

**Minutes of the Complaints Committee Meeting
Tuesday 3 September 2024 at 10:30am
Gate House**

Present

David Hutton – Deputy Chair
Bulbul Basu
Sarah Baxter
Andy Brennan
Carwyn Jones
Alastair Machray
Asmita Naik (*remotely*)
Mark Payton
Allan Rennie (*remotely*)
Ted Young

In attendance:

Charlotte Dewar, Chief Executive
John Davidson, Head of Communications
Emily Houlston-Jones, Head of Complaints
Michelle Kuhler, PA & minute taker, (*remotely*)
Molly Richards, Senior Complaints Officer

Also present: Members of the Executive:

Ellie Richards Coldicutt
Tom Glover (*remotely*)
Natalie Johnson
Heather McCrum
Rebecca Munro
Marcus Pike
Hira Nafees Shah (*remotely*)
Sophie Thomsett

Observers:

Jonathan Grun, Editors' Code of Practice

1. Apologies for Absence and Welcomes

The Deputy Chair welcomed everyone attending the meeting and observer Jonathan Grun.

Apologies were received from Edward Faulks, Alice Gould and Manuela Grayson.

2. Declarations of Interest

Declarations were received from Emily Houlston-Jones for item 8, Emily left the meeting for the item.

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 16 July 2024.

4. Matters arising

There were no matters arising.

5. Update by the Deputy Chair – oral

The Deputy Chair reminded members of the party on 17th September at Clerkenwell, drinks and nibbles, please let the Michelle know if you will be attending.

There is also the 10th anniversary conference, please reply to Michelle, it will be interesting event.

John Davidson, Head of Communications updated the Committee members on a recent external affairs matter.

6. Complaints update by the Head of Complaints – oral

Emily Houlston-Jones informed the Committee of a few complaints that are in the pipeline.

There is a second unconscious bias session for those that cannot join today's session. The session is scheduled on Tuesday 29th October.

7. Complaint 01690-24/04498-24 Weir v devonlive.com/mirror.co.uk

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

8. Complaint 03844-24 Dawson v spectator.co.uk

The Committee discussed the complaint and ruled that the complaint should be upheld under Clause 12 (i). A copy of the ruling appears in **Appendix B**.

9. Thematic Review: Public interest

Assessment Officer Natalie Johnson presented the review to the Committee. The Committee discussed the review, and thanked Natalie for her thorough and well-prepared paper.

10. Complaints not adjudicated at a Complaints Committee meeting

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

11. Any other business

There was no other business

12. Date of next meeting

The date of the next meeting was subsequently confirmed as Tuesday 15th October 2024.

APPENDIX A

01690-24 Weir v devonlive.com

Summary of Complaint

1. Elizabeth Weir complained to the Independent Press Standards Organisation that devonlive.com breached Clause 1 (Accuracy), Clause 2 (Privacy), Clause 4 (Intrusion into grief or shock), Clause 5 (Reporting of suicide) and Clause 14 (Confidential Sources) of the Editors' Code of Practice in an article headlined "Devon dad's heartbreaking text to wife before walking into sea", published on 16 April 2024.
2. The article – which appeared online only – reported on the death of the complainant's husband, Ben Weir. It appeared under the sub-headline: "Benjamin Weir was described as a 'kind, gentle and caring man'". The article reported that Mr Weir had "unexpectedly ended his own life by walking into the sea at [town name] shortly after sending a heartbreaking message to his wife". It stated that: "[the coroner] noted that he had been seen by NPAS Exeter police helicopter walking along the beach after concerns for his welfare were raised by his family. The Coastguard and RNLI were called to the scene after he was seen entering the water and swimming out some distance." The article also reported the name of the beach where the complainant's husband had died, as well as the name of the village where they lived.
3. The article noted that the coroner read out a statement from the complainant saying that after they met, Mr Weir "took on her two children as his own", that "people were shocked at his passing and no-one was aware of any changes in his behaviour or personality in the weeks leading up to his death", and that "despite working in mental health services herself for over a decade, she did not see anything which suggested he was struggling".

3. The article reported on the circumstances leading to the complainant's husband's death. This included: references to a text he had sent to her prior to his death, both paraphrased and directly quoted; and a summary of the complainant's actions after receiving messages from her husband.

