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**MINUTES of the COMPLAINTS COMMITTEE MEETING**  
**Wednesday 13 November 2019 at 10.30am**  
Gate House, 1 Farringdon Street, London EC4M 7LG

**Present**

Richard Best (Deputy Chairman)  
Nazir Afzal  
Andrew Brennan  
Lara Fielden  
Janette Harkess (Items 1-9)  
David Hutton  
Mark Payton  
Andrew Pettie  
Miranda Winram  
Peter Wright

**In attendance:**

Charlotte Dewar, Director of Operations  
Michelle Kuhler, PA and minute taker  
Matt Tee, Chief Executive  
Holly Pick, Joint Head of Complaints  
Lauren Sloan, Joint Head of Complaints

**Also present: Members of the Executive:**

Katrina Bell  
Rosemary Douce  
Hanno Fenech  
Darryl Garvey  
Alice Gould  
Vikki Julian  
Sophie Malleson  
Thomas Moseley  
Sean Sutherland  
Charlotte Urwin

**Observers:**

Jonathan Grun

1. Apologies for Absence

Apologies were received from Sir Alan Moses and Helyn Mensah.
2. Declarations of Interest

Andrew Pettie declared an interest in item 10, and left the meeting for this item.
3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 11 October.
4. Update by the Chief Executive – oral

The Chief Executive informed the Committee that former Committee Member Elisabeth Ribbans had been appointed the Readers’ Editor at the Guardian and would therefore resign as alternate Committee member as of the end of the year.

The Chief Executive gave the Committee an update on the Society of Editors conference that he had attended, and updated the Committee on IPSO’s finances.
5. Matters arising

There were no matters arising.
6. Complaint 05972-19 Bradley v South Shropshire Journals

The Committee discussed the complaint and ruled that the complaint should be partially upheld. A copy of its ruling appears in **Appendix A**.
7. Complaint 03710-19 Matthews & McCann v Sunday World

The Committee discussed the complaint and ruled that the complaint should be upheld. A copy of its ruling appears in **Appendix B**.
8. Complaint 03670-19 Davies v The Jewish Chronicle

The Committee discussed the complaint and ruled that the complaint should be upheld. A copy of its ruling appears in **Appendix C**.
9. Complaint 03497-19 Club 1872 v dailyrecord.co.uk

The Committee discussed the complaint and ruled that the complaint should be upheld. A copy of its ruling appears in **Appendix D**.
10. Complaint 06056-19 Baker v The Daily Telegraph

The Committee discussed the complaint and ruled that the complaint should be upheld. A copy of its ruling appears in **Appendix E**.
11. Complaints not adjudicated at a Complaints Committee meeting

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

12. Any other business

There were no other business.

13. Date of next meeting

The date of the next meeting was confirmed as Wednesday 18th December 2019.

The meeting ended at 1.17pm

## Appendix A

### Decision of the Complaints Committee 05972-19 Bradley v South Shropshire Journal

#### Summary of Complaint

1. Zoe Bradley complained to the Independent Press Standards Organisation that the South Shropshire Journal breached Clause 2 (Privacy) and Clause 6 (Children) of the Editors' Code of Practice in an article headlined "LEUKAEMIA BATTLE FOR BRAVE [NAMED CHILD]", published on 2 August 2019.
2. The article reported that a named and pictured two-year-old child had been recently diagnosed with leukaemia, after a period of feeling unwell. It reported that the child was due to begin treatment at a named hospital, and gave details as to what this treatment would entail. It also reported that a crowdfunding campaign had been set up to support the child's mother and sisters, who were also named in the article as visiting the child in hospital and having to stay away from home overnight. The article then quoted a family member, who echoed calls to support the toddler and her family, and asked people to donate to the crowdfunding campaign.
3. The complainant, the mother of the children referred to in the article, said that she had not consented to the publication of the article. She said that as it contained medical information about her youngest child in breach of Clause 2 (Privacy) and Clause 6 (Children) of the Editors' Code. She said that she had taken steps to keep her youngest child's illness private: the fundraising page had been set up by a relative without her knowledge or consent and was intended for friends and family only; she had since asked for it to be deleted. She also complained that the article named her two older children, and reported details of them visiting their younger sister and staying away from home. She said that the publication of the article had been very distressing to her and her family at an extremely difficult time. She said that the relative who was quoted in the article had felt pressured into giving the story and was not acting on her behalf or with her consent. She noted that the photograph of her daughter which was published was not otherwise in the public domain and had been provided by her relative without her consent.
4. The publication apologised for any distress caused, but said that it had published the article in good faith. It said that the reporter had learned of the story after speaking with the relative quoted in the article. It provided copies of correspondence between the reporter and the relative in which the reporter asked several times to speak with the complainant in relation to the story about her daughter. However she was told by the relative that the complainant had "said yes to the story", that she didn't think the complainant was "up for speaking", but that the relative was "happy to answer" any of the reporter's queries about the child. As such, the publication said that it was reasonable for the reporter to assume that the relative was acting on behalf of the complainant, with her knowledge and consent. It also noted that at the time, the complainant was in hospital with her child and the reporter wished to avoid contacting her unnecessarily. It said that the reporter had sent a copy of the article to the relative to check prior to publication and it was only the next day when the reporter wrote to the relative to let her know that the article would appear on the front page that the relative said that the complainant had "changed her mind" about the article and didn't want it to be published. At this point the article had already gone to print.
5. Nevertheless, the publication said that reporting details of the child's medical condition and treatment was not an intrusion into the child's privacy, as this information was already in the public domain via the public fundraising page. Although it accepted that this had not been set up by the complainant, it said that it was clear that she was aware and had consented to it, as she had commented on, liked, and shared posts asking for donations on social media.

