the funding for IPSO had been confirmed for the next five years.

The Chief Executive finished by informing the Committee that IPSO were going to ballot all publishers in relation to the changes to the regulations on Global Digital and that Clause 5 will not come under this but IPSO will monitor this over the next five years and reserve the right to review in one year.

5. Matters arising

There were no matters arising.

6. Complaint 04324-19 Macdonald v Evening Telegraph

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

7. Complaint 01740-19 white v The Jewish Chronicle

The Committee discussed the complaint and ruled that the complaint should be partially upheld under Clause 1. A copy of its ruling appears in **Appendix B**.

8. Complaint 04186-19 Mmono v Manchester Evening News

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

9. Complaint 02069-19 Jones v Daily Post

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

10. Complaint 04225-19 Versi v The Sun

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

11. Complaint 02706-19 Stroud v express.co.uk

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

12. Complaints not adjudicated at a Complaints Committee meeting

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

13. Any other business

There was no other business.

14. Date of next meeting

The date of the next meeting was confirmed as Wednesday 4th September 2019.

The meeting ended at 1.06pm

Appendix A

Decision of the Complaints Committee 04324-19 Macdonald v Evening Telegraph (Dundee)

Summary of Complaint

1. Ian Macdonald complained to the Independent Press Standards Organisation that the Evening Telegraph (Dundee) breached Clause 2 (Privacy) of the Editors' Code of Practice in an article headlined "Ambulance called for 'slumped' man in Dundee city centre" published on 14 May 2019.
2. The article reported that an unnamed man had been found unresponsive in Dundee city centre, and included a photograph which showed this; the man was slumped on a bench, with his face in his lap. The image was not pixelated and the photograph appeared to be taken from a distance of approximately 15 feet away from the man.
3. The article reported that it was believed that the man had been drinking heavily and that onlookers had called an ambulance – when two ambulances and a police car arrived, he was escorted to one of the ambulances for further treatment. The article included a quote from the person who called the ambulance, who said that he had been concerned for the man's welfare, and was surprised that other passers-by had not stopped to help. The person quoted also said that it was not the first time he had seen something like this in Dundee, and that he suspected the man had been under the influence of alcohol or drugs. The article included a confirmation from the police and ambulance staff that they had attended, and reported that it was understood that the man did not require hospital treatment.
4. The article appeared online in substantially the same form as the print version.
5. The complainant was the man pictured in the article, and was represented by his mother in making his complaint to IPSO. He said that the publication of the photograph which showed him in an unresponsive state was an intrusion into his privacy. He noted that he was unaware that the photograph was being taken, and did not consent to it being published. In addition, he said that family and friends had identified him from the article, which caused them much distress. His mother said that her son had longstanding personal problems, and there was no justification in publishing this image – although they recognised that Dundee had issues with alcohol and drug abuse, the publication of this photograph was not necessary to highlight these problems.
6. The publication did not accept that there was any breach of the Code. The publication said that the photograph was taken in the middle of the day in a public place where the complainant had a very limited expectation of privacy. In addition, it argued that as the man's face was largely obscured, he was not easily identifiable. It said that a reporter had spotted the complainant in an unresponsive state, tried to rouse him, and having failed to do so, called an ambulance. Suspecting that the complainant was under the influence of alcohol or drugs, he then took a photograph of the complainant. After the man had been taken to hospital, the reporter checked his condition with the police the next day, who had confirmed that the man had been released without requiring any hospital treatment and was "fine". In these circumstances, the publication did not accept

that the complainant was experiencing a medical emergency or was in a vulnerable state, and so nothing private about him was revealed by the photograph.

7. Notwithstanding the above, the publication said that it discussed at a senior editorial level whether there was a public interest in publishing the image, and decided that there was due to the issues it highlighted in relation to protecting public health and safety. It argued that the photograph in the article under complaint illustrated the extent of significant ongoing antisocial behaviour in Dundee, which the publication had run a series of articles highlighting. The publication said that only after it had satisfied all of these steps did it take the decision to publish the photograph.
8. The publication said that as soon as it was contacted directly by the complainant's mother, it removed the photograph from the online article immediately as a goodwill gesture. It also noted that the photograph only featured in the first edition of the newspaper, which had a much smaller circulation than the later edition. The publication also offered the complainant's mother the opportunity to speak about her experience, as part of its work to highlight social problems in Dundee.

Relevant Code Provisions

9. Clause 2 (Privacy)*

- i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.
- ii) Editors will be expected to justify intrusions into any individual's private life without consent. Account will be taken of the complainant's own public disclosures of information.
- iii) It is unacceptable to photograph individuals, without their consent, in public or private places where there is a reasonable expectation of privacy.

The Public Interest

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

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

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

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

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

4. Editors invoking the public interest will need to demonstrate that they reasonably believed publication - or journalistic activity taken with a view to publication -

would both serve, and be proportionate to, the public interest and explain how they reached that decision at the time.

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

Findings of the Committee

10. The photograph was taken in the middle of the day in a city centre; these are not generally circumstances in which a person has a reasonable expectation of privacy. However, the Committee had regard for the fact that being in a public place does not automatically negate all expectations of privacy in every circumstance; for example, a person in a public place may have a reasonable expectation of privacy where they are receiving medical treatment, or experiencing an emergency. In this case, it was accepted that at the time the photograph was taken, the complainant was not receiving any medical treatment or experiencing a medical emergency. The police confirmed prior to publication that no medical treatment had been administered.
11. The Committee also considered whether the photograph itself revealed any private information about the complainant. While the Committee acknowledged that the complainant's family and friends had been upset by the photograph, it simply showed him sitting on a bench, in a public place, with his head on his knees. The Committee considered that the photograph had not revealed any private information about the complainant. Nor did it show him engaged in any private activity.
12. Finally, the Committee also had regard for the wider circumstances in which the photograph and the article had been published. Anti-social activity was a topic of ongoing concern in the local community and public services, and the article and photograph had been published as part of a campaign by the publication to highlight these issues. The Committee considered publication to be in the public interest.
13. The Committee found no breach of Clause 2.

Conclusions

14. The complaint was not upheld

Remedial action required

15. N/A

Date complaint received by IPSO: 21/05/2019

Date complaint issued to parties: 09/08/2019

Appendix B

Decision of the Complaints Committee 01740-19 White v The Jewish Chronicle

Summary of complaint

1. Audrey White complained to the Independent Press Standards Organisation that The Jewish Chronicle breached Clause 1 (Accuracy), Clause 2 (Privacy) and Clause 3 (Harassment) of the Editors' Code of Practice in the following articles:
 - "Ex-Militant Tendency activist accused of bullying Louise Ellman lied about date of birth to rejoin Labour", published online on 25 February 2019;
 - "Plot to oust MP Ellman spearheaded by a former member of the Trotskyist Militant Tendency", published online on 25 February 2019;
 - "'Bullied' Louise Ellman nears exit", published in print on 1 March 2019;
 - "Labour MP Dame Louise Ellman 'considering her future' in party amid rumours of more resignations", published online on 1 March 2019.
2. The series of articles reported that the complainant, an active member of the Labour Party, had "repeatedly denied allegations of antisemitism" in the Party and was part of a "hard-Left plot" to "oust" a Jewish Labour MP from office. Against that background, the articles made various claims about the complainant, her conduct, and her activities within the Party.
3. The first article reported that the complainant had been "expelled" from the Labour Party in the 1980s, by the then leadership. It said that she had then "lied" about her date of birth on her application to re-join the Party in 2015, having specified her date of birth as a date in 1995, rather than in 1951. The article said that the complainant had used a "false" date of birth to re-join the Party "on the day Jeremy Corbyn became leader." The first article reported that in response to a request for comment, "about her use of a false date of birth on her Labour application", the complainant had replied, "Your paper prints lies"; the article also alleged that the complainant had "slammed down the phone when asked to clarify her date of birth".
4. The first article also reported that during the complainant's local Constituency Labour Party (CLP) meeting, the complainant had been "amongst a group of militants who repeatedly interrupted" the MP named in the article. It said that the complainant had "received a number of formal warnings from the Party over allegations of bullying against Party members", and said that she had "falsely claimed that a Labour councillor was under investigation by the police for having 'cruelly taunted' a 'disabled pensioner suffering from cancer'."
5. The second article said that "since being allowed to rejoin Labour, the complainant had launched a sustained campaign against [the MP]"; it claimed that she was "spearheading" a plot to "oust" the MP from office. The article repeated the first article's claim that the complainant had been "expelled" from Labour 30 years ago, and reported that the complainant had been a member of Militant, before "subsequently becoming a member of the Socialist Party".
6. The third and fourth articles repeated the allegations above, reporting that the complainant had been "amongst a group of militants who repeatedly interrupted" the MP; that she had "received a number of formal warnings from the party over

allegations of bullying against members"; and that she had "falsely claimed that a Labour councillor was under investigation by the police for having "cruelly taunted" a "disabled pensioner suffering from cancer".

