
MINUTES of the COMPLAINTS COMMITTEE MEETING
Wednesday 4 September 2019 at 10.30am
Gate House, 1 Farringdon Street, London EC4M 7LG

Present

Richard Best (Deputy Chairman)
Nazir Afzal
Andrew Brennan
Janette Harkess
David Hutton
Mark Payton
Andrew Pettie
Miranda Winram
Peter Wright

In attendance:

Katrina Bell, Complaints Officer
Michelle Kuhler, PA and minute taker
Lauren Sloan, Joint Head of Complaints
Matt Tee, Chief Executive

Also present: Members of the Executive:

Rosemary Douce
Darryl Garvey
Alice Gould
Vikki Julian
Sophie Malleson
Thomas Moseley
Charlotte Urwin

Observers:

Jonathan Grun, Editors Code Committee

1. Apologies for Absence

Apologies were received from Sir Alan Moses, Helyn Mensa and Lara Fielden.

2. Declarations of Interest

Andrew Pettie declared an interest in item 9, and left the meeting for this item.

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 24 July.

4. Update by the Chief Executive – oral

The Chief Executive updated the Committee on recent events. He welcomed Darryl Garvey and Alice Gould, our new Complaints Officer's and Sean Sutherland our new Complaints and Arbitration Officer to the meeting.

He welcomed Lauren Sloan back to the office and expressed his thanks to Katrina Bell and Thomas Moseley for stepping up in light of recent staff changes and Charlotte Urwin for the overall management of the office during this period.

He also informed the Committee that the funding for IPSO had been confirmed for the next five years. He updating the Committee on the positive results from the ballot carried out with all publishers and that the changes to the regulations had gone through smoothly.

The Chief Executive finished by confirming the new Chairman's appointment, Lord Edward Faulkes.

5. Matters arising

There were no matters arising.

6. Complaint 04850-19 Young v Teesside Live

The Committee discussed the complaint and decided that it would benefit from further discussion by the Complaints Committee at the October meeting.

7. Complaint 08064-18 Gordon v Sunday World

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

8. Complaint 02595-19 Portman v The Times

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

9. Complaint 04527-19 Portes v The Daily Telegraph

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

10. Complaint 03372-19 O'Grady v The Spectator

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

11. Complaints not adjudicated at a Complaints Committee meeting

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

12. Any other business

Complaint White v The Jewish Chronicle

13. Date of next meeting

The date of the next meeting was confirmed as Wednesday 9th October 2019.

The meeting ended at 12.30pm

Appendix A

Decision of the Complaints Committee 08064-18 Gordon v Sunday World

Summary of Complaint

1. John Gordon complained to the Independent Press Standards Organisation that the Sunday World breached Clause 1 (Accuracy) and Clause 2 (Privacy) of the Editors 'Code of Practice in an article headlined "HUMILIATED & TERRIFIED" published on 23 December 2018.
2. The article reported on an attack against members of a security firm as they attempted to evict tenants from a farm in the Republic of Ireland. It said that a gang ambushed the men, and the owner of the firm – named as Ian Gordon – had a gun put to his head, as the gang shot his Alsatian security dog. The article said that when a reporter went to Mr Gordon's house – the driveway of which it described as being "filled with expensive 4x4 vehicles and work vans" – his wife said that her husband would not be coming to the door as "he doesn't want to talk about it". The article reported the general geographic area of the complainant's home. The article then went on to give details of Mr Gordon's security firm, saying that it carried out work quoted as being work which "nobody else will touch", including removing material from two unnamed controversial bonfire sites in East Belfast the previous July.
3. The complainant, the man named in the article as Ian Gordon, said that the article contained several inaccuracies. He said that he had not carried out the clearing of bonfire sites in East Belfast, and this was a damaging and contentious claim. During the course of the complaint, the complainant provided two letters from Belfast City Council. The first said that no contract was issued to the complainant's company to clear bonfire material at a named location in Belfast last July. The second letter said that the complainant's company had not undertaken any work for Belfast City Council within the last three years.
4. The complainant also said that it was inaccurate to report that his dog was an Alsatian, and was shot. He said that the dog was not an Alsatian, and was in fact badly beaten and had to be put down. He said that he could provide an autopsy report from the vet to show this. He said that it was not true that his wife had told the reporter that "he doesn't want to talk about it". Instead, he said that she told the reporter "We don't want to talk to you, please leave". He also said that it was inaccurate to report neighbours' claims that he was in "a state of shock" – he had not spoken to any neighbours and he disputed that they would have had any knowledge of his wellbeing. He also said that it was misleading to state that his driveway was "filled with expensive 4x4 vehicles" as some of these belonged to family and workmen.
5. The complainant said that including reporting the general location of his home intruded into his privacy in breach of Clause 2 (Privacy), and added to the threat against him and his family.
6. The publication did not accept that it was significantly misleading to refer to the dog which died as an Alsatian – it said that from the photograph published in the article, the dog looked like an Alsatian, and in any event, the breed was not relevant to the overall story. The publication said that it spoke to three sources who said that the dog had been shot – it was not in dispute that the dog died as result of a brutal attack. However, it accepted that it did not have access to any vet records or an autopsy report, and so was willing to put the complainant's position on the record on this point. It proposed a correction which read:

“We published an article on 23 December 2018 headlined “HUMILIATED & TERRIFIED” which reported on the recent attack on [name] and Ian Gordon. Our article stated that Mr Gordon’s dog had been shot during the attack – we have now been informed by Mr Gordon that, in fact, his dog was badly beaten and sadly had to be put down following the attack. We apologise to Mr Gordon for any confusion.”

7. The publication did not accept that it was inaccurate to state that the complainant had been involved in clearing bonfire sites in East Belfast the previous July. It said that this information had been provided by a number of reliable and well-informed sources – although it had an obligation to protect these confidential sources, it said that one was from the political sphere, and the other was a former colleague of the complainant. It said that the information included in the first letter provided by the complainant was meaningless as the article did not make any claim as to the complainant’s involvement at the site named in this letter, furthermore, it was possible that the council did not issue formal contracts at all for the bonfire clearing. In response to the second letter, the publication said that it was willing to put the complainant’s position on record. Within 2 weeks of being provided with this letter, it amended its previous offer of correction to read as follows:

“We published an article on 23 December 2018 headlined “HUMILIATED & TERRIFIED” which reported on the recent attack on [name] and Ian Gordon. Our article stated that Mr Gordon’s dog had been shot during the attack – we have now been informed by Mr Gordon that, in fact, his dog was badly beaten and sadly had to be put down following the attack. The article also stated that Mr Gordon had been involved in clearing bonfire sites in East Belfast – we now understand from Belfast City Council that G.S Agencies were not involved in clearing bonfire sites or were contracted by the Council to carry out any work on its behalf within the last 3 years. We are happy to make this clear and apologise to G.S. Agencies for any distress caused”.

The publication recognised the need for due prominence, and offered to print the wording between pages 6-10. It said that pages 1-10 were the most read pages of the publication. It said that the reason for the delay in offering the second correction was due to the dispute over the accuracy of the sources in relation to the bonfire clearing. Once it had the letter from Belfast City Council, it said that it promptly offered to put the complainant’s position on record and amended its offered wording accordingly.

8. These offers of correction were declined, and the complainant indicated during the course of the complaint that he did not want his name or details of his complaint republished in a correction. He said that the apology which was offered was not expressed strongly enough as the allegation that he was involved in bonfire clearing led to increased threats against him and caused damage to his personal and professional reputation.
9. The publication did not accept that the article had inaccurately reported the complainant’s wife’s comment. In addition, it noted that the article did not state that Mr Gordon had discussed the attack with his neighbours, but said that it was not in dispute that the

journalist had talked to his neighbours, and the article was entitled to report their comments. Similarly, the publication said that it was not in dispute that there had been many large cars in the complainant's driveway – the article did not make any claim as to who owned the cars.

10. The publication did not accept that the article intruded on the complainant's privacy. It said that it referenced the complainant's home in general terms and took care not to publish any images of his home, or identify anyone unconnected to the events.

Relevant Code Provisions

11. 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.

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.

Findings of the Committee

12. The publication said that it had relied on two sources when reporting the claim that the complainant had been involved in clearing bonfire material in East Belfast the previous July. The Committee noted that the publication believed that these would have had first-hand knowledge of these specific claims, and the publication was entitled to report these source's claims. However, the article had presented these claims as points of fact, rather than claims, and in such circumstances there was a requirement to corroborate the information provided by the confidential sources. The publication had not taken any steps to corroborate these claims, and so there was a failure to take care over the accuracy of

the article and a breach of Clause 1(i). Where the claims related to contentious and high profile activities allegedly carried out by the complainant and his business, and where the complainant was able to provide a letter from Belfast City Council which confirmed that his company had not undertaken any work on its behalf within the last three years, reporting the claims as fact represented a significant inaccuracy and a correction was required in order to avoid a breach of Clause 1(ii).