6. Following the complaint, the publication had spoken to all staff to reiterate that explicit permission from a parent or legal guardian must be obtained when covering similar stories in the future. It ensured that the article did not appear online and offered to publish a statement explaining what had happened, why the article was published, and apologising for the distress caused.

### Relevant Code Provisions

#### 7. 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 6 (Children)\*

- i) All pupils should be free to complete their time at school without unnecessary intrusion.
- ii) They must not be approached or photographed at school without permission of the school authorities.
- iii) Children under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.
- iv) Children under 16 must not be paid for material involving their welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.

#### The Public Interest

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

- 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

- 8. The Committee noted that the publication had intended to publish a positive article, in order to raise awareness of the child's bravery and the crowdfunding campaign. Nonetheless, it was still required to have regard for the terms of Clause 6.
- 9. The Committee first considered the complaint under Clause 6 in relation to the youngest child. The Preamble to the Editors' Code makes clear that the Code should be honoured not only to the letter, but in the full spirit. As it has done before, the Committee interpreted

the terms of Clause 6 (iii) as encompassing the publication of comments made by a child, or photographs identifying a child if it involves a child's welfare.. In this case, the article was about the child's diagnosis and treatment for leukaemia, which was an issue which related to her welfare. The publication of the photograph in this context engaged Clause 6 (iii). In this context, it was necessary for the purposes of Clause 6 for the reporter to establish first hand that a custodial parent or similarly responsible adult explicitly consented to the publication. The Committee recognised that the relative who had spoken to the journalist appeared to be acting with the mother's knowledge and consent, and that some information about the child's illness was already in the public domain. However, in this instance, there were no direct enquiries to the complainant or another custodial parent and explicit consent had not been given. As such, publishing this photograph, in the context of an article which revealed sensitive, medical information about a child, without parental consent constituted a breach of Clause 6.

10. The Committee then considered the complaint under Clause 2, and had regard for the fact that Clause 2 has considerations distinct from the requirements under Clause 6. The newspaper had published details of a person's medical information and treatment, which is information about which an individual generally has a reasonable expectation of privacy; information about a person's health is specifically referenced in the Code as engaging the terms of Clause 2. Furthermore, the information published related to a child; the Code sets out that any intrusion into a child's privacy would need to be justified by an exceptional public interest. In this instance, some of the information about the child's illness and treatment in the public domain; it had been referenced in multiple social media posts appealing for donations and support, which the complainant had knowledge of and interacted with, and on a publicly available crowdfunding page. However, the article included details which were not in the public domain, such as the child's health and visits to the doctor prior to her diagnosis. Notwithstanding the complainant's accuracy concerns, publishing information which related to a child's health that were not otherwise in the public domain required the express consent of a custodial parent or similarly responsible adult. The publication of this information without consent breached Clause 2.
11. The Committee then considered the complaint in relation to the complainant's two older children. The children were still in education; the terms of Clause 6(i) were engaged. However, the Committee considered that the nature of the information included in the article which related to the children – the details of their travel and living arrangement whilst their sister was receiving treatment – and the extent to which this information was already in the public domain via the social media posts, meant that reporting this information did not constitute an intrusion into the children's time at school, or into their privacy. There was no breach of Clause 6 or Clause 2 on this point.

### **Conclusions**

12. The complaint was upheld

### **Remedial Action**

13. Having upheld the complaint, the Committee considered what remedial action should be required. In circumstances where the newspaper had breached Clause 6 and Clause 2, the publication of an adjudication was appropriate.
14. The Committee considered the placement of this adjudication. The article was published on the front page of the newspaper, however it was for the Committee to decide what remedial action would be proportionate to remedy the breach of the Code, having regard to the seriousness and extent of the breach. In this case, the article had been published in good faith, in an attempt to help the complainant and her family; the Committee was aware that requiring remedial action to appear on a newspaper's front page is its most

serious sanction. Where the newspaper had an established Corrections and Clarifications column on page two and the Committee had regard for the fact that Corrections and Clarifications columns are well-known to readers as the place where any remedial action would appear, it decided that the adjudication should appear on page 2.

15. The headline to this adjudication should be in the same typeface and size as other headlines on the page, and should make clear that IPSO has upheld the complaint, give the title of the publication, and refer to the complaint's subject matter. It must be agreed with IPSO in advance. The terms of the adjudication for publication are as follows:

*A woman complained to the Independent Press Standards Organisation that the South Shropshire Journal breached Clause 2 (Privacy) and Clause 6 (Children) of the Editors' Code of Practice in an article headlined "LEUKAEMIA BATTLE FOR BRAVE [NAMED CHILD]", published on 2 August 2019.*

*The article reported that a named and pictured two year old child had recently been diagnosed with leukaemia, and described her health prior to being diagnosed, and details of how and where she would be treated.*

*The complainant, the mother of the child, said that the information about her child had been published without her consent.*

*The newspaper said that it had received the information from a family member of the complainant, and was under the impression that this person was acting with the complainant's consent. It said that it acted in good faith in publishing the information about the children, as it was trying to promote the crowdfunding campaign, and noted that this information was already publicly available on the crowdfunding website. However, it accepted that the reporter did not contact the complainant directly to confirm that she consented to the information being published.*

*The article was about the child's illness and treatment, which was an issue which related to her welfare. Furthermore, the article reported information which was not already in the public domain, such as the child's health prior to being diagnosed with leukaemia. This information related to the child's health and medical treatment, and therefore had a strong expectation of privacy. Picturing the child in this context, and reporting medical information which was not already in the public domain required the explicit consent of a custodial parent. Despite the newspaper intending the article to assist the children, it was clear that the newspaper had not established that directly with the complainant that she consented to the information being published in the newspaper. The information therefore had been published without the consent of a custodial parent. There was a breach of Clause 2 and 6 and the complaint was upheld.*