7. The complainant said that the newspaper had, over a series of four articles, reported numerous inaccuracies about her and her conduct, in breach of Clause 1.
8. The complainant denied that she had been "expelled" from the Labour Party in the 1980s, or that she had "lied" about her age when she had re-joined it in 2015; she said that, in fact, she had entered the correct date on her application. In support of this, she provided a screenshot of her Labour Party Digital Membership Card, which recorded her date of birth as a date in 1951. The complainant also provided a copy of an email from the Governance and Legal Unit of the Labour Party, which stated:

With regard to your recent enquiries the Labour Party has been unable to trace a surviving record of a previous membership held by you or that you were in the past expelled from membership. We can confirm that your date of birth was stated as [date] 1951 in the application to join the Party received in 2015, but records show that your date of birth had been given as 1.8.1995 when you applied to renew your membership in August 2016. No change was made to your membership record, which continues to have your date of birth as [date] 1951.

9. The complainant also denied that she had been "amongst a group of militants who repeatedly interrupted" the MP named in the articles, during a CLP meeting. She said that after the MP had finished speaking, questions were offered to members; the complainant said that she put her hand up, was invited to speak by the Chair, and was given the microphone. The complainant said that one man did interrupt the MP once, but this related to a point of order, and was done through the Chair, which is the normal procedure at CLP meetings. The complainant provided a partial recording of the meeting to IPSO.
10. The complainant further said that it was inaccurate to report in the first, third and fourth articles, that she had "falsely claimed" that a Labour councillor was under investigation by the police for having "'cruelly taunted' a 'disabled pensioner suffering from cancer". She said that it was not "false" to claim that this was the action taken by the police. In support of this, the complainant provided a copy of a letter addressed to the alleged victim from a representative the Hate Crime Coordinator for the Central Sigma team in Merseyside Police. It stated: "You reported an incident to the police on 19/11/17 ... The incident has been investigated by myself, and I will speak to the person involved in order for them to send a written apology". The complainant also provided a copy of an email which the alleged victim had received from a representative of the Hate Crime Support Service. It stated: "We have received your details from Merseyside Police informing us you have been a victim of a hate incident and are contacting you to offer support".
11. The complainant said that the articles contained further inaccuracies. Firstly, she denied that she had "received a number of formal warnings from the Party over allegations of bullying against party members ". The complainant also said that she had not "denied allegations of antisemitism in the Labour Party"; she said that she had not witnessed antisemitism herself within the Party, but did not doubt that it must

exist, just as it exists in the wider society. During its investigation, IPSO noted to the complainant comments which she had made during an interview published on YouTube:

The whole thing about Riverside, about there being anti-Semitic comments was started by [name], and he says “thought I’d never hear the anti-Semitism views I heard from two members at a labour party meeting on Friday”. Now that started a whole barrage by the press, it was whipped up by [name] as well. I’ve been to those meetings, there was no anti-Semitism, I’ve never heard any anti-Semitism in all my years in the Labour and Trade Union movement. Never in my life, and you know what if I had, I wouldn’t care about procedure, I would absolutely attack those people...”

12. The complainant also denied that she had “launched a sustained campaign” against the MP, although she acknowledged that she had called for the MP to be investigated regarding her support of an anonymously authored document which had contained a number of allegations about her and her family, which the complainant said were false. The complainant further denied that she had ever been a member of the Socialist Party, although she acknowledged that she was a supporter of the values of socialism.
13. Under Clause 2, the complainant said that the first article had disclosed private information about her, namely, the fact of her application to re-join the Labour Party, and the disclosure of her date of birth. The complainant said that the suggestion that she was a “liar” was intrusive and upsetting. The complainant expressed further concern that prior to publication, the journalist had contacted her via her ex-directory landline and had questioned her in an aggressive manner about the date of birth which she had given on her application. She said she had found this intimidating, in breach of Clause 3.
14. The newspaper said that the journalist had been contacted by trusted, and highly credible sources within the Labour Party, and had relied upon them to report that the complainant had been “expelled” from the Labour Party in the 1980s, and that she had entered an incorrect date of birth on her application to re-join it in 2015. The newspaper said it was unable to provide the information which it had received from these confidential sources, or provide further details regarding why it considered the sources to be reliable, because to do so would reveal their identity. The newspaper provided an article published in a different publication in 2016. This article reported that “hard-left figures on Merseyside” had been “banished” by the Labour leadership 30 years ago”, and noted the complainant amongst a list of individuals who had re-emerged on the political scene.
15. The newspaper said that it was accurate to report that the complainant had been “amongst a group of militants who repeatedly interrupted” the MP named in the articles. It said that prior to publication, the reporter had spoken to three members of Liverpool Wavertree CLP who had attended meetings at the Riverside CLP branch. One, was a former Mayor who, as reported in the articles, had said: “[The MP] stood up at the front to give her report and because they have only got one microphone the chair asked if members wanted to come up and ask her a question. Audrey White comes up, doesn’t ask a question – and then just begins to address the audience herself. I objected to that. But Louise just stands there with such amazing dignity.” The

newspaper said that a further source, who had asked not to be named, said they had heard the complainant describe the MP as a "warmonger"; it said that another local party member told the journalist, "Audrey White always interrupts Louise." The newspaper said that the same group of activists had repeatedly interrupted the MP over many years, and the MP had confirmed to the reporter that she had found the latest CLP meeting "intimidating".

16. The newspaper had said that the complainant had made a complaint to the police concerning the disabled pensioner and the Labour councillor, but that this complaint had been found to be false.
17. The newspaper provided a letter from the Acting Head of Disputes at The Labour Party, in which the complainant was issued with a formal NEC warning. The letter stated, "It has been brought to the attention of national officers of the Party that you have allegedly made a number of comments in person and on social media regarding a separate resolved dispute within which you were not originally involved. Your comments and actions have caused offence and may have damaged the Party's reputation... Abuse of any kind – whether direct attacks or pejorative language which may cause offence—is not acceptable and will not be tolerated in our Party". The letter further stated, "the impact of doing so has caused upset and distress for all involved in the original dispute and has not assisted in resolving the matter".
18. In support of its position that the complainant had denied allegations of antisemitism within Labour, the newspaper provided a copy of an article published in another publication. This article claimed that a report which detailed claims of anti-Semitism within the complainant's local Labour branch, had been described by the complainant as containing "libellous" and "anonymous accusations". The newspaper provided another article, which reported further comments from the complainant on the report: "There was no bullying and antisemitism. This is a fabrication and we will not let this slur against us and our city go unchallenged."
19. The newspaper said it was accurate to report that the complainant had "launched a sustained attack" against the MP named in the article. It noted that it had been widely reported that the complainant had called for the MP to be "investigated" after she had shown support to an anonymous report detailing claims of anti-Semitism within the Riverside branch of Labour. The newspaper further said that it was accurate to report that the complainant was a member of the Socialist Party, as she had been featured in articles written for the Socialist Party newspaper.
20. The newspaper did not accept that publishing details of the complainant's application to re-join the Labour Party was intrusive, or that the manner in which the journalist had engaged with the complainant represented a breach of Clause 2 or Clause 3. It said that the journalist had not recorded the telephone call, or taken a contemporaneous note, by his call had been overheard by the newspaper's Assistant Editor. The editor provided the following statement to IPSO:

I did overhear [journalist] talking to White on the phone. He was respectful at all times, while directly putting to her the concerns about her application to rejoin Labour, and rebutting her allegation that his call to her was abusive, as she appeared to be claiming.