13. The article had reported that the complainant's dog had been shot; the complainant said that the dog's autopsy report showed that it had to be put down after being badly beaten. The publication said that the claim was provided by sources, however the claim was reported as a point of fact, and so there was a requirement to corroborate this information. The publication did not obtain any corroboration in relation to these claims, and the Committee considered that reporting that the dog had been shot was a significant escalation of the violence used against the dog, and by extension, in the wider attack against the complainant and his employees. As such, there was a failure to take care over the accuracy of the claim, and a breach of 1(ii), and where the inaccuracy was significant, a requirement to correct under the terms of Clause 1(ii).
14. The Committee then considered whether the correction which was offered satisfied the obligations required under Clause 1(ii). The correction which was offered identified the article's original claim in regards to both the complainant's involvement in the bonfire clearing, and the circumstances of the attack on his dog. It also clearly set out the complainant's position on the matter following receipt of a copy of the letter from Belfast City Council, and the findings of the dog's autopsy. It also apologised to the complainant for the distress caused. The article had appeared on page 6, and so the correction must be published on page 6 as offered by the publication, or further forward. Finally, the Committee considered whether the correction was sufficiently prompt. The correction was offered within two weeks of receipt of a copy of the letter from Belfast City Council, however where the complainant had previously indicated that he was reluctant to have a correction published which named him and referenced the attack, the Committee considered that in these circumstances, 2 weeks was sufficiently prompt whilst it was established whether the complainant was willing to accept an alternative resolution to his complaint. In regard to the apology which was offered, Clause 1(ii) says that it should be published "where appropriate". The correction apologised for any distress caused in general terms, which was appropriate, and there was no requirement under the Code for this to encompass all of the points which may have caused the complainant concern. For all of these reasons, there was no breach of Clause 1(ii).
15. The Committee considered the significance of the remaining alleged inaccuracies. The Committee did not consider any inaccuracy regarding the breed of the dog to be significant to the overall story as to require correction and noted that article included a photograph of the dog. Similarly, any discrepancy between the complainant's wife's account of what she told the reporter and what was printed, did not give any significantly misleading impression as to her comments – the report of her comments accurately conveyed that the complainant did not want to speak to the reporter. The Committee noted that a publication can report comments made by a third party with which a person may disagree, as long as these are presented accurately, and attributed to the persons who made them. In this case, the comments had been attributed to the complainant's neighbours and no complaint had been received challenging their accuracy. Finally, the article did not make any claim as to the ownership of the vehicles outside the complainant's house; it was not in dispute that the cars were parked there as described. For all of these reasons, these points did not represent significant inaccuracies which would require correction, and there was no breach of Clause 1 on these points.

16. The article reported the general location of the complainant's house and did not disclose its full address, or include details such as a house name or number. Reporting the home's general location did not reveal anything private about the complainant. Similarly, revealing the existence of or describing the vehicles which were situated in the complainant's driveway did not reveal anything private about him; it simply reported what was visible to any passer-by. For this reason, there was no breach of Clause 2.