## Appendix B

### Draft decision of the Complaints Committee – 03710-19 Matthews & McCann v Sunday World

#### Summary of complaint

1. Lucinda Matthews and Lisa McCann complained to the Independent Press Standards Organisation that the Sunday World breached Clause 1 (Accuracy), Clause 2 (Privacy) and Clause 4 (Intrusion into grief or shock) of the Editors' Code of Practice in an article headlined "IN THE SHAME OF THE FATHER", published on 28 April 2019.
2. The headline of the article appeared on the front page, with the sub-headline "double tragedy rocks East Belfast UVF as Mackers' nephew dies of overdose just like his son". The front page directed readers to pages 8 and 9, where the article itself appeared under the headline "Mob brothers bury heroin binge relative". The article reported that two "paramilitary boss brothers" had "buried a second family member poisoned by the drugs their own terror groups flooded onto the streets". It reported that the deceased named as Gary Matthews Jnr "was discovered lifeless inside a Belfast apartment on April 18 after a suspected heroin overdose". The article went on to report that the man's death followed that of his own teenage son, named Kenan Matthews, who had "died suddenly in April 2014" and that "His death was also heavily linked to drugs." The article featured a photograph of five family members but focused on the two "mob brothers" referenced in the article. The image featured the five men removing the coffin from the hearse; the corner of the coffin was visible.
3. The complainants said that the article was inaccurate. The first complainant, the mother of Gary Matthews, said that the headline of the article reported that her son had died as the result of a "heroin binge", when there had been no determination as to the cause of his death at the time of publication. She said that the preliminary report had listed the suspected cause as pneumonia and that this was subsequently confirmed after publication; there were no illegal drugs in his system at the time of death. The complainant said that neither she, nor any other member of her family, had been contacted prior to publication for comment or to verify the cause of death. She also said that the headline was not supported by the text, as the headline asserted as fact that Gary Matthews Jnr had died as a result of a "heroin binge" when the article itself reported that he died as the result of a "suspected heroin overdose".
4. The second complainant, the mother of Kenan Matthews, said that the article was inaccurate as her son had not died as a result of illegal drug abuse. She said that he had died from a combination of prescribed medication and the isolated use of a fentanyl patch to treat severe back pain. She said that the patch had not been prescribed to her son, but to an elderly family member and that there were no illegal substances found in his system. The complainant said that the headline's claim that his father had died as a result of a "heroin binge", coupled with the article's claim that he had "died in similar tragic circumstances" to his father would lead any reasonable reader to understand that his death was linked to heroin use. The complainant said that the inaccuracy was further compounded by the front-page headline which reported that Gary Matthews died "of overdose just like his son", and the first paragraph of the article which reported that the deceased had died as a result of being "poisoned by the drugs". The second complainant also said that she had not been contacted prior to publication by the newspaper.
5. The complainants also said that the publication of the article represented an intrusion into their grief and shock. The complainants said that the cause of death for both Gary Matthews Jnr and Kenan Matthews had not been publicly disclosed and that it was



insensitive to publicly link their deaths to heroin use. In the case of Gary Matthews Jnr, the cause of death had not yet been verified by a coroner or a toxicologist and to report that he had died as the result of a "heroin binge", without contacting them prior to publication, was insensitive. In respect of Kenan Matthews, the second complainant said she was unaware that allegations were to be published regarding the cause of her son's death and that there was no public interest in publishing the photograph of a 16-year-old child five years after his death.

6. The complainants also said that the reporter had ridiculed their deaths in a tweet from her personal Twitter account, which stated: "It is a sad fact paramilitary godfathers have been poisoning their own communities with drugs for years. It is important to highlight the impact, no matter how tragic. Those posting statements out of pure malice should turn attention to how the scourge can be stopped".
7. The complainants said that the article represented an intrusion into their privacy in breach of Clause 2. They said that the article featured a photograph with the caption "drugs victim: Gary Jnr" but that the accompanying photograph was in fact of Kenan Matthews, which had been taken from the deceased's Facebook profile that was subject to privacy settings and only available to approved friends. Further, the article featured a photograph of both Gary Jnr and Keenan Matthews together which had been posted on the account of a family member subject to privacy settings. However, the complainants accepted that the image may have been shared by other accounts, the privacy settings over which the family had no control.
8. The complainants said that the photographer's presence at the funeral and the image published, where part of the coffin was visible, represented both an intrusion into the family's privacy and their grief and shock in breach of Clause 2 and Clause 4 respectively. They said that the family had an expectation of privacy when mourning the loss of a relative and that publishing the image was insensitive.
9. The publication denied any breach of the Code. It said that confidential sources close to the Matthews family and from within paramilitary organisations had confirmed the accuracy of the information reported in the article. In respect of Gary Matthews Jnr, the sources had confirmed that he had been found unresponsive in his flat and that he had been taken to hospital where he had later died. It said that a number of reliable sources confirmed that he used heroin. The publication also noted that it was rare for someone of the deceased's age to contract and die from pneumonia naturally, and that the condition was more likely linked to, and consistent with, drug abuse. In regards to Kenan Matthews, the publication said that the article reported that he had died as a result of the effect of drug misuse and that medical sources confirmed that the complainant would not have been prescribed Fentanyl. The publication also cited the sharp increase in misuse of prescription drugs in Northern Ireland and noted that Gary Matthew's Jnr death notice asked for donations to Addiction NI, a charity that offers support for those struggling with drug and alcohol addiction. The publication said that it had retained a written record of interviews and one voice-recorded interview, supporting the accuracy of its article. However, it was unable to disclose them on the grounds of protecting its sources' identity and wellbeing.
10. The complainants accused the publication of exaggerating the security situation in Northern Ireland to avoid substantiating its position and engaging in the regulatory process.