4. The article also reported that the complainant "criticised the police, saying they were ignoring her pleas to find her husband and were not responding to" reports that her husband had been seen on the beach. It reported that "[s]he said that the police had told [a named individual] over the phone to stay by Mr Weir's car and that he told her officers were 'standing around and doing nothing'".

5. The article also reported on the contents of a written statement made by the complainant for the inquest. It said that the complainant "believed that his death was 'preventable'".

6. The article also reported on statements which had been read out during the inquest. One of the statements, written by someone who knew the complainant's husband, reported information about the complainant's, and her husband's, son.

7. The article also reported statements from the emergency services on the circumstances of the complainant's husband's

death; this included the following:

"He [a police tactical flight officer] added that zooming in on the helicopter's camera he could see the man's clothes were wet and covered in sand. [...] The officer's statement noted how the man was swimming further and further out with his face down in the water adding that he appeared to be 'actively trying to drown himself'".

8. The article also reported on evidence given by a police officer during the inquest. It reported that a police officer made it to the beach, which was difficult to reach "due to the tide coming in and the rocks". It also listed a number of reasons given by a police inspector as to why the police did not go into the water – this included that it was "getting

dark”, the complainant’s husband had been “in the water for some time”, and the police were not equipped for a sea rescue.

9. The article also reported on a statement from another police officer – which included that there were a “number of difficulties in accessing the beach area due to the incoming tide and rocks, with some parts of the beach being inaccessible.”

10. Finally, the article concluded by reporting that the coroner “noted that Mr Weir had no history of depression or low mood and there had been no noticeable change in his behaviour. However [...] [s]he also said she had to note how he had had walked into the water, swum out some distance and was seen to repeatedly put his face into the water. She also considered how he may have specifically chosen that location as he knew the area fairly well and ‘chose that particular location at that particular time because of the difficulty it would present for the emergency services in getting to him should they become aware of his location’. As such she recorded a conclusion of suicide”.

11. On 16 April – the day the article was published – the complainant complained directly to the publication. She requested that the article be removed entirely, and said that the information it included was confidential, and contained personal information about her family. She also stated that the article was inaccurate – her husband was called Ben, not Benjamin.

12. The publication expressed its condolences for the complainant’s loss. It declined to remove the article, however, it amended the article’s sub-headline to read “Ben Weir”, instead of “Benjamin Weir”. The publication also removed the reference to the complainant’s and her husband’s son from the article.

13. One week later on 23 April, the complainant complained to IPSO. The complainant stated that the article breached Clause 5 because it was “too graphic”, and contained a “level of detail” which, she said, could give individuals ideas

regarding suicide, and draw them to the particular location, time of day, and method which her husband used. In particular, she objected to the article reporting that her husband was “actively putting his head in the water and trying to drown himself”.

14. The complainant also said that the article breached Clause 2 because it contained information about her and her family which she considered to be private. Specifically, she objected to the inclusion of information about her son that had been heard at the inquest, the village where she lived, and that she worked in mental health services, but was unaware that her husband was struggling. She also expressed concern that the article reported the statement she had given to the police, which she considered confidential, and that her husband “took on her two children as his own”. She also questioned the relevance of this information.

15. Further, the complainant said that the article breached Clause 4 because of the impact it had had on her family, and because it reported information she considered private. She stated that her family were grieving, and the article had made the situation worse by causing them to relive the day of her husband’s death. She also said that the article was too graphic, and reported too much information, in breach of Clause 4.

16. The complainant also stated that the article breached Clause 1, as it referred to her husband as Benjamin instead of Ben.

17. The complainant also stated that the article breached Clause 14 as she considered that it reported private information and was intrusive.

18. The publication did not accept a breach of the Code. Turning first to Clause 5, it said that the article was an accurate report of inquest proceedings. It said that it considered it “appropriate and important” to outline the evidence that demonstrated that the complainant’s husband’s actions were intentional, rather than being a

result of misadventure or an accident. The publication noted that the article reported “particularly strong criticism” of the emergency services’ actions, such as that they were “standing around and doing nothing” – it said, therefore, that it chose to report the chronology of what had occurred on that day, as well as the emergency services’ perspective of the events, in the interest of balanced reporting.

19. Further, the publication said that, given it would be generally understood by readers that walking out to sea when the tide is coming in can be dangerous, the article did not report an unfamiliar or obscure method of suicide, or any excessive level of detail regarding the method used.