21. The newspaper noted that it had published procedural, rather than personal, information about the complainant. It said that, in any event, the complainant was a highly active, well-known member of the Party who had been involved in public controversy. It said that the Labour Party is currently embroiled in a bitter internal battle regarding allegations of antisemitism and as a result, its internal issues are a matter of significant public interest, particularly amongst the Jewish community.
22. In response to the letter provided by the newspaper, from the Acting Head of Disputes at The Labour Party, the complainant said that it did not substantiate the articles' claim that she had received a "number" of formal warnings from the Party, and noted that it did not refer to bullying. The complainant also said that the comments which the newspaper had received from members of Wavertree, regarding what took place at the Riverside CLP meeting, could only be hearsay or fabrication, as Wavertree members cannot attend Riverside CLP meetings unless they are invited as a speaker.

Relevant Code Provisions

23. Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
- ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.
- iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.
- iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

Clause 2 (Privacy)*

- i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.
- ii) Editors will be expected to justify intrusions into any individual's private life without consent. In considering an individual's reasonable expectation of privacy, account will be taken of the complainant's own public disclosures of information and the extent to which the material complained about is already in the public domain or will become so.
- iii) It is unacceptable to photograph individuals, without their consent, in public or private places where there is a reasonable expectation of privacy.

Clause 3 (Harassment)*

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

iii) Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.

Clause 14 (Confidential sources)

Journalists have a moral obligation to protect confidential sources of information.

The Public Interest

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

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

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

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

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

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

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

Findings of the Committee

24. The newspaper had relied upon confidential sources to report that the complainant had been "expelled" from the Labour Party in the 1980s, and had subsequently "lied" on her application to re-join, by use of a "false" date of birth. Publications are entitled to make use of anonymous sources and to protect their identity in line with their obligations under Clause 14 (Confidential sources). However, in this instance, the newspaper had not taken any additional steps to investigate or corroborate the source's claim that the complainant had been "expelled" from the Labour Party in the 1980s, nor had it produced any evidence to support this easily verifiable claim. Similarly, it had produced no evidence that the complainant had entered an incorrect date of birth in her application to re-join the Party in 2015, nor that she had done so intentionally. The newspaper had not been able to demonstrate that it had taken

care over the accuracy of the article on these two points; the result was a breach of Clause 1 (i).

25. The combination of these two claims, and their adoption by the publication as fact, gave rise to the clear impression that the complainant, in her recent dealings with the Labour Party, had acted with an intention to deceive. This impression was furthered in the first article, which claimed that the complainant had used a “false” date of birth to re-join the Party “on the day Jeremy Corbyn became leader”, which suggested that the complainant’s actions had been politically motivated. During the course of IPSO’s investigation, the complainant provided correspondence from the Labour Party, which confirmed that the Party had been unable to trace a surviving record of the complainant having been expelled. This correspondence also confirmed that no change had been made to the complainant’s membership record, which continued to record her correct date of birth. Upon receipt of this correspondence, the newspaper had not offered to correct these significantly misleading claims, in breach of Clause 1 (ii).
26. The Committee listened to the partial recording of the CLP meeting provided by the complainant during IPSO’s investigation. It was apparent to the Committee that the MP had spoken in a consistent and conversational tone; the crowd had not been “rowdy”, as alleged. In any event, the statement from the former Mayor of Liverpool, which the newspaper had referenced in support of the claim that the complainant had “repeatedly interrupted” the MP while she had delivered her speech, clearly did not demonstrate that the complainant, or a group which she was a part of, had conducted themselves in this way. The statement provided by the newspaper supported the complainant’s position that she had responded to an open invitation to ask questions. The publication of this claim represented a further failure to take care over the accuracy of the article, in breach of Clause 1 (i) and gave a significantly misleading impression of the complainant’s conduct towards the Labour MP during the meeting, which the newspaper had not offered to correct, in breach of Clause 1 (ii).
27. The letter from the Labour Party, in which the complainant had been issued with a formal warning regarding her conduct, stated that the complainant’s comments and actions had “caused offence” and “upset and distress” to the individuals concerned. Given the nature of this alleged conduct, it was not a failure to take care not to publish inaccurate information, to report that an allegation of “bullying”, made against the complainant, had resulted in her receiving a formal warning from the Labour Party. Yet, the newspaper had not been able to produce any further evidence to demonstrate that the complainant had received a “number” of warnings following allegations of bullying, as claimed. The single letter produced by the newspaper did not support this claim, and accordingly there was a breach of Clause 1 (i). To report that the complainant had received multiple warnings from the Party was significant, as it gave credibility to a central thrust of the articles, which was that the complainant’s conduct in relation to her dealings with individuals within the Labour Party had consistently fallen below the standards expected. No correction had been offered to address this significantly misleading claim, in breach of Clause 1 (ii).
28. The newspaper had said that the complainant had made a complaint to the police concerning the disabled pensioner and the Labour councillor, but that this complaint had been found to be false. The newspaper had produced no evidence to support this allegation, however, in any event, any outcome of the case bore no relevance to the

claim made in the articles, which was that the complainant had “falsely claimed that a Labour councillor was under investigation by the police”. It was plainly not “false” to claim this; the complainant had provided correspondence between the alleged victim and the Hate Crime Support Service, which referred to the actions taken by the police in respect of the “hate incident” allegation. The publication had published a claim the accuracy of which it could not defend; the result was a breach of Clause 1 (i). The articles’ claim that the complainant had made “false” allegations concerning the actions of the police, was significant given its seriousness, and furthered the misleading impression of the complainant’s conduct towards Labour politicians. Upon receipt of the correspondence provided by the complainant, the newspaper had not offered to correct this significantly inaccurate claim, in breach of Clause 1 (ii).

29. The newspaper had produced no evidence to demonstrate that the complainant had been a member of the Socialist Party. The Committee did not accept that a person showing support for the values of a political Party, was the same as showing support by way of membership. This factual assertion, which the newspaper had failed to defend, represented a breach of Clause 1(i), and the failure to correct the error represented a breach of Clause 1(ii).
30. The complainant did not accept the articles’ claim that she had “repeatedly denied allegations of antisemitism in Jeremy Corbyn’s party”. The Committee noted that the complainant had commented publicly regarding allegations of anti-Semitism within the Labour Party; on these occasions, she had repeated her position that she had not heard anti-Semitic remarks herself, but as anti-Semitism exists in wider society, it must also exist within the Labour Party. In circumstances where the complainant had repeatedly taken a stance on this issue, and had, during an interview appeared to deny that others within the Party had heard anti-Semitic remarks, too, the Committee did not consider that the newspaper’s characterisation of the complainant’s stance on this issue was inaccurate or misleading. There was no breach of Clause 1 on this point.
31. The complainant had denied that she had “launched a sustained campaign against” her local MP. It appeared to be accepted that the complainant had publicly criticised the MP; the complainant’s comments regarding the MP had been widely reported. In the context of a political story, the Committee was satisfied that this provided a reasonable basis for the manner in which the newspaper had characterised the complainant’s activities. There was no failure to take care over the accuracy of the article, and the Committee did not consider that – in all the circumstances – the newspaper’s characterisation had been significantly misleading or inaccurate. There was no breach of Clause 1 on this point.
32. The Committee turned to the complaint made under Clause 2. Membership of a political party is an expression of political affiliation, which is not information which in ordinary circumstances relates to an individual’s private and family life. In this instance, the mere fact that the complainant had chosen to re-join a political party, and the publication of her date of birth, which was a matter of public record, was not information about which she had a reasonable expectation of privacy. There was no breach of Clause 2 on these points.
33. The Committee acknowledged the complainant had been concerned when she had received a phone call from the journalist via her ex-directory number. The question for the Committee was whether the journalist’s conduct, in contacting the complainant

in this way or during the call, was intrusive, or constituted harassment under the terms of Clause 3.