11. The publication said that it did not contact the complainants or their representative prior to publication, as it had made a previous attempt to contact the uncle, one half of the "mob brothers" in 2018, but were told that he would not speak directly or indirectly to the publication. This was disputed by the complainants' representative, who also represented the man in question, and said that he had contacted the publication in February 2019 making it clear that any inquiries in relation to the man should be directed to him; he was amenable to responding. Nevertheless, the complainants questioned why it was appropriate to contact the uncle in the first place and emphasised that as parents of the deceased, they should have been contacted prior to publication.
12. The publication denied any breach of the Code in respect of the images of the coffin or the funeral in general. It said that the photographs were taken unobtrusively with a long lens from the roadside at a distance of approximately 130-150 metres away, and that at no point had any member of the publication's staff intruded into the ceremony itself. The publication said that the photographs did not portray any information that could not have been seen by the public that day; the publication had only reported and published publicly visible elements of the proceedings. The publication noted that the main focus of the image of the coffin was the father and uncle of the deceased; the "paramilitary boss brothers" referenced in the article. In any event, the publication said that the coffin was only partially visible and could have been seen by others in the vicinity that day.
13. The publication denied a breach of Clause 2 in respect of the images of the two individuals taken from social media. It said that the photographs of the deceased featured in the article were not obtained from social media accounts subject to privacy settings, but from the open account of a family member who had shared the images.
14. Notwithstanding its position that there was no breach of the Code, the newspaper accepted that it was not in a position to state definitively that drug abuse was the direct cause of both deaths. It offered to publish a clarification 78 days after IPSO begun its investigation in print on page eight, where the article had originally appeared.
15. This clarification, which was accepted by the complainants in order to resolve the complaint, was then retracted by the publication. It said that its wording amounted to a clear statement of fact that the two men did not die as a result of drug abuse, a position it could not concede, and that the article would not have been published were this the case. It reiterated its reluctance to go on the record with information from its sources, as to identify and potentially endanger them. The publication also raised concerns for the wellbeing of its journalist should it publish the wording. It provided screenshots of messages she had received from members of the public in relation to this article which they said were threatening violence.
16. The publication then proposed an alternative clarification and offered to publish the following wording on page three:

*"In an article published in the Sunday World on April 28, 2019 and headlined 'Mob Brothers Bury Heroin Binge Relative' it was reported that Gary Matthews Jnr and Kenan Matthews died as a result of drug abuse. The Matthews family have rejected this as completely untrue. We apologise to the Matthews family for any upset caused by the article and acknowledge that we did not contact them prior to publication."*

17. The complainants rejected the publication's offer. They said that the wording simply put their position on record and did not accept any inaccuracy on the newspaper's behalf. They also disputed the newspaper's position regarding its sources and said that it had not produced any material which supported the claims made in the article.

#### **Relevant Code Provisions**

##### 18. 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.
- v) A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.

##### 19. 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 intrusion 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.

##### 20. Clause 4 (Intrusion into grief or shock)

In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. These provisions should not restrict the right to report legal proceedings.

#### **Findings of the Committee**

21. Firstly the Committee expressed its condolences to the complainants for their loss.

22. It also expressed concern over the significant delays in the complaints process and the repeated failures by the newspaper to adhere to IPSO's deadlines, which had warranted referral to IPSO's Standards team.
23. The front-page headline reported that that "Mackers' nephew dies of an overdose just like his son". The article itself had then reported that Gary Matthews Jnr had died as a result of a suspected heroin overdose and the front-page headline had referred to him as a "heroin binge relative".
24. The newspaper had based the article solely on the account of confidential sources; it had not taken steps to obtain on-the-record corroboration for the claims about Gary Matthews Jnr's death, which had nonetheless been presented as fact. The Committee noted in particular that the newspaper had reported as fact that Gary Matthews Jnr had died as the result of an overdose prominently on the front page, and repeated this position in the enclosed headline, and in the article itself, without corroboration of sources' claims. This represented a serious failure to take care not to publish inaccurate information in breach of Clause 1(i). Further, it was significantly misleading to report as fact that Gary Matthews Jnr had died by overdosing on heroin, when this was based on the unverified claims of sources.
25. One of the photographs had been inaccurately captioned; it had identified the man pictured as Gary Matthews Jnr, when in fact it was his son, Kenan Matthews. This represented a further failure by the newspaper to take care over the article's accuracy in breach of Clause 1(i) and a significant inaccuracy requiring correction under Clause 1(ii).
- 26.
27. With respect to Kenan Matthews, it was not in dispute that drugs had played a role in Kenan Matthews' death, specifically complications arising from using a Fentanyl patch and it was not inaccurate in these circumstances to report he had died from an overdose or that his death was linked to drugs. There was no further breach of Clause 1 on this aspect of the complaint.
28. The newspaper had offered to publish a clarification during IPSO's investigation only to withdraw its offer after it had been accepted by the complainants. It had then proposed an alternative clarification to be published on page three. The wording of the second clarification stated that the family disputed the newspaper's version of events and put their position on record: that neither individual had died as the result of drug abuse. However, the Committee considered that the wording was insufficient as it did not make clear that the newspaper had inaccurately reported as fact claims that the death had been caused by drugs. In addition, the revised wording was not offered until 114 days after IPSO begun its investigation, which was not sufficiently prompt, and it had not addressed the significantly inaccurate caption. The offered remedy was not sufficient to meets the requirements of Clause 1(ii).
29. The Committee acknowledged that the publication of the article, which had contained inaccuracies, had caused the complainants distress. However, the newspaper had been entitled to report on the deaths of Gary Mathews Jnr and Kenan Matthews, and the newspaper had not presented the story in a manner which had sought to mock or belittle the deceased. The Committee had recognised the serious failure of the newspaper to take care over the accuracy of the article in its findings under Clause 1; the inaccuracies did

not separately represent a breach of Clause 4. This aspect of the complaint under Clause 4 was not upheld.