Conclusions

17. The complaint was not upheld

Remedial action required

18. N/A

Appendix B

Decision of the Complaints Committee – 02595-19 Portman v The Times

Summary of complaint

1. Viscount Christopher Portman complained to the Independent Press Standards Organisation that The Times breached Clause 1 (Accuracy) of the Editors' Code of Practice in two articles headlined:
 - "British billionaires rush to world's top tax havens" published on 7 March 2019
 - "The tax haven billionaires with a grip on Britain from abroad" published on 8 March 2019
2. The first article reported that an investigation by the publication had found that a third of British billionaires had moved to tax havens after an exodus over the past decade. The article also reported that "many have been given honours or hold titles, with at least one viscount, one baron, six knights and one dame among the billionaires". The article reported that they were among 6,800 Britons controlling 12,000 UK companies from low-tax jurisdictions and that the exchequer is denied billions a year, but that "many still reap the benefits of British assets".
3. The second article continued a "rich list of the 28 tax haven billionaires" started in the first article and included the complainant at number 15 in the list. The article introduced its continuation of the list by reporting that "Those who are also non-UK resident for tax purposes can legally avoid huge amounts of UK tax while maintaining control of British business empires and influencing politics". The article explained that the previous day the newspaper had "profiled the very wealthiest British citizens who have declared that they are "usually resident" in low-tax jurisdictions in company documents or are known to live in or be moving to them". It explained, further, that "Declaring residence in company filings is not the same as officially being non-resident in the UK for tax purposes, which is not disclosed in public documents". Under the complainant's entry, the article reported the complainant's wealth to be £2.3 billion (according to the 2018 Sunday Times rich list) and featured a description of the complainant's UK property portfolio. It reported that the complainant had left Britain and now lives in a property by Lake Geneva and that his family's properties in Britain are managed by a management company and trustees, one of whom is a member of the House of Lords. The article reported that the complainant did not respond to requests for comment.
4. The second article appeared in much the same format online under the headline "Tax haven rich list part 2: Billionaires with a grip on Britain from abroad" published on 7 March 2019.
5. The complainant said that the first article's claim that "many [of the billionaires featured in the coverage] have been given honours or hold titles, with at least one viscount" was a direct reference to him. He said that the article made several specific references to those named in the coverage as having avoided paying UK tax because of being a non-UK tax resident, and that his inclusion in the published list was misleading as he was not non-UK resident for tax purposes and did not avoid paying UK tax. The complainant said that any reader would inevitably, and inaccurately in his case, conclude that all those individuals identified in the article were resident in tax havens to deny HMRC millions of pounds.

6. The complainant said that the second article also breached Clause 1. He said that it inaccurately suggested that he earns a substantial income from a UK property portfolio but that, on account of being resident in Switzerland, he avoided paying tax on this portfolio to the detriment of the exchequer. He said that he is legally required to pay tax on the income generated by this portfolio under the Income Tax (Trading and Other Income) Act 2005; the article had failed to explain this. He said that he had been included in a "rogues gallery" of tax avoiding billionaires who lived abroad and who were accused of denying HMRC of billions of pounds, in circumstances where he paid tax in full on his UK income and resided in Switzerland for personal reasons.
7. The complainant also raised concerns that other articles featured in the coverage of the investigation, which were not formally under complaint, made references to tax avoidance which furthered the misleading impression that he was resident abroad to avoid paying UK tax.
8. The publication denied that the articles were inaccurate or misleading. It said that the articles did not comment on the tax status of the individuals included in the list where it was not known; the articles did not make any specific reference to the complainant's tax status. It said that at no point did the articles under complaint, or the wider coverage, suggest that the individuals paid no UK tax, only that they may legally be able to avoid paying large sums of UK tax, which was not inaccurate. The publication emphasised that, in the course of making his complaint, the complainant had referenced "tax exiles", "tax avoiders" and that he featured in a "rogues gallery", but that none of these phrases featured anywhere in the coverage.
9. The publication accepted that the "Viscount" referenced in the first article did refer to the complainant, but said that given that he was not named in the article, readers would not be aware it was a reference to him without having also read the second article. Further, the reference to the complainant being one of "the many" who had been given honours or hold titles was a reference to the complainant being one of the many billionaires who had moved to tax havens and not to many who avoid tax. The publication argued that even if readers had read both articles, and had identified the complainant as being the Viscount referenced in the first article, the first article did not give rise to a misleading impression that the complainant avoided paying UK tax. The publication highlighted that the coverage explained that "Non-residents for tax purposes can also receive foreign income without paying any UK income tax, although UK salaries and rental income remain taxable"; the publication said that this indicated that the complainant would pay tax on income from property in Britain.
10. The publication suggested that the complainant had misunderstood the meaning of the second article. The list was not a list of billionaires who did not pay UK tax and nor would readers draw this conclusion. It said that the individuals featured in the list were identified as billionaires who had moved to tax havens yet still held considerable sway over British life by being donors to UK political parties, holding large amounts of UK land, holding UK titles or owning UK companies. The publication said that the article simply reported that those who are non-UK tax resident could potentially avoid paying large amounts of UK tax, which was accurate; the articles did not specify where the complainant was tax resident.
11. The publication said that it had put the points under complaint to the complainant for comment prior to publication, but it did not receive a response. It had also offered to amend the online version of the article the day it was published to reflect that the

complainant is resident abroad for personal reasons yet pays UK tax at 45% but the offer was declined.