34. The journalist had telephoned the complainant and had questioned her about the date of birth which she had apparently recorded on her application to re-join the Labour Party. Contacting a person over the phone, even if that number is ex-directory, is not ordinarily considered to be intrusive. In any event there was public interest in giving the complainant an opportunity to respond to the journalist's inquiries. It was accepted between the parties that this conversation had been a robust exchange, which the Committee considered was foreseeable, given the nature of the allegation being put to the complainant. It was regrettable that the journalist had not recorded the call, or taken a contemporaneous note, however the newspaper had provided a supporting statement from the Assistant Editor who had heard the journalist's side of the conversation, and had said that the journalist had put the allegation to the complainant in a respectful manner. In all the circumstances, the Committee did not establish that this single telephone conversation, made for the purposes of pursuing a political news story, represented a breach of Clause 2 or Clause 3.
35. The Committee expressed significant concerns about the newspaper's handling of this complaint. The newspaper had failed, on a number of occasions, to answer questions put to it by IPSO and it was regrettable the newspaper's responses had been delayed. The Committee were concerned that the publication's conduct of the case fell below the standards required. The Committee's concerns have been drawn to the attention of IPSO's Standards department.

Conclusions

36. The complaint was upheld.

Remedial action required

37. Having upheld a breach of Clause 1, the Committee considered what remedial action should be required.
38. The newspaper had breached Clause 1 (i) on multiple occasions and it had not complied with its obligation to correct under the terms of Clause 1 (ii). In these circumstances, the appropriate remedy was the publication of the Committee's upheld adjudication.
39. The Committee considered the placement of its adjudication. The print article had been published on page 8 of the newspaper. The Committee therefore required publication of an adjudication on page 8 of the newspaper, or further forward. It should be published on the top half of the page, and the headline of the adjudication must make clear that IPSO has upheld the complaint against The Jewish Chronicle, and refer to its subject matter; it must be agreed in advance.
40. The adjudication should also be published on the newspaper's website, with a link to the full adjudication (including the headline) appearing on the top half of the newspaper's homepage, on the first screen, for 24 hours; it should then be archived in the usual way. If the newspaper intends to continue to publish the online articles

without amendment to remove the significantly misleading statements identified by the Committee, the full text of the adjudication should also be published on the article, beneath the headline. If amended to remove the misleading statements, a link to the adjudication should be published with the article, explaining that it was the subject of an IPSO adjudication, and explaining the amendments that have been made.

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

Following publication of four articles headlined “Ex-Militant Tendency activist accused of bullying Louise Ellman lied about date of birth to rejoin Labour”, published online on 25 February 2019; “Plot to oust MP Ellman spearheaded by a former member of the Trotskyist Militant Tendency”, published online on 25 February 2019; “‘Bullied’ Louise Ellman nears exit”, published in print on 1 March 2019; “Labour MP Dame Louise Ellman ‘considering her future’ in party amid rumours of more resignations”, published online on 1 March 2019, Audrey White complained to the Independent Press Standards Organisation that the Jewish Chronicle breached Clause 1 (Accuracy) of the Editors’ Code of Practice. The complaint was upheld, and IPSO required The Jewish Chronicle to publish this adjudication.

The articles reported that the complainant had been “expelled” from the Labour Party in the 1980s, by the then leadership. It said that she had then “lied” about her date of birth on her application to re-join the Party in 2015, “on the day Jeremy Corbyn became leader.” The articles also claimed that during the complainant’s local Constituency Labour Party (CLP) meeting, the complainant had been “amongst a group of militants who repeatedly interrupted” their MP while she delivered a speech. The articles also said that the complainant had “received a number of formal warnings from the Party over allegations of bullying against Party members”, and said that she had “falsely claimed that a Labour councillor was under investigation by the police for having ‘cruelly taunted’ a ‘disabled pensioner suffering from cancer’”. One article reported that the complainant had been a member of the Socialist Party.

The complainant denied all the allegations made against her, as set out above. She provided a copy of an email from the Governance and Legal Unit of the Labour Party, which stated that the Party had been “unable to trace a surviving record of a previous membership” or that the complainant was in the past “expelled from membership”. This correspondence also confirmed that “no change” had been made to her membership record”, which continued to record the complainant’s correct date of birth. The complainant said that she had received one formal warning from the Labour Party, but this did not refer to allegations of bullying. The newspaper said that it had relied upon confidential sources to report that the complainant had been “expelled” from the Labour Party in the 1980s, and had subsequently “lied” on her application to re-join, by use of a “false” date of birth.

The Committee explained that publications are entitled to make use of anonymous sources and to protect their identity in line with their obligations under Clause 14 (Confidential sources). However, in this instance, the newspaper had not taken any

additional steps to investigate or corroborate the source's claim that the complainant had been "expelled" from the Labour Party in the 1980s, nor had it produced any evidence to support this easily verifiable claim. Similarly, it had produced no evidence that the complainant had, in fact, entered an incorrect date of birth in her application to re-join the Party in 2015, and had done so intentionally. The newspaper had not been able to demonstrate that it had taken care over the accuracy of the article on these two points; the result was a breach of Clause 1 (i).

The combination of these two claims, and their adoption by the publication as fact, gave rise to the clear impression that the complainant, in her recent dealings with the Labour Party, had acted with an intention to deceive. This impression was furthered in the first article, which claimed that the complainant had used a "false" date of birth to re-join the Party "on the day Jeremy Corbyn became leader", which suggested that the complainant's actions had been politically motivated. Upon receipt of the correspondence from the Governance and Legal Unit of the Labour Party, the newspaper had not offered to correct these significantly misleading claims, in breach of Clause 1 (ii).

The Committee listened to the partial recording of the CLP meeting provided by the complainant during IPSO's investigation. It was apparent to the Committee that the MP had spoken in a consistent and conversational tone; the crowd had not been "rowdy", as alleged. In any event, the statement from the former Mayor of Liverpool, which the newspaper had referenced in support of the claim that the complainant had "repeatedly interrupted" the MP while she had delivered her speech, clearly did not demonstrate that the complainant, or a group which she was a part of, had conducted themselves in this way. The statement provided by the newspaper supported the complainant's position that she had responded to an open invitation to ask questions. The publication of this claim represented a further failure to take care over the accuracy of the article, in breach of Clause 1 (i) and gave a significantly misleading impression of the complainant's conduct towards the Labour MP during the meeting, which the newspaper had not offered to correct, in breach of Clause 1 (ii).

The newspaper had provided a letter from the Labour Party, in which the complainant had been issued with a formal warning regarding her conduct. It stated that the complainant's comments and actions had "caused offence" and "upset and distress" to the individuals concerned. Given the nature of this alleged conduct, it was not a failure to take care not to publish inaccurate information, to report that an allegation of "bullying", made against the complainant, had resulted in her receiving a formal warning from the Labour Party. Yet, the newspaper had not been able to produce any further evidence to demonstrate that the complainant had received a "number" of warnings following allegations of bullying, as claimed. The single letter produced by the newspaper did not support this claim, and accordingly there was a breach of Clause 1 (i). To report that the complainant had received multiple warnings from the Party was significant, as it gave credibility to a central thrust of the articles, which was that the complainant's conduct in relation to her dealings with individuals within the

Labour Party had consistently fallen below the standards expected. No correction had been offered to address this significantly misleading claim, in breach of Clause 1 (ii).

It was plainly not “false” to claim this; during IPSO’s investigation the complainant had provided correspondence between the alleged victim and the Hate Crime Support Service, which referred to the actions taken by the police in respect of the “hate incident” allegation. The publication had published a claim the accuracy of which it could not defend; the result was a breach of Clause 1 (i). The articles’ claim that the complainant had made “false” allegations concerning the actions of the police, was significant given its seriousness, and furthered the misleading impression of the complainant’s conduct towards Labour politicians. Upon receipt of the correspondence provided by the complainant, the newspaper had not offered to correct this significantly inaccurate claim, in breach of Clause 1 (ii).

The newspaper had produced no evidence to demonstrate that the complainant had been a member of the Socialist Party. The Committee did not accept that a person showing support for the values of a political Party, was the same as showing support by way of membership. This factual assertion, which the newspaper had failed to defend, represented a breach of Clause 1(i), and the failure to correct the error represented a breach of Clause 1(ii).