30. The Committee considered that the published images of the funeral depicted scenes that could have been seen by passers-by and noted that the main focus of the images was high profile attendees from the loyalist community. Further, there was no suggestion that the photographer had encroached upon or entered the ceremony itself. While the Committee acknowledged that the complainants had been distressed by the publication of the image of the coffin in the newspaper, the coffin was only partially visible. The image itself and the accompanying caption was not insensitive. The Committee did not consider that the photographer's presence or the photographs of the funeral represented an intrusion in to the complainants' privacy or their grief and shock. There was no breach of Clause 2 and Clause 4 on these points.
31. The published images, which had been taken from social media, had not disclosed anything private about the complainants, and the complainants had accepted that they had been shared on social media. The complainants did not have a reasonable expectation of privacy in relation to these images. There was no breach of Clause 2 on this point.
32. The complainants raised concerns regarding posts made by the journalist on their personal twitter account. However IPSO does not regulate the private social media accounts of newspaper employees and therefore these concerns fell outside IPSO's remit.

#### **Conclusion**

33. The complaint was upheld.

#### **Remedial Action Required**

34. 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.
35. The Committee considered that there was a serious breach of Clause 1(i). The article had prominently reported as fact that Gary Matthews Jnr had died as a result of a heroin overdose. When the information had been provided by unidentified sources and his cause of death had not been verified by the newspaper. The photograph of Kenan Matthews featured in the article was also inaccurately captioned as showing Gary Matthews Jnr. In light of the newspaper's failure to take care over the article's accuracy, the prominence of the inaccuracies and the publication's failure to correct them in line with its obligations under Clause 1(ii), the Committee concluded that an adjudication was the appropriate remedy.
36. The Committee considered the placement of this adjudication. The article had featured in a front-page headline directing readers to the article itself, which had appeared on pages eight and nine. The Committee therefore required that its adjudication be published on page eight or further forwarded in the newspaper. The Committee also required a reference to the adjudication to feature on the front page. The headline to the adjudication should make clear that IPSO has upheld the complaint, give the title of the newspaper and refer to the complaint's subject matter. The headline must be agreed with IPSO in advance.
37. The terms of the adjudication for publication are as follows:

Following an article published on 28 April in the Sunday World, headlined "IN THE SHAME OF THE FATHER", Lucinda Matthews and Lisa McCann complained to the Independent Press Standards Organisation that the newspaper had breached Clause 1 (Accuracy) of the Editors' Code of Practice. IPSO upheld this complaint and has required the Sunday World to publish this decision as a remedy to the breach.

The front page headline directing readers to the article said that Gary Matthews Jnr had died of an "overdose just like his son". The headline of the article itself was "Mob Brothers bury heroin binge relative". The article reported that Gary Matthews Jnr had died "after a suspected heroin overdose" and as a result of a drugs binge.

The first complainant, the mother of Gary Matthews, said that there had been no determination as to the cause of his death at the time of publication. She said the preliminary report had listed the suspected cause of death as pneumonia, which was subsequently confirmed after publication; there were no illegal drugs in his system at the time of death. The publication said that the information in the article originated from well-placed confidential sources.

IPSO found that the publication had reported the unidentified sources claims as fact and had failed to corroborate the sources accounts with official channels, or approach the complainants or family members for comment prior to publication. The article had reported as fact that Gary Matthews Jnr had died as a result of a heroin overdose but the publication could not produce the required evidence to support this position. The inaccuracy had featured in a prominent position on the front page and was repeated at various points within the article. The article also misidentified the deceased in the caption of a photograph; the image itself was of a different person. IPSO's Complaints Committee considered that the inaccurate content could have caused significant concern to family and friends of the deceased.

IPSO found that the handling of the complaint by the Sunday World fell below the standards expected of a member publication. There were repeated delays when adhering to deadlines set by IPSO and this had warranted referral to IPSO's Standards Department.

IPSO found that the publication had failed to take care when reporting the claims of sources and when identifying a recently deceased person in breach of Clause 1.

## Appendix C

### Decision of the Complaints Committee 03690-19 Davies v The Jewish Chronicle

#### Summary of complaint

1. John Davies complained to the Independent Press Standards Organisation that The Jewish Chronicle breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "'Vile' attacks by soap star condemned", published on 19 April 2019.
2. The article reported on comments which the complainant, the chair of a branch of the Liverpool Riverside Labour Party, had made publicly about a number of Labour MPs. It said that "Labour has been urged to 'take action' over [the complainant] who questioned the loyalty of Jewish MPs to the UK". It reported that he had said that the "'prime interests'" of a named Jewish MP were "not with Jeremy Corbyn's party and instead were 'elsewhere'". The named MP had reportedly said "This man and his vile views have no place in the party that I have dedicated my life too. These traditional anti-Jewish tropes about dual loyalty and the disgusting justifications of Hitler's stance towards Jews are simply unacceptable—the Labour Party needs to take action." In addition, the piece quoted a Labour council candidate who had said that the complainant's views were "more suited to the far-right than to someone who claims to be a left-wing supporter of Jeremy Corbyn". The article said that the complainant had "sought to justify the former Mayor of London Ken Livingstone's repeated references to Hitler and Zionism", and that he had written that "Mr Livingstone had been expected to provide "a detailed resumé" of Hitler's policy for 'an MSM soundbite'".
3. The article was also published in substantially the same form online, under the headline "Coronation Street and Hollyoaks star suspended by Labour over 'vile' attacks on Jewish MPs", on 17 April 2019.
4. The complainant said that the article – in reporting the MP's comment that he had sought to justify "Hitler's stance towards Jews" – had contained the serious and false allegation that he had sought to justify the Holocaust. The complainant said that he had never written anything which could be interpreted as seeking to justify the mass murder of six million people.
5. The complainant did not consider that it was clear from the article that the MP's quote had related to the support he had given to Ken Livingstone who had spoken about Hitler's support for a Jewish state. He noted that up to the point that the MP had been quoted, there had been no mention of Ken Livingstone in the article; the connection to Ken Livingstone would not have been apparent to readers. He considered that the newspaper had accepted that the article had suggested that he had sought to justify the Holocaust as it had offered to address this in a clarification.
6. The newspaper considered that the comment made by the MP in relation to the complainant had been accurately reported. It accepted, however, that its meaning was ambiguous and could have wrongly implied that the complainant had sought to justify the Holocaust.
7. Nevertheless, the newspaper argued that in the full context, it was clear that the MP's comment had not related to the complainant's views on the Holocaust, but to the support he had given to Ken Livingstone who had repeatedly spoken about Hitler's support for a Jewish state. It considered that this meaning would have been taken in this context by readers who were familiar with the subject as it had been reporting for years that allies of Jeremy Corbyn had spoken in support of Ken Livingstone and his views on Hitler and Zionism.