20. The publication also noted that the article did not report precisely how long the complainant’s husband had been in the water. In any event, it said this information had been disclosed in the inquest, and so it was entitled to report it.

21. The publication also did not accept a breach of Clause 4. It noted the public interest in reporting inquest proceedings. It also added that, in its view, reporting that the complainant’s husband was called Benjamin did not constitute insensitive reporting in breach of Clause 4.

22. The publication did not accept a breach of Clause 2. It stated that the article did not name or identify the complainant’s child. The publication also added that the village where the complainant lived was not private information, and that all other information which the complainant considered private had been disclosed during the inquest. It said, therefore, it was entitled to report this information.

23. Regarding Clause 1, the publication stated that it had referred to the complainant’s husband as Benjamin due to an “honest error”. Nevertheless, it did not consider this to be a significant inaccuracy.

Relevant Clause Provisions

Clause 1 (Accuracy)

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

Clause 2 (Privacy)*

- i) Everyone is entitled to respect for their private and family life, home, physical and mental 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 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.

Clause 5 (Reporting suicide)*

When reporting suicide, to prevent simulative acts care should be taken to avoid excessive detail of the method used, while taking into account the media's right to report legal proceedings.

Clause 14 (Confidential sources)

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

Findings for the Committee

24. The Committee wished to express its sincere condolences to the complainant and her family for their loss.

25. The complainant had complained that the article as a whole constituted excessive detail regarding her husband's death – it included too much information regarding where and when her husband had died, and she also specifically objected to the inclusion of information she considered to be "too graphic". The Committee noted the information reported in the article. This included the name of the beach in question, as well as information regarding problems with accessing the beach at certain times due to rocks and the tide. The article also reported that her husband was seen "repeatedly [putting] his face into the water", and "actively trying to drown himself".

26. Clause 5 requires that, when reporting on suicide, care should be taken to avoid excessive details of the method used, to prevent simulative acts. This must be balanced, however, against a publication's right to report on legal proceedings – and the Committee had regard, therefore, for the context in which this information appeared.

27. The complainant had criticised the emergency services, stating that her husband's death had been "preventable", and the reported statements given by members of the emergency services – which set out the difficulties in accessing the beach where the complainant's husband died due to rocks and the high tide – provided their response to this criticism. In the Committee's view, the information regarding the beach and its accessibility formed an important part of the inquest proceedings, and reporting it ensured an accurate reflection of both the criticism the emergency services had received and the further contextual information which explained the delays in their response. It also noted the article did not contain further information about the beach and its accessibility beyond what had been heard during the inquest.

28. The Committee also noted – as made clear in the coroner's closing remarks – that information regarding the complainant's husband's actions at the beach was clearly relevant to the coroner's decision of suicide, and it was important for the publication to report this to make clear that the verdict had been correctly

reached. It was clear from the coroner's remarks that the fact the complainant's husband may have chosen "that particular location at that particular time" indicated that the death was not accidental or due to misadventure, and the fact that he was seen repeatedly putting his head in the water also supported a verdict of suicide.

29. Further, while the Committee acknowledged that the publication of the article – and specific details regarding her husband's actions – had caused the complainant concern and upset, it did not consider that the reference to her husband "actively" or "repeatedly" placing his face in the water was excessive detail as defined by Clause 5, where this was directly relevant to explaining the reasons for the coroner's verdict and explained the reasons for the conclusion. There was no breach of Clause 5.

30. The Committee then turned to Clause 4, starting with the complainant's concerns that the article itself was not sensitive, was too graphic, and had caused her family grief. It had regard for the specific information reported in the article, and the context in which it appeared. The Committee again noted that the information had been heard during the inquest, and it had regard for the public interest in reporting on legal proceedings. The Committee, however, balanced this against the publication's obligations under Clause 4.

31. In the Committee's view, the article had been presented in a factual and non-sensational way – it did not consider that it made light of the circumstances of the complainant's husband's death, or the grief felt by his family at his death. Further, the Committee was also mindful that Clause 4 explicitly states that its provisions should not restrict the right to report legal proceedings. The Committee again noted that the complainant's criticisms of the emergency services, and the response of the emergency services – which included information regarding the complainant's husband's actions at the beach – clearly formed a large part of the inquest proceedings. It also noted that it was important the article reported information which made clear that the complainant's husband's death was intentional, and the inquest verdict of suicide was correctly reached – this included his actions and the circumstances leading to his death, such as the text messages he had sent to the complainant.