The Committee expressed significant concerns about the newspaper’s handling of this complaint. The newspaper had failed, on a number of occasions, to answer questions put to it by IPSO and it was regrettable the newspaper’s responses had been delayed. The Committee considered that the publication’s conduct during IPSO’s investigation was unacceptable. The Committee’s concerns have been drawn to the attention of IPSO’s Standards department.

Appendix C

Decision of the Complaints Committee 04186-19 Mmono v Manchester Evening News

Summary of Complaint

1. Xavier Mmono complained to the Independent Press Standards Organisation that the Manchester Evening News breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Doctor struck off for asking patient to be 'friend with benefits'" published on 16 January 2019.
2. The article reported that the complainant, Dr Xavier Mmono, had been struck from the medical register for suggesting that a patient pay for surgery with sex via a "friends with benefits" arrangement.
3. The article reported that following a tribunal in 2016, the complainant was suspended for 4 months for inappropriate conduct relating to texts he sent to a patient. It said that this tribunal heard that the complainant encouraged the patient to have expensive cosmetic gynaecological surgery after she had been teased by a former partner. It reported that the complainant then texted the woman to let her know that she could "pay later" and "Mates with benefits good I agree! Will remind u in two years when not a patient" which the article reported was a suggestion that they become "casual sexual partners". The article reported that this tribunal also heard that he sent further inappropriate texts to the woman, including: "I thought u were out having sex with ur friend!"
4. The article explained that after this 4 month suspension, the complainant was suspended again in 2018 for 12 months after carrying out intimate examinations without a chaperone present. The article reported that after a judge agreed with the General Medical Council that the second punishment in 2018 was too lenient, the complainant had now been struck from the medical register. The article reported that factors in the judge's decision included that complainant was "'persistently dishonest'" and had demonstrated "'a blatant disregard for the truth'". The rest of the article set out the complainant's qualifications and prior employment, and included a lengthy quotation from the complainant's employer defending his actions.
5. The article also appeared online on 15 January 2019 with the headline "Gynaecologist who suggested 'designer vagina' patient become 'friends with benefits' rather than pay for surgery struck off". It was substantially the same as the print version.
6. The print article appeared on page 3, and the online article appeared as the top story on the website homepage. The article was also promoted on the publication's

Facebook and Twitter pages. The claim that the complainant had suggested to the woman that she pay for surgery with sex appeared in both of these posts.

7. The complainant said that he was not struck off the medical register for suggesting to a patient that she pay for surgery with a “friends with benefits” arrangement, nor was this the reason for his previous suspensions. He said that the reason he was struck off was that a judge found the second suspension in 2018 to be too lenient. This suspension had been imposed because he had carried out intimate examinations without a chaperone; there was no suggestion during this case that he had proposed sex for treatment. The complainant said that this allegation had never been heard or proven in the first tribunal either. He said that although he was suspended for sending texts to a patient – which he denied were inappropriate – the tribunal did not establish that they showed that he planned to engage in a sexual relationship with the patient at that time, and he said that the messages which made reference to “friends with benefits” were in fact discussing a third party.
8. The publication said that the article was written by a freelance reporter, and was based on the online Medical Practitioner Tribunal Service reports for both the 2016 and 2018 tribunals and the latest online court judgment where the complainant was struck off. The reporter was not present at the proceedings. It accepted that the complainant was not struck off for suggesting “sex with benefits” to a patient in lieu of payment, and this had not been found by any previous tribunal. However, it said that in the wider context of the complainant’s behaviour, this was not a significant inaccuracy.
9. The publication said that in the first tribunal in 2016, it had been found proved that the texts sent to the patient were inappropriate and sexually motivated. These texts discussed the patient’s sex life and made reference to “mates with benefits”. Furthermore, it was not in dispute that the complainant had allowed the patient to delay payment for her treatment. In regards to the second tribunal in 2018, it said it was also found proved that the complainant had acted dishonestly, and had knowingly misled previously hearings. However, it accepted that this tribunal only made passing reference to an inappropriate text which referred to the patient as “babes” and was primarily focussed on the fact that the complainant conducted intimate examinations without a chaperone.
10. On receipt of the complaint, the publication offered to amend the online article’s headline and opening sentence to read: “Gynaecologist struck off after inappropriate conduct with patient” and “A doctor who sent suggestive texts to a patient has been struck off” respectively. It also offered to print corrections both online as a footnote to the amended article and in print in a standalone box on page 2, with the headline “Xavier Mmono”. It also offered to publish a post on Facebook and Twitter, where the original article was promoted, setting out the wording of the corrections, the fact that the online article had been updated, and

a link back to the amended article. It said that this was as prominent as possible, and had been offered promptly. The print and online corrections which were offered were as follows:

Print: *“Our article “Doctor struck off for asking patient to be ‘friend with benefits’ (16 January 2019), reported that Dr Mmono had suggested a patient become ‘friends with benefits’ rather than pay for surgery. In fact, there was no evidence that Dr Mmono’s text referring to friends with benefits demonstrated that he intended to embark on a sexual relationship with the patient at that time”*

Online: *“A previous headline and version of this article reported that Dr Mmono had suggested a patient become ‘friends with benefits’ rather than pay for surgery. In fact, there as no evidence that Dr Mmono’s text referring to friends with benefits demonstrated that he intended to embark on a sexual relationship with the patient at that time”*

11. The complainant declined these corrections as he disputed that he had been struck off for “inappropriate conduct”. He also said that the publication should have apologised to him, and that the publication’s offers were not sufficiently prominent.

Relevant Code Provisions

12. Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
- ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.
- iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.
- iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

Findings of the Committee

13. The reporter had based the article on online reports of the tribunals in 2016 and 2018 and the latest court judgment, all of which were publicly available at the time of publication. These documents made clear that the complainant was struck off in relation to conducting intimate examinations without a chaperone and for being dishonest, not for suggesting a patient pay for treatment in return for becoming a “friend with benefits”. The headline of the print article headline inaccurately reported that the complainant was struck off for asking a patient to be friends with benefits; the headline of the online version and the first line of both the print and online articles inaccurately reported that he had suggested sex in lieu of payment. Where the correct information was freely available online, these statements represented a failure to take care not to publish inaccurate information.

In addition, where the article went on to explain that the reason for the decision was in relation to the 2018 tribunal's finding that the complainant had conducted intimate examinations without a chaperone and had acted dishonestly, the print headline was not supported by the text. There was a breach of Clause 1(i).

14. In determining the significance of the inaccuracy, the Committee looked at the tribunals' findings. The previous tribunal in 2016 found that the complainant had sent a text to the complainant which read: "Mates with benefits good I agree! Will remind u in two years when not a patient" which the tribunal found was sexually motivated. However, there was no suggestion in this tribunal that the complainant proposed that the patient pay for treatment by becoming a "friend with benefits" and the tribunal specifically found that there was no evidence that the complainant intended to engage in a sexual relationship with the patient at this time. The second tribunal, which formed the basis for the Judge to strike the complainant from the medical register, did not make any reference to the complainant acting in a sexually motivated manner, and was instead concerned with the complainant conducting intimate examinations without a chaperone and acting dishonestly. As such, the article's claim that the complainant was struck off for suggesting the a patient pay for surgery with sex was not only a significantly misleading report of the reasons why the complainant was struck from the medical register, but also a serious and damaging claim as to the complainant's professional conduct. This meant that a correction was required under the terms of Clause 1(ii).
15. The Committee then considered the terms of the correction which the newspaper had offered to publish. The correction proposed did not the correct the articles' claim that the complainant had suggested a sexual relationship in lieu of payment. It also did not correct the misleading impression as to why the complainant was struck off. For all of these reasons, the proposed corrections did not satisfy the requirements of Clause 1(ii), and there was a breach of Clause 1(ii).