8. In an attempt to resolve the complaint, the newspaper initially offered to publish a clarification to address the complainant's concern that the quotation could have suggested that he had sought to justify the Holocaust. It had offered to publish this in the "For the Record" section in print and as a footnote to the online article. The newspaper said that it could not apologise for comments made by an MP.
9. The complainant rejected the newspaper's offer of a clarification, and its suggestion that the MP's comment was ambiguous. He said that it was a clear allegation that he had sought to justify the Holocaust, which required retraction and an apology.

#### **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. The newspaper had been entitled to report comments the complainant had made in relation to the named MP, and it had been entitled to publish her position that the complainant's "disgusting justifications of Hitler's stance are simply unacceptable".
12. The Committee considered, however, that the way in which the MP's comment had been presented in the article could have amounted to an allegation that the complainant had shared Hitler's hatred for Jewish people or that he had previously sought to justify the Holocaust.
13. The Committee did not accept the newspaper's position that it was clear to readers that the comment had related to the support the complainant had given to Ken Livingstone who had spoken about Hitler's support for a Jewish state. The references to Ken Livingstone in the article had not been clearly linked to the MP's quote. The Committee also did not accept the newspaper's contention that regular readers of the newspaper would have understood the context in which the MP's comment had been made.
14. The Committee concluded that the newspaper had failed to take care over the presentation of the quotation in breach of Clause 1(i). The suggestion that the complainant had shared Hitler's hatred for Jews or had sought to justify the Holocaust was a significant inaccuracy requiring connection under Clause 1(ii).
15. On receipt of the complaint, the newspaper had offered to publish a correction in print and online, which acknowledged that it could have been understood from the article that the complainant had sought to justify the Holocaust. The Committee considered that the wording offered was sufficient to meet the terms of Clause 1(ii). In this instance, an apology was not



required as the newspaper had been entitled report the exchange of comments between the complainant and the MP, and although the presentation of the MP's comment had been misleading, the comment itself had been accurately reported.

### Conclusions

16. The complaint was upheld.

### Remedial action required

17. Having upheld the complaint, the Committee considered what remedial action should be required.
18. The Committee considered that the newspaper should publish a correction with the prominence of its original offer (in the For the Record section and as a footnote to the online article). The full wording should be agreed with IPSO in advance.

### Draft correction for Committee's approval

*In an article headlined "Coronation Street and Hollyoaks star suspended by Labour over 'vile' attacks on Jewish MPs", published on 17 April, we reported comments from a named Labour MP who claimed that John Davies had made comments which represented "disgusting justifications of Hitler's stance towards Jews". The article failed to link this comment to the support Mr Davies had given to Ken Livingstone who had spoken about Hitler's support for a Jewish state, which was reported elsewhere in the article.*

## Appendix D

### 03497-19 Club 1872 v dailyrecord.co.uk

#### Summary of complaint

38. Club 1872 complained to the Independent Press Standards Organisation that dailyrecord.co.uk breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Sex abuse victims 'left suicidal' after being tortured by sick football chants", published on 20 April.
39. The article reported that survivor groups had warned of a growing problem in Scottish football whereby chants and explicit banners about child abuse had featured at matches. It reported that "organisations say it has led to an increase in calls for help from survivors – and even claim it's leaving some suicidal". The article went on to report that "Banners showing sex acts being performed have also appeared at other stadiums" and that Ibrox was one of these two stadiums. It then featured comments from a member of a childhood abuse organisation who said "Recent football matches have seen a lot of these disgusting chants. There have also been banners with pictures of priests abusing young boys."
40. The complainant, the second largest shareholder in Rangers football club, said the article was inaccurate. It said that banners depicting sex acts had not appeared at Ibrox.
41. The publication said that the banner in question appeared at a Glasgow derby match between Rangers and Celtic in December. The publication said that it had been informed prior to publication by the charity representative quoted in the article that the banner had appeared. It provided a statement from the representative, who said that he had been sent an image via social media of a banner at Ibrox depicting a priest engaging in sexual activity with a boy. The representative said that he was then contacted by a member of the charity's group who said he was at the game and had seen this banner first hand at the same match. The publication provided a post-publication statement from one of its reporters who attended the match in a non-professional capacity as a fan. The reporter said that a banner had been unfurled in another part of the stadium, which showed a caricature of a priest having sex with what appeared to be a minor.
42. The complainant emphasised that the reporter was not an independent witness and questioned the veracity of his statement. It highlighted the vagueness of his account; he was unsure of the stand the banner appeared in and he had changed his position. The complainant said that the charity representative had not seen the banner at the match first hand; he had been shown an image by someone online which he could not produce, and said that an unnamed third party had told him the banner appeared at the match; this was not sufficient to substantiate the claim that the banner appeared as fact. The complainant produced publicly available videos of the stand in question at various points prior to kick off, which showed no banner matching the description. It provided a statement from the club's safety officer stating that no banner had been seen or reported. It noted that none of the 62 journalists and 28 photographers at the game in a professional capacity had mentioned or photographed the banner and as this was one of the most watched games in world football, it was not credible to suggest that the publication's reporter was the only person to have seen it.
43. The publication did not accept the complainant's position as a valid argument; just because they were not aware of the banner and could not find an image of it post-match did not mean it could not have possibly been unfurled. It said that the complainant had not

produced footage from the entire ground, for the entire duration of the match and pivotally in the minutes leading up to kick-off, which was when the reporter said he had seen it in his personal witness testimony. The publication said that it stood by the testimony of its reporter and emphasised that the Committee could not make a ruling on whether something was or wasn't seen at a particular moment in time.