32. In light of this, the Committee – while it appreciated the distress felt by the complainant – was satisfied that the article was not insensitive in breach of Clause 4.

33. The Committee also considered whether it was insensitive, in breach of Clause 4, for the article to report the complainant's husband's name as Benjamin, as opposed to Ben. The Committee noted that accurately identifying individuals who have passed away is generally of significant importance when reporting on their death. However, in this case, it recognised Ben is generally used as a shorthand form for Benjamin, and that the error – though regrettable – did not appear to have come about due to carelessness on the part of the publication that would render its reporting insensitive. The Committee was therefore satisfied that this did not amount to insensitive reporting and there was no breach of Clause 4.

34. The Committee also considered the complainant's concerns on this point under Clause 1. The Committee again recognised that Ben is generally used as a shorthand form for Benjamin. In light of this, in the Committee's view the publication's unfortunate assumption that the complainant's husband's full name was Benjamin did not constitute a lack of care taken over the article's accuracy. In the context of the article as a whole – the rest of which referred to the complainant's husband as Ben – it also did not consider this was a significant inaccuracy in need of correction, although the Committee regretted the distress this had caused the complainant and welcomed that the publication had promptly amended the error regardless. There was no breach of Clause 1 on this point.

35. The Committee then turned to the complainant's concerns under Clause 2. This Clause is designed to ensure that people's private and family lives are not intruded upon without justification – it is clear that, when determining whether an individual has a reasonable expectation of privacy over information reported, the Committee will take into account the extent to which the information may already be in the public domain.

36. The Committee appreciated that the complainant objected to the reporting of information which she considered private, and irrelevant, to the circumstances of her husband's death. It also noted that she may not have been informed that information disclosed in the inquest could be reported. In this case, however, the information had been made public during the course of the inquest hearing, and was therefore already in the public domain, prior to the publication of the article. Reporting this information, therefore, did not represent an intrusion into the complainant's private and family life and there was no breach of Clause 2.

37. Further, the Committee also did not consider that reporting the village where the complainant lived intruded into her private life – the article omitted her specific street address, and the Committee noted that information regarding the addresses of individuals who have passed away are often given at an inquest to ensure the accurate identification of the individual. There was no breach of Clause 2.

38. Finally, the Committee considered the complainant's concerns under Clause 14. It noted the complainant's view that much of the reported information was confidential. However, Clause 14 relates to the moral obligation of journalists to protect their confidential sources of information, rather than to concerns about the publication of confidential information. There was, therefore, no breach of Clause 14.

Conclusions

39. The complaint was not upheld.

Remedial action required

40. N/A

Date complaint received: 23/04/2024

Date complaint concluded by IPSO: 30/09/2024

04498–24 Weir v mirror.co.uk

Summary of Complaint

1. Elizabeth Weir complained to the Independent Press Standards Organisation that mirror.co.uk breached Clause 1 (Accuracy), Clause 2 (Privacy), Clause 4 (Intrusion into grief or shock), Clause 5 (Reporting of suicide), and Clause 14 (Confidential Sources) of the Editors' Code of Practice in an article headlined "Wonderful' dad sent wife final heartbreaking text moments before walking into the ocean", published on 17 April 2024.

2. The article – which appeared online only – reported on the death of the complainant's husband, Ben Weir. It appeared under the sub-headline: "Ben Weir, 47, was seen entering the sea in Exmouth by a police search helicopter in September 2023 and rescue teams later pulled him from the water, but he died at the scene". The article reported that Mr Weir had "sent a heartbreaking text message to his wife moments before taking his own life by walking into the sea, an inquest heard". It stated that: "A Devon & Cornwall Police helicopter spotted 47-year-old Ben Weir walking along a beach in Exmouth, Devon, and entering the sea in September last year. Coastguard and RNLI crews were scrambled to the area and he was recovered from the water but despite the best efforts of the emergency services, passed away at the scene."

3. The article also reported the contents of a text message the complainant's husband had sent her prior to his death. In reporting on the contents of the text, the article referred to the complainant as "Elisabeth".

4. The article also reported that during the inquest proceedings, the complainant "criticised the police and said they were ignoring her pleas to find her husband". It reported that "[s]he wrote a police officer on the beach refused to speak to her on the phone and officers at her home similarly would not talk to her. She said she believed her husband's death was "preventable".