Conclusions

16. The complaint was upheld

Remedial action required

17. Having upheld the complaint, the Committee considered what remedial action should be required. In circumstances where the Committee establishes a breach of the Editors' Code, it can require the publication of a correction and/or adjudication. The nature, extent and placement of which is determined by IPSO.
18. The Committee considered that the article was significantly misleading as to both the complainant's professional conduct and the reason why he was struck off from the medical register. Although the tribunals had found that the complainant had engaged in inappropriate and dishonest practices, the claim that he had suggested sex in lieu of payment for medical treatment had not formed part of these proceedings, nor was it the reason why he had been struck off. This was a serious claim about his professional conduct and represented a significant

escalation as to the charges he faced and were found proved; furthermore, this claim was intrinsic to the overall article. The Committee was also concerned that the inaccuracy appeared despite the accurate position being readily available and in the public domain via the tribunal and court documents the reporter consulted. For these reasons, the Committee decided that the appropriate remedy was the publication of an adjudication.

19. The print article appeared on page 3 and the inaccuracy appeared in the headline and the first line of the article. The online article appeared as the headline story on the first screen of the publication's website's homepage – the inaccuracy appeared in the headline and the first line of the article. The inaccuracy also appeared in the publication's social media posts which linked to the online article. In these circumstances, the Committee considered that the adjudication should appear in print on page 3 or further forward. The adjudication should also be published on the newspaper's website, with a link to the full adjudication (including the headline) appearing on the top half of the newspaper's homepage, on the first screen, for 24 hours; it should then be archived in the usual way. If the newspaper intends to continue to publish the online articles without amendment to remove the significantly misleading statements identified by the Committee, the full text of the adjudication should also be published on the article, beneath the headline. If amended to remove the misleading statements, a link to the adjudication should be published with the article, explaining that it was the subject of an IPSO adjudication, and explaining the amendments that have been made. A link to the adjudication should also be included in the publication's social media posts on Facebook and Twitter – the wording of these posts should be agreed with IPSO in advance and should also state that IPSO has upheld a complaint against the publication. The headline of the adjudication must make clear that IPSO has upheld the complaint against the Manchester Evening News, and refer to its subject matter. It must be agreed with IPSO in advance.

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

Xavier Mmono complained to the Independent Press Standards Organisation the Manchester Evening News breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article published in print headlined "Doctor struck off for asking patient to be 'friend with benefits'" and in its online counterpart, headlined "Gynaecologist who suggested 'designer vagina' patient become 'friends with benefits' rather than pay for surgery struck off" published on 15 January 2019. The complaint was upheld, and the Manchester Evening News has been required to publish this ruling as a remedy to the breach of the Code.

The article reported that the complainant, Xavier Mmono, had been struck off from the medical register for suggesting that a patient pay for surgery with sex via a "friends with benefits relationship".

The complainant said that he was not struck off the medical register for suggesting to a patient that she pay for surgery with a "friends with benefits" arrangement and this had never been alleged in any previous tribunal. He said that the reason he was struck off was because a judge had found that the sanction by the second

of two professional standards tribunals was too lenient. This sanction was in relation to being dishonest and carrying out intimate gynaecological examinations without a chaperone; the first tribunal was in relation to inappropriate and sexually motivated texts.

The publication accepted that the publicly available court and tribunal documents which the reporter had relied on did not say that the complainant had been struck off for suggesting “sex with benefits” in lieu of payment, and this had not been alleged at any previous tribunal. However, it argued that in the wider context of the complainant’s behaviour which had been proven by tribunals and the court, this was not a significant inaccuracy.

The Complaints Committee found that the publication had not reported the publicly available court and tribunal documents accurately – it had never been alleged that the complainant had suggesting sex in lieu of payment for treatment, and that this was not the reason why he was struck off. This represented a failure to take care not to publish inaccurate information, and the Committee upheld the complaint as a breach of Clause 1(i) of the Editors’ Code of Practice.

The publication had offered to publish corrections in print and online, however the Committee determined that these did not adequately put the correct position on record. The Committee also found that the inaccuracy represented a serious claim about the complainant’s professional conduct and represented a significant escalation as to the charges he faced and were found proved. In addition, the inaccurate claim was intrinsic to the overall article. For this reason, the Committee found that the publication’s offer was not sufficient to correct the breach of 1(i) and upheld the complaint as a breach of Clause 1(ii) of the Editors’ Code of Practice.

Appendix D

Decision of the Complaints Committee – 02069-19 Jones v the Daily Post

Summary of complaint

1. Llifon Huw Jones complained to the Independent Press Standards Organisation that the Daily Post breached Clause 1 (Accuracy) and Clause 12 (Discrimination) of the Editors' Code of Practice in an article headlined "Inside the troubled mind of man who built machine gun" published on 1 March 2019.
2. The article reported on the complainant's court case, in which he was made the subject of a hospital order. It reported that he was convicted for attempting to build a submachine gun at his home, and that he had made "a series of posts online outlining dozens of conspiracy theories" which gave an insight into his "warped mind". The article described some of the posts, which included declarations of his right to seize land under the Magna Carta. The article reported that the complainant had posted notices on two properties in an area of North Wales in January 2018 claiming possession over them. The article reported that the occupants of one of the properties, described as remote, "had never met or heard of Jones and alerted police". The article went on to report that one of the occupants "said they obtained a security door for their bedroom as they were concerned someone might turn up at their remote property". This was included in the article's sub-headline which read "a fanatic who terrified his neighbours so much they put a steel door on their bedroom". The article reported that the complainant had been "described by the judge as a 'danger to the public' who said he would 'not be released from hospital until it is safe'. The article went on to report that the complainant had seen active service in the armed forces, had suffered from PTSD prior to his discharge, and that he had been a patient at a medium secure unit since March 2018.
3. The article appeared in substantially the same format online under the headline: "Inside the mind of fanatic who terrified neighbours so much they put steel door on their bedroom", published on 28 February.
4. The complainant said that the article featured multiple examples of discriminatory language in reference to his mental illness, for which he was receiving treatment, and highlighted that the article referred to him as a "rebel" and a "fanatic" and made reference to his "warped mind". He said that referring to his mind as "warped" was an unacceptable and unethical way to describe an individual with a severe and debilitating mental health condition. Further, the complainant raised concerns over the tone of the article, which he said was disrespectful in light of his illness, and the fact that he had seen active service for his country. The complainant also said that the article had referenced posts he made on social media at a time he was ill, and this was an attempt to mock and discriminate against him based on his illness.
5. The complainant also said that the article inaccurately reported that the occupants of the property who installed the security door were his neighbours. He said that

they lived remotely, some miles away, and that there has never been any concern about him from his neighbours.

6. The publication apologised for the offence caused by the article's publication but denied that the article represented a breach of the Code. It emphasised that the complainant's mental health was relevant to the story, the court case, and his sentence. It said that the article did not refer to the complainant as a "rebel", only that he had set up the "North Wales Rebellion Group" which was referred to in court. It said that the term "fanatic", refers to an individual who possesses an excessive and single minded zeal, typically for extreme political and religious causes. It emphasised that these were descriptive terms in reference to his strong interests in unusual topics reflected in his social media posts and did not represent pejorative references to the complainant's mental health.
7. The publication denied that referring to the complainant's mind as "warped" or "troubled" represented pejorative references in breach of Clause 12. It said that the term "troubled" refers to the exhibition of emotional or behavioural problems, which given the nature of the case, was not inaccurate or pejorative in the context of the story. Further, the publication said that the term "warped", is widely used editorially and is used to describe a view or outlook which is different; the publication emphasised that the complainant had publicly expressed strong views on uncommon topics on social media. The publication also said that warped can represent an abnormality, or distortion from the norm and that a mental illness is by its very nature an abnormality of the mind. The publication emphasised that while some language is easily identifiable as pejorative, "warped" fell within the margin of editorial appreciation and that the Committee should exercise caution when entering into in depth analysis or discussion to rule on whether there was a breach of the Code, in cases where language is not instantly identifiable as pejorative.
8. The publication did not accept a breach of Clause 1 in respect of whether the couple were neighbours. It said that the article did not state that the couple were direct next door neighbours. It acknowledged that the term "neighbour" can refer to someone who lives next door but it can also refer to someone who can live very close, or near. It highlighted that the individuals lived close enough to be the recipients of the complainant's notes.
9. The publication said that it had offered to print a public apology, which regrettably, the complainant turned down.