44. Further, the publication directed the Committee to provision 8 of IPSO'S regulations, which states:

*The Regulator may, but is not obliged to, consider complaints: (a) from any person who has been personally and directly affected by the alleged breach of the Editors' Code; or (b) where an alleged breach of the Editors' Code is significant and there is substantial public interest in the Regulator considering the complaint, from a representative group affected by the alleged breach; or (c) from a third party seeking to correct a significant inaccuracy of published information. In the case of third party complaints the position of the party most closely involved should be taken into account.*

The publication said that as the complainant is a third party, under provision 8(c), the Committee could only consider a complaint on the basis that the complainant was "seeking to correct a significant inaccuracy". Therefore, IPSO did not have jurisdiction to examine the care that was taken or whether the publication had failed to distinguish between comment, conjecture and fact. It asked the Committee to consider whether the complaint should have been taken forward in the first instance.

#### **Relevant Code Provisions**

45. 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**

46. The Committee first considered the publication's position that the complaint should not have been taken forward. The Committee considered the terms of Regulation 8 which provides that IPSO may consider a complaint from a third party which seeks to correct a significant inaccuracy of published information. The complaint under consideration was that the article had made a significantly inaccurate factual claim (namely, that the banners had appeared at the stadium) which required correction. In those circumstances, the Committee was satisfied that the Regulations provided the jurisdiction necessary for consideration of the complaint under each sub-clause of Clause 1.

47. The article had reported, as fact, that the banners described in the article had been seen at the stadium. The publication accepted that, at the time of publication, it had not relied upon the account of the journalist who had attended the match. The article was based solely upon the account of the charity representative, who had not been in attendance at the stadium; he said that he had received a picture of the banner via social media and had been told that the banner had appeared by a member of the charity's group. By presenting the charity representative's account as fact, the publication had failed to take care not to publish inaccurate or misleading information in breach of Clause 1(i). This was significantly misleading, given the nature of the banners which were reported as having appeared at the stadium, and required correction. In breach of Clause 1 (ii), the publication had not offered a correction.

## Conclusions

10. The complaint was upheld.

### Remedial action required

11. Having upheld the complaint, the Committee considered what remedial action was appropriate. In circumstances where the Committee establishes a breach of the Editors' Code, it can require the publication of a correction and/or adjudication. The nature, extent and placement of which is determined by IPSO.
12. In this case, the Committee considered that the newspaper had been entitled to report the account of the charity representative provided that it was clearly presented as such. The Committee considered that the appropriate remedy for the breach of Clause 1 was the publication of a standalone correction, and as a footnote to the article. The correction should make clear that the reported appearance of the banner at the stadium was a claim which had been made by an individual who had not witnessed the event first hand. The wording should state that the correction was being published following an upheld decision by the Independent Press Standards Organisation, and the full wording should be agreed with IPSO in advance.

### Proposed correction for the Committee's approval

An article headlined, "Sex abuse victims 'left suicidal' after being tortured by sick football chants", published on 20 April, reported that "banners showing sex acts being performed" had appeared at Ibrox stadium. Our article did not make clear that this was based on a claim made by a charity representative reporting what he said he was told and shown by a third party. Dailyrecord.co.uk has not been able to substantiate the factual claim made by the publication in the article that such a banner has appeared at Ibrox. This correction has been published following a decision by the Independent Press Standards Organisation.

## Appendix E

### Decision of the Complaints Committee 06056-19 Baker v The Daily Telegraph

#### Summary of Complaint

1. David Baker complained to the Independent Press Standards Organisation that The Daily Telegraph breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "'Public backs Johnson to shut down Parliament for Brexit'", published on 13 August 2019.
2. The article reported on a poll which had been commissioned by the newspaper. It reported that this poll had suggested that the Prime Minister had "the support of more than half of the public to deliver Brexit by any means, including suspending Parliament". It went on to explain that the poll had found that "...54 per cent of British adults think Parliament may have to be prorogued to prevent MPs stopping a no deal Brexit". This statement appeared on the front page of the publication.
3. The article also appeared online on 12 August 2019 with the headline "Boris Johnson has public's support to shut down Parliament to get Brexit over line, exclusive poll suggests". It was largely the same as the print article, with the addition of a segment which reported other findings of the same poll.
4. The complainant said that the article had distorted the findings of the poll, in breach of Clause 1. He said that the poll did not find that "more than half" of the public, or 54% of British adults, agreed that Parliament should be prorogued to prevent MPs stopping a no-deal Brexit. In fact, the poll had found that 44% of respondents agreed with this statement, 37% disagreed, and 19% said that they did not know; it was not the case that a majority of people agreed. The complainant said that in order to claim that the poll had found that 54% of respondents agreed with the statement, the article had excluded the respondents who had answered "don't know", and had then calculated the level of support as split only between the remaining respondents who had expressed a view. He said that failing to make this fact clear meant that the article was a misleading report of the poll.
5. The publication did not accept that the article had distorted the poll or contained any significant inaccuracies. It said that it had relied on the polling company's own press release which was a summary of the poll's findings, in which it said that a "majority of public would support proroguing Parliament to deliver Brexit" and that "a majority (54%) of the public agree that Boris Johnson needs to deliver Brexit by any means, even if that meant suspending Parliament". It said that it was entitled to rely on this press release, and that it was common practice for articles reporting on polls to exclude "don't knows" from results. It provided several examples of where other publications had reported polls in this way and noted that the polling company had released a statement commenting on the practice of excluding "don't knows" from results, which said that "every political pollster recalculates data to exclude the undecided".
6. Furthermore, the publication said that excluding the "don't know" responses did not give a misleading impression of the overall results of the poll. It was not in dispute that the largest number of people had supported the statement that Parliament may need to be prorogued to prevent MPs stopping a no-deal Brexit; it said that in the broad content of the current political debate over Brexit, and the poll's significance in this