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 Committee noted that the first article began by explaining "A third of British billionaires had moved to tax havens after an exodus over the past decade" and that it made clear that it was publishing "the list of British billionaires who live offshore while controlling UK businesses, wielding political influence and owning swathes of land". The article made clear that the publication had "assessed where British business owners live based on their company filings, which disclose where they are "usually resident"" and that "It is not possible from public documents to know whether they are also resident abroad for tax purposes...". The article explained, further, that those who become non-UK resident for tax purposes can legally avoid paying UK income tax. The Committee noted that the article also reported that some of the billionaires had said that they lived abroad for reasons including healthy lifestyles, better weather, low crime and closeness to their foreign businesses. The Committee considered the article, as a whole, and found that the reference, in the first article, to the complainant being one of the "many" who had been given honours or hold titles was a reference to him being one of the British billionaires who had moved to a tax haven. The Committee acknowledged that the article had stated that the exchequer was "denied billions", but this was said in a paragraph which referenced 6800 Britons who control 12,000 UK companies from low tax jurisdictions; the billionaires who were included in the published list were not explicitly referenced. The article reported on billionaires who had moved to tax havens and the complainant accepted that he resided in Switzerland. The Committee did not find that the article, taken as a whole, would have been understood to mean that the complainant avoids paying UK tax on account of being resident in Switzerland. The article was not inaccurate or misleading in breach Clause 1.

14. The second article, in which the complainant was named, began by repeating the explanation of the coverage which had appeared in the first article: "After an exodus of business owners over the past decade, almost a third of British billionaires have moved to tax havens". The second article reported that those on the list who were also non-UK resident for tax purposes can legally avoid paying UK tax. The profile of the complainant explained that he had left Britain and now lives in a property by Lake Geneva, but did not identify him as being non-UK resident for tax purposes. The Committee considered that it

was sufficiently clear that the article was part of an investigation of British billionaires who had left the UK to live abroad, while still wielding influence over certain aspects life in the UK, and that the basis for the complainant's inclusion in the article was also clear: the complainant had an extensive UK property portfolio which was managed, in part, by a member of the House of Lords. The articles did not make any specific comment or reference to the complainant's tax status, and the Committee did not consider that, by including him in the published list, the article gave rise to a misleading impression that the complainant avoided paying UK tax. In circumstances where the article did not make any specific reference to the complainant's tax status, the article was not significantly misleading by having omitted to make reference to the complainant's obligations to pay tax on income from properties in Britain under the Income Tax (Trading and Other Income) Act 2005. The publication had approached the complainant for comment as to his reasons for moving to a tax haven and as to his tax status, but the complainant's representatives had chosen not to comment. The publication had taken care over the accuracy of the information which had been published in the articles which, for the reasons explained above, were not inaccurate or misleading. There was no breach of Clause 1.

Conclusions

15. The complaint was not upheld

Remedial action required

16. N/A

Appendix C

Decision of the Complaints Committee – 04527-19 Portes v The Daily Telegraph

Summary of complaint

17. Jonathan Portes 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 "The one move that will transform the life chances of a generation" published on 3 June 2019.
18. The article was a comment piece, in which the columnist called for the Conservative party to address disparities in the UK education system. The first paragraph reported that "It is an extraordinary fact that this country is forecast in our lifetimes to become the largest and most prosperous economy in this hemisphere".
19. The article also appeared online in much the same format under the headline "Conservatives must address our country's shocking educational disparities" published on 2 June 2019.
20. The complainant said that the article was inaccurate. He said that there is no forecast that predicts that the UK economy will be the largest and most prosperous economy in our hemisphere or any hemisphere in our lifetime. The UK economy was not forecast to overtake the United States of America, the largest economy in the Western Hemisphere and North Hemisphere, or China, the largest economy in the Eastern Hemisphere.
21. The publication accepted that the article should have stated that the UK was forecast to become the largest and most prosperous economy in Europe and not "this Hemisphere". It said that that this claim was based on an extrapolation of an OECD forecast of real GDP from 2020-2060, which, despite placing the UK behind Germany in 2060, showed the UK overtaking Germany to become Europe's largest economy at some point around 2065-2070 based on trends. It said that by their nature, any GDP forecast is an extrapolation of highly variable and unpredictable economic and social indices and the OECD had simply made a prediction. It said that an extrapolation beyond the forecast is no more or less valid than the forecast itself; it could be reasonably inferred that UK GDP would overtake Germany's and this did not represent a significant inaccuracy.
22. The publication emphasised that "prosperous" is a subjective term and does not exclusively invoke any one index. Therefore, the writer was entitled to interpret real GDP as a measure of prosperity and that the UK was forecast to be the most prosperous economy in Europe. The publication also emphasised that the article should be considered in the context of it being a comment piece; the columnist made an exposition of a particular and subjective point of view and was making an argument, he was not setting out facts in the same way as would be associated with a news story.
23. Notwithstanding its position that there was no breach of the Code, the publication amended the online article and published a footnote correction 2 weeks after the matter had been referred. The publication offered to publish the same wording in print in its Corrections & Clarifications column. It published the following wording online:

CORRECTION: This article originally stated that the UK is forecast to become the largest economy "in this hemisphere". This was based on OECD data, which in fact predict the UK becoming the largest GDP in Europe. We are happy to clarify.

24. The publication then offered to amend the above to include that "the UK is forecast to become the largest and most prosperous economy in this hemisphere".
25. During IPSO's investigation the publication offered to publish the following wording:

UK GDP

A 3 June article stating that the UK is forecast to become the largest and most prosperous economy "in this hemisphere" should have said 'Europe' rather than 'this hemisphere'. It was based on an extrapolation from an OECD forecast which - though it offers no data beyond 2060 - suggests the UK's GDP will surpass Germany's not long after that date.

26. The complainant rejected the publication's offers. He said that OECD forecasts could not be extrapolated beyond the period for which they are valid; they are based on detailed methodologies and extrapolating into a time period not forecast by the OECD to claim that they suggest anything based on trends was inaccurate. Further, the offered remedies did not adequately address the claim that the UK was due to become the most prosperous economy; there was no forecast which made this claim and no definition under which the UK is forecast to become the most prosperous economy in Europe. The complainant said that the publication's justification, that prosperity could be defined by real GDP, was flawed; this logic would imply that Ethiopia was more prosperous than Iceland.
27. The complainant also highlighted that the publication's position that the claim was a personal exposition of a subjective point of view as part of a comment piece did not correlate with its position that the columnist had based this claim on an extrapolation of an OECD forecast.

Relevant Code Provisions

28. 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

29. The article stated that the UK was forecast to become the largest and most prosperous economy in this hemisphere, when by the publication's own admission this should have referred to Europe; this represented a failure to take care not to publish inaccurate

information in breach of Clause 1(i). In circumstances where the article appeared to claim that the UK was forecast to become the world's largest economy, this represented a significant inaccuracy and required correction under the terms of Clause 1(ii).

30. The Committee noted the publication's position that the claim that the UK was forecast to become the largest and most prosperous economy in Europe was based on an extrapolation of an OECD forecast, and that forecasts are by their nature predictive and not definitive. The Committee did not consider that stating that the UK was due to be the most prosperous economy as a result of it having the largest real GDP was misleading; real GDP could legitimately be considered as one of several measures of an economy's prosperity. However, the article did not make clear that the columnist extrapolated outside the time range of an official forecast, based on trends within that forecast. The publication had published a prominent claim in the opening paragraph which had given a significantly inaccurate impression that the UK was forecast to become the largest and most prosperous economy in our lifetimes, when the forecast supplied by the publication to substantiate this claim, made by an intergovernmental economic organisation, did not make this prediction. While the columnist was entitled to speculate on the size and prosperity of the UK economy based on economic trends, by not making clear that this was the columnist's own extrapolation of the data the publication had failed to take care not to publish inaccurate information. Further, by prefacing this prominent assertion with "It is an extraordinary fact..." the reader, who might usually be sceptical of claims within a comment piece was invited to accept this information as "fact", where there was no data to support this position, this represented a failure to take care over the presentation of this claim. A correction was required under the terms of Clause 1(ii).
31. The publication accepted that the article's claim that the UK economy would become the largest economy in this hemisphere, was inaccurate. The publication published a correction on this point within two weeks of referring the complaint and it offered to further amend this wording soon after; this was sufficiently prompt under the terms of Clause 1(ii). Further, the Committee considered that a correction published in print in the newspaper's Corrections & Clarifications column on page 2, and with the online article as a footnote represented sufficiently prominent positions in which to address the inaccuracies.
32. However, the Committee did not consider that the publication's proposed wording was sufficient to address the specific inaccuracies in the article and did not make the correct position clear. The wording provided by the publication stated that the forecast had "suggested" that the UK would become the biggest economy in Europe, however, where there was no data beyond 2060, the Committee did not find that there was sufficient grounds to report that the forecast suggested that UK GDP would surpass Germany's as the largest in Europe. In fact, this was the columnist's own extrapolation beyond the time frame covered by the forecast data, which the wording of the article did not make clear. The offered wording was not sufficient to correct the misleading impression created by the article and there was a breach of Clause 1(ii).