Relevant Code Provisions

10. Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
- ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology

published. In cases involving IPSO, due prominence should be as required by the regulator.

iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.

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

Clause 12 (Discrimination)

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

ii) Details of an individual's race, colour, religion, gender identity, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.

Findings of the Committee

11. The Committee considered that the complainant's mental health was genuinely relevant to the story; the story was the court case and he was the subject of a hospital order. The Committee acknowledged the complainant's concern over the general tone of the article and noted that he had found it offensive and in bad taste. However, the Editors' Code does not regulate the tone of editorial content and issues of taste, Clause 12 specifies that the press must avoid prejudicial or pejorative references. Therefore the Committee's function was to rule on whether the article contained specific prejudicial or pejorative references to the complainant's mental health.
12. The court heard that the complainant had posted on social media in relation to several conspiracy theories and had tried to seize lands under the Magna Carta. The Committee considered that his actions and beliefs as exhibited by his social media postings, were unorthodox, and that the term "fanatic" was in reference to the nature of these posts and beliefs, rather than his state of mental health. The article under complaint did not refer to the complainant as a "rebel" and the Committee did not consider that the term "troubled" represented a pejorative reference. Referring to an individual's mind as "warped" has the potential to be pejorative in circumstances where that individual suffers from a mental illness. However, use of the term in this context was directly linked to the unusual nature of the complainant's conviction and the unconventional nature of his views which prompted his actions. The Committee did not consider that use of the term "warped" in these circumstances was a pejorative reference or expression of contempt towards the complainant's mental health. This reference was linked, and made in respect of, his unorthodox worldview which prompted the unconventional nature of his offences and subsequent conviction, the severity of which was emphasised by the Judge in his assessment that the complainant posed a danger

to the public. In this context, the Committee did not consider that this represented a direct and pejorative reference to the complainant's mental health, it represented a descriptive term to refer to the divergent and serious nature of his crimes. The Committee wished to commend the publication for its initial responses to the complainant's representative and its offer to apologise for the offence caused by the article but there was no breach of Clause 12.

13. The Committee considered that the term "neighbours" referred to the couple and the article did not suggest that all of the complainant's "neighbours" were terrified by his actions. In these circumstances referring to the term "neighbours", when the couple lived miles away was misleading. However, when considering whether this represented a significantly misleading statement as required by Clause 1(ii), the Committee noted that the article included the fact that the couple had never met or heard of the complainant, which did not suggest that they lived in close proximity. The Committee also considered that the article stated that the complainant was from Penygroes and that the property was "in the Penygroes area" albeit a "remote" part of it. Where the article was commenting on the impact of the complainant's actions on the community, referring to the victims as neighbours did not give a significantly misleading impression of the facts of the story, in circumstances where their proximity and their familiarity with the complainant was specified. There was no breach of Clause 1.

Conclusions

14. The complaint was not upheld

Remedial action required

15. N/A

Appendix E

Decision of the Complaints Committee – 04225-19 Versi v The Sun

Summary of Complaint

1. Miqdaad Versi complained to the Independent Press Standards Organisation that The Sun breached Clause 1 (Accuracy) of the Editors' Code of Practice, in an article headlined "Go with the BoJo or end up like dodo", published on 13 May 2019.
2. The article was a comment piece by a columnist. A boxed section of the article, which did not carry a separate headline, stated that in Iran, men had ordered not to look at women during Ramadan, and that in Afghanistan, religious police wanted to ban non-religious music. It said that "Meanwhile in Britain, the Government is proposing laws which risk making criticism of Islam a hate crime".
3. The article also appeared online in the same format on the same day. The relevant section of the article was sub-headlined "Hidden women".
4. The complainant said that the article was inaccurate in breach of Clause 1 (Accuracy), because no laws were proposed which risked making "criticism of Islam" a hate crime. He noted that a new definition of Islamophobia had recently been proposed by the APPG on British Muslims, but this was not a proposed law, and the authors of the report on the definition made clear that it did not refer to criticism of Islam.
5. The publication denied any breach of Clause 1 (Accuracy). It said that the sentence under complaint was the columnist's interpretation of discussions in Government that related to the APPG definition of Islamophobia. It said that there had been pressure on the government from members of the House of Lords for it to adopt the definition in order to try and better tackle hate crime, and said that comments made by the Minister for Faith in response to this pressure indicated that the government was considering adopting the definition. The publication accepted that, since the article was published, the Government had declined to adopt the definition, and therefore no legislation had been proposed. However, it said that at the time of publication concerns had been expressed that the Government adopting the definition could impact on freedom of expression; its columnist had been attempting to succinctly capture these concerns, in a column that was not a detailed examination of the APPG definition or the government's consideration of it.
6. Nevertheless, the publication offered to amend the relevant sentence in the online article to read "Meanwhile in Britain, the Government is considering adopting a definition of Islamophobia which could make criticism of Islam a hate crime". It also offered to publish the following clarification on its Corrections & Clarifications column on page 2, and as a footnote to the online article:

A column published on 13 May suggested that the Government was proposing laws which risked making criticism of Islam a hate crime. In fact, the Government was

considering adopting a definition of Islamophobia which, in the view of the columnist, risked making criticism of Islam a hate crime.

7. The complainant said that the Minister for Faith had not proposed any law in relation to the definition. He rejected the publication's offer of clarification, on the grounds that it was insufficiently unequivocal as to the error made, and noted that it did not include an apology.

Relevant Code Provisions

8. Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
- ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.
- iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.
- iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

Findings of the Committee

9. The publication had not been able to substantiate the claim that the Government was proposing any "laws" in relation to Islamophobia. Stating that such a law was proposed in the absence of any specific proposal represented a failure to take care over the accuracy of the article, in breach of Clause 1(i). This gave rise to the misleading impression that the government was planning legislation based on the APPG definition, when the publication had not been able to demonstrate that this was the case. This was a significant inaccuracy that required correction in order to avoid a breach of Clause 1(ii).
10. The publication had offered a correction within 10 days of IPSO beginning its investigation; this was sufficiently prompt. The proposed prominence of the print clarification on page 2 was sufficient, where the article had originally appeared on page 10. The relevant sentence had not been central to the article under complaint, and appeared at the end of the online piece, in a boxed section. In these circumstances, a footnote correction was sufficiently prominent as the relevant online remedial action.
11. The wording of the publication's offered correction stated that the columnist's criticisms had in fact related to the APPG definition of Islamophobia. However, the Committee did not consider that the offered wording made clear that no legislation had been proposed, at the time of publication, which related to the criticism of Islam. In addition, it stated that the article had "suggested" that such laws were proposed, when in fact

the article had made this explicit claim as a point of fact. In these circumstances, the offered wording was not sufficient to correct the misleading impression created by the original article, and there was a breach of Clause 1(ii).

12. There was no requirement for the correction to contain an apology: the misleading impression had related to a point of fact that was not related to any particular individual, such as would have been a cause of personal distress or upset.

Conclusions

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

Remedial action required

14. Having upheld the complaint, the Committee considered what remedial action should be required. In circumstances where the Committee establishes a breach of the Editors' Code, it can require the publication of a correction and/or adjudication. The nature, extent and placement of which is determined by IPSO.
15. In this case, the misleading impression, although significant, was confined to a single sentence in a small boxed section of the article. In this context, the Committee considered that the appropriate remedy was the publication of a correction which made clear that, at the time of publication, no new laws were proposed in relation to criticism of Islam.
16. The correction should appear with the prominence of the publication's original offer (on p2 and as a footnote to the online article), and should state that it has been published following an upheld ruling by the Independent Press Standards Organisation. The full wording should be agreed with IPSO in advance.