context, the distinction between reporting that a “majority” of respondents, and the “largest proportion” was trite and meaningless.

7. Nevertheless, the publication said that in response to concerns, it had amended the online article to state that “[Prime Minister] has the support of most people who have an opinion to deliver Brexit by any means, including suspending Parliament, according to a poll” and that the survey found that “54% of British adults who expressed a view think Parliament should be prorogued to prevent MPs stopping a no-deal Brexit”. It also published the following wording as a footnote to the online article, and in print in its corrections and clarifications column on page two, on 15 August, two days after the original article was published:

Poll results

A 13 August article reported that 54 per cent of the public think Parliament may have to be prorogued to deliver Brexit by Oct 31. This was the proportion of respondents in a ComRes poll who agreed that the Prime Minister “need to deliver Brexit by any means, including suspending Parliament if necessary.” This figure however excluded those who expressed no view. Of all respondents 44 per cent, 37 per cent disagreed and 19 per cent didn’t know.

8. The newspaper said that should the terms of Clause 1(ii) be engaged, the published correction adequately clarified any ambiguity which may have arisen from the original article and was sufficiently prompt and prominent, so as to satisfy the requirements of this Clause. It said that the Corrections and Clarifications column on page two was well known to readers as the place to look should a correction or clarification be required, and was prominently placed within the newspaper; publishing wording elsewhere would be unexpected and thus less prominent for readers. It said that there was no significant public interest in requiring a front-page correction in this case; there was no argument that the article had affected government’s opinion of possible prorogation, and there were no significant consequences from any possible misapprehension of meaning. Finally, it said that the only part of the front page article which may qualify for greater clarity was the first sentence and did not accept that this created any significantly misleading impression of the poll.
9. Finally, he said that the action taken by the publication was not sufficient and any correction or remedial action should appear on the publication’s front page.

### 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. The article reported that the Prime Minister had “the support of more than half of the British public” or “54% of British adults” to deliver Brexit by any means, including by proroguing parliament. These figures only reflected the respondents who had answered yes or no to the statement, and excluded those who answered “don’t know”; the article did not explain this in any way. Although the publication had relied upon the summary of the poll results as presented in the press release, it was still incumbent upon the publication to take care to present the poll results accurately regardless of how they may have been presented in the summary. Where the full poll results were readily available, failing to make clear that the “don’t know” responses had been excluded, constituted a failure to take care over the accuracy of the article. There was a breach of Clause 1(i). Excluding the respondents who had answered “don’t know” to the poll meant that the article was able to report that the statement had majority rather than a minority of support among respondents. As such, the statement was significantly misleading as to the findings of the poll, and thus required correction under the terms of Clause 1(ii).
  
12. The Committee then considered whether the corrections which had been printed satisfied the requirements of Clause 1(ii). The Committee expressed some concern about the clarity of the correction, but concluded that it had adequately identified the inaccuracy and the correct position, such that it met the requirements of Clause 1(ii). The corrections had been published two days after the article was published, prior to the publication becoming aware that IPSO had received any complaints about the article. This was sufficiently prompt. The Committee also considered that the corrections were published in sufficiently prominent positions: online, the correction was published as a footnote to the article, and in print, the correction appeared on the newspaper’s page two Corrections and Clarifications column. Although the inaccuracy appeared on the front page, the Committee was mindful that a newspaper’s established Corrections and Clarifications column is a familiar and clearly marked area where readers can find corrections, and any wording contained within this column is clearly signalled as a correction or clarification. Furthermore, in deciding whether a correction is sufficiently prominent to satisfy Clause 1(ii), the Committee must act in proportion to the breach; in this case, the inaccuracy was confined to one finding of the poll, and did not change the article’s headline claim or overall findings. For these reasons, the Committee considered that the publication of the correction made the correct position clear, and was sufficiently prompt and prominent to remedy the breach of Clause 1(i) and there was no breach of Clause 1(ii).

### Conclusions

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

### Remedial action required

14. Having upheld the complaint, the Committee considered what remedial action should be required
  
15. The publication had published a correction sufficiently promptly and with due prominence as to meet the requirements of Clause 1(ii). There was no further breach of Clause 1(ii), and no further remedial action required.

## APPENDIX F

Paper No.	File Number	Name v Publication
1736	02901-19	McPherson v The Herald
1745	04771-19/04772-19	Ward v The Daily Telegraph/Telegraph.co.uk
1746	03688-19	Ward v The Mail on Sunday
1756	03164-19	Walker/Thompson v Hull Daily Mail
1769	03372-19	O'Grady v The Spectator
1774	04467-19	Law MP v Daily Record
1776	06020-19	Wilkins v The Daily Telegraph
1777	05942-19	HRH The Duke of Sussex v The Mail on Sunday
1778	04961-19	Cowan v The Herald
1779		Request for review
1782	05311-19	Gregson v Sunday Herald
1785		Request for review
1792		Request for review
1796		Request for review
1802		Request for review