Conclusions

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

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 publication had offered to publish a correction in a prominent position and sufficiently promptly as to meet the requirements of Clause 1(ii). Where the article, a comment piece, was commenting on disparities in the UK education system and not economics, and where the inaccurate claim was not the central claim of the article, the Committee considered that the appropriate remedy was the publication of a correction.
36. 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.

Suggested correction wording for consideration by the Committee

An article published on 3 June 2019 reported that the UK is "forecast in our lifetimes to become the largest and most prosperous economy in this hemisphere". This was based on an OECD forecast of UK and Germany GDP 2020-2060. This forecast did not predict that the UK economy will surpass Germany's, as reported in our article and this claim was the columnist's own extrapolation of this data beyond the timeframe of this forecast. In addition this data was in relation to Europe and not to this hemisphere. This correction has been published following an upheld ruling by the Independent Press Standards Organisation.

Appendix D

Decision of the Complaints Committee 03372-19 O'Grady v The Spectator

Summary of Complaint

1. Jonathan O'Grady complained to the Independent Press Standards Organisation that The Spectator breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Break point" published on 16 February 2019
2. The article was a leader article which discussed ongoing Brexit negotiations and the implications of possible outcomes. It referred to public opinion on a possible Brexit agreement, and noted that "polls show that even in Northern Ireland, 40 per cent support no deal"
3. The article also appeared online with the headline "The EU and UK are one sentence away from a Brexit deal. Why the games?" It was substantially the same as the print version.
4. The complainant said that it was misleading to state that polls showed that 40 per cent of people in Northern Ireland supported a no deal Brexit. He provided a poll which showed that 15.2% of people from Northern Ireland supported a 'Hard exit for the UK', and 23.5% supported a 'Hard exit for the UK, soft exit for Northern Ireland', whereas 61.3% supported a 'Soft exit for the UK'. The complainant said that the poll provided by the publication as misleading; the results had been obtained via a forced choice between two outcomes.
5. The publication did not accept that there was any breach of Clause 1. It said that it had relied on a poll which showed that 37% of people in Northern Ireland would support a no deal Brexit over Theresa May's deal. It also said that in the context of this article was focussed on Brexit plans and policies in general, the reference to the statistic was fleeting and did not form any central part of the overall article. It said that it was entitled to report this finding and had done accurately, and that all polls asked respondents to choose between options; in the context of this article, it was not misleading in this not to report this fact. However, in response to the complaint, it amended the online article to make the poll's findings clearer: "Polls show that even in Northern Ireland, 37 per cent support no deal over Theresa May's deal".

Relevant Code Provisions

6. Clause 1 (Accuracy)
 - i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
 - ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.
 - iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.
 - iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

Findings of the Committee

7. The publication provided a poll which showed that approximately 40% of respondents supported a no deal Brexit, when asked to choose between a no deal Brexit and Theresa May's deal. The fact that other polls may show a different level of support when

respondents were given different choices did not make the article inaccurate in reporting this poll. Furthermore, it was not misleading not to make reference to the options available to the respondents in the poll, as the article was not an in-depth analysis of the poll and its findings. Instead the reference was used to illustrate the article's wider point regarding attitudes to Brexit and the deals proposed. There was no failure to take care in reporting this statistic, and no misleading impression requiring correction. There was no breach of Clause 1. However, the Committee welcomed the publication's willingness to clarify the point online.

Conclusions

8. The complaint was not upheld

Remedial Action

9. N/A

Appendix E

Paper No.	File Number	Name v Publication
1732	01555-19	Mermaids and Gendered Intelligence v The Sunday Times
1735	04544-19	Collinson v The Chronicle (Newcastle)
1737		Request for review
1738	01212-19	Ashley v The Sun
1739		Request for review
1740	04123-19	Phillips v dailyrecord.co.uk
1741	04779-19	Bergdorf v The Times
1744		Request for review