Date complaint received: 15 May 2019

Date decision issued: 7 August 2019

Appendix F

Decision of the Complaints Committee – 02706-19 Stroud v express.co.uk

Summary of Complaint

1. Nicholas Stroud complained to the Independent Press Standards Organisation that express.co.uk breached Clause 1 (Accuracy) of the Editors' Code of practice in an article headlined "Brexit petition CON! Half of signatures in Revoke Article 50 petition are OUTSIDE UK", published on 22 March 2019.
2. The article in its original form reported that data on the Parliamentary website had revealed that "more than half of the three million names on a record-breaking petition to derail Brexit by revoking Article 50 signed the petition from outside the UK". It said that "as of 12.20pm, the petition had surged past three million", but that "on closer inspection, about 1.26 million were from the UK". The article said that "the rest were signatories from around the world, including at least 10,500 from France, about 5,000 from Germany and almost 4,000 from the United States". The article noted that "some of the names will undoubtedly be genuine, as any UK resident or British citizen is entitled to sign e-petitions, and they may be abroad", but stated that "some Remainers have even shared their postcodes to Twitter in a bid to encourage people from around the world to add their names".
3. The article was publicised on the publication's Facebook page with the headline "Brexit petition SHAME: Half of signatures in Revoke Article 50 petition are OUTSIDE UK", and on Twitter with the headline "More than half article 50 petition signatories are from OUTSIDE THE UK".
4. The complainant said that the article and its headline were inaccurate in breach of Clause 1 (Accuracy), because it was not correct to state that more than half of the signatories to the petition were from abroad. He said that the data, which was freely available on the petitions website, indicated that 96% of signatories were from the UK. He also disputed the use of the term "con" in the headline, as he said it was legitimate for UK citizens living abroad to sign the petition.
5. The publication noted that it had previously reported on concerns that the same petition had been subject to fraudulent activity, and it was in response to these concerns that the article had been written. The publication accepted that the claim that more than half of the signatories were from outside the UK was inaccurate, but denied that it had failed to take care over the accuracy of the article. It noted that the government petitions website shows, for each petition, a 'front page' figure for the total number of signatories; it is then possible to click a link on the page to produce a breakdown of the number of signatories by country and other variables. The publication said that, at the time of publication, the 'front page' total figure stood at approximately 2.5 million signatories, but the individual country figure for the UK, provided when the further link was clicked, was only 1,261,367. The publication said that its journalist had taken the figure provided for the UK, and subtracted this from the total, as they believed that the difference between the two

figures would accurately represent the number of signatories from abroad. It said that, at the time of publication, this figure had appeared to be in excess of half the total figure, and this was the basis for the headline claim. The publication said that the journalist had contacted the House of Commons Media Relations Team (HoCMRT) for comment prior to publication, with respect to the possibility of fraudulent activity on the petition; its response in relation to security measures had been included in the article.

6. Following the publication of the article, a member of the public had expressed concerns that the petition was not updating the individual country-level data correctly, and in response to this, the journalist had contacted HoCMRT again to check whether the UK figure used was accurate. HoCMRT had responded stating that “there is an approximate 96.2%/3.8% split between UK and non-UK based signatories who have signed the Article 50 petition”. In response to a further query, HoCMRT had confirmed that the country-level data was “temporarily not updating”, and that this had been the case since the previous evening. This meant that, while the ‘front page’ total number of signatories was accurate, the individual country-level data was lagged behind. The publication said that this explained why the percentage of signatories appearing to originate from outside the UK was skewed. In response to the information obtained from HoCMRT, the article’s headline was then amended - approximately three hours after publication - to read “Brexit petition CON! Thousands of signatures in Revoke Article 50 petition are OUTSIDE UK”. The article text was also amended to remove reference to the claim under complaint.
7. In its first substantive response to the complainant – which was sent approximately a month after the complaint was referred to it by IPSO, as a result of staff absences – the publication explained the origin of the error, and offered to publish a footnote clarification which set out this explanation. During the course of IPSO’s investigation, the publication offered to publish the following clarification, based on its original offer, as a footnote to the amended article. It also offered to publish it, amended appropriately, as a standalone clarification appearing on its homepage for 4-12 hours, under the headline ‘Clarification – Brexit petition signatories – 22 March 2019’; the clarification would be archived and available permanently in the online Clarifications and Corrections section of the website.

This article was originally headlined “Brexit petition SHAME: Half of signatures in Revoke Article 50 petition are OUTSIDE UK” and said that half of the signatories in the ‘Revoke Article 50 petition’ were from outside the United Kingdom. That information was taken from the data as published by the House of Commons petition website. The House of Commons Media Team have since admitted that from the evening of March 21 those running the official petition website ‘disabled the automatic count updates to let the site run more smoothly.’ That action meant the reported figure of those voting from the United Kingdom was incorrect whilst the live updated total figure of those who had voted was correct. This lacuna incorrectly increased the percentage of those appearing to be voting from outside

the United Kingdom. In fact, on the day the article was published 96% of signatories to the petition were UK residents, and 4% were from outside the UK.

The publication also offered to publish a link to the standalone clarification on its Facebook and Twitter feeds, under the same headline as the standalone clarification.

8. The publication denied that it was misleading for the article to refer to a “con” in relation to the petition: it said that this had been a reference to the actions of those who were sharing their home postcodes to allow those ineligible to access the petition to do so; these actions had been set out in the article.
9. The complainant said that the offered clarification was insufficient, because it did not acknowledge that the publication had used the petition data incorrectly.

Relevant Code Provisions

10. Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
- ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.
- iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.
- iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

Findings of the Committee

11. Prior to the publication of the article, concerns had been reported that the petition in question was subject to fraudulent activity of the type this article also referred to. It was not in dispute that, at the time of publication, the country-level data on the petition website was not updating correctly, and this had been confirmed by the responsible department. The publication was entitled to expect that the ‘front page’ total figure and the country-level figure provided for the UK were correct. In circumstances where the country-level figure was approximately half of the total figure at the time of the publication, as a result of the lag in the data, it was reasonable for the publication to infer that the difference between the two figures was accounted for by signatories from outside the UK. There was no failure to take care over the article’s claim that more than half the signatories came from outside the UK, and no breach of Clause 1 (i). Nevertheless, the claim was inaccurate, on the basis of the information provided by HoCMRT on the day of publication, and the publication was obliged to correct this inaccuracy with sufficient prominence and promptness, in order to avoid a breach of Clause 1 (ii).

12. HoCMRT had provided the correct percentage of signatories from the UK to the publication on the day the article was published. In response to this information, and to a concern raised outside the IPSO process, the article's headline and text had been amended promptly, to remove the reference to "over half" of signatories coming from overseas. The Committee noted that it would not always be necessary to add a footnote to an article to detail such an amendment; however, in this instance, the erroneous claim had been central to the article, and it would have been good practice for the publication to immediately footnote this change. Nevertheless, the publication had made an offer of clarification in its first substantive response to the complaint raised under the IPSO process. While this initial offered wording did not make the correct position clear, it had been offered in an attempt to resolve the matter; once IPSO began investigation into the complaint, a clarification was offered which set out the correct position with respect to the proportion of signatories coming from overseas. The Committee was concerned that this response had not been received until over a month after the complaint was passed by IPSO to the publication, in circumstances where it appeared that the correct position had been made known to the journalist on the day of publication. However, it noted that the publication had indicated to the complainant that a response would be delayed due to staff absences which prevented the thorough investigation of the matter. In these circumstances, and where the inaccurate claim had been removed promptly from the article, the offer of clarification met the terms of Clause 1(ii); its wording made the correct position clear, and it was offered with sufficient prominence, where the original article had only appeared for approximately 3 hours. The original headline had also appeared in the Facebook and Twitter trails for the article, and the publication had offered to publish links to the standalone clarification on these media. There was no breach of Clause 1(ii). In order to avoid any such breach, the publication should now publish the clarifications as offered.
13. The article made clear the publication's position that some individuals were sharing their postcodes online in an attempt to allow ineligible individuals to sign the petition; the complainant did not dispute that this practice was taking place. In these circumstances, there was no failure to take care over the use of the term "con", and its meaning was made clear in the article, such that no misleading impression was created. There was no breach of Clause 1 on this point.

Conclusions

14. The complaint was not upheld.

Remedial action required

15. The offered clarification was sufficient to avoid any breach of Clause 1(ii), for the reasons outlined above, and should now be published.

Date complaint received: 22 March 2019

Date decision issued: 7 August 2019