5. The article also reported statements from the emergency services who had attended the scene:

"The officer stated that the helicopter was deployed to the area between [named beaches] as the missing person was thought to know the area well and may be there. [...] He added that zooming in on the helicopter's camera he could see the man's clothes were wet

and covered in sand. [...] He saw the man walk towards and then into the water, fully clothed [...].

The flight officer immediately called for the RNLI lifeboat and Coastguard to attend the scene as the police helicopter did not have any form of rescue capabilities such as a winch. The officer's statement noted how the man was swimming further and further out with his face down in the water adding he appeared to be 'actively trying to drown himself'."

6. Finally, it reported:

"In conclusion, [the coroner] noted Mr Weir had no history of depression or low mood and there had been no noticeable change in his behaviour.

However, [...] she said she noted how he had walked into the water, swam out some distance and was seen to repeatedly put his face into the water. She also considered how he may have specifically chosen the location as he knew the area fairly well and 'chose that particular location at that particular time because of the difficulty it would present for the emergency services in getting to him should they become aware of his location'.

As such she recorded a conclusion of suicide".

7. The complainant said that the article breached Clause 5 because it was "too graphic", and contained a "level of detail" which, she said, could give individuals ideas regarding suicide, and draw them to the particular location, time of day, and method which her husband used. In particular, she objected to the article reporting that her husband was "actively putting his head in the water and trying to drown himself".

8. The complainant also said that the article breached Clause 2 because it contained information about her and her family which she considered to be private, including the statements she had made to the police. She also stated that she had never given permission for her name to be reported.

9. The complainant said that the article breached Clause 4 because of the impact it had had on her family, and because it reported information, she considered private. She stated that her family were grieving, and the article had made the situation worse by causing them to relive the day of her husband's death. She also reiterated that the article was too graphic, and reported too much information.

10. The complainant also stated that the article breached Clause 1, as it referred to her as Elisabeth, not Elizabeth.

11. The complainant also stated that the article breached Clause 14 as she considered that it reported private information and was intrusive.

12. The publication did not accept a breach of the Code. Turning first to Clause 5, it said that the article was an accurate report of the inquest proceeding. It said that it considered it important to outline the evidence that demonstrated that the complainant's husband's actions were intentional, rather than being a result of misadventure or an accident. The publication noted that the article reported "particularly strong criticism" of the emergency services' actions – it said, therefore, that it chose to report the chronology of what had occurred on that day, as well as the emergency services' perspective of the events, in the interest of balanced reporting.

13. The publication said that, given it would be generally understood by readers that walking out to sea when the tide is going out can be dangerous, the article did not report an unfamiliar or obscure method of suicide, or any excessive level of detail regarding the method used.

14. The publication did not accept a breach of Clause 4. It referred to the public interest in reporting on inquest proceedings – it also said that the article did not include any gratuitous detail. The publication also did not accept a breach of Clause 2. It stated that the reported information had been disclosed during the inquest – it was therefore entitled to report it.

15. Regarding Clause 1, the publication stated that it was a common spelling of the name, and the article had been based on matters spoken and heard in court, rather than written records. It said, therefore, this was a simple misspelling and not a significant inaccuracy.

16. In response, the complainant stated that the publication should have contacted her prior to the article's publication, to give her the opportunity to discuss what would be appropriate to report. She also said the fact that police had disclosed the statements she made at the inquest did not mean they should have been reported.

Relevant Clause Provisions

Clause 1 (Accuracy)

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

Clause 2 (Privacy)*

- i) Everyone is entitled to respect for their private and family life, home, physical and mental 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 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.

Clause 5 (Reporting suicide) *

When reporting suicide, to prevent simulative acts care should be taken to avoid excessive detail of the method used, while taking into account the media's right to report legal proceedings.

Clause 14 (Confidential sources)

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

Findings of the Committee

17. The Committee wished to express its sincere condolences to the complainant and her family for their loss.

18. The complainant had complained that the article as a whole constituted excessive detail regarding her husband's death – it included too much information regarding where and when her husband had died, and she also specifically objected to the inclusion of information she considered to be "too graphic". The Committee noted the information reported in the article. This included the name of the beach in question, as well as information regarding problems with accessing the beach at certain times. The article also reported that her husband was seen "repeatedly [putting] his face into the water", and "actively trying to drown himself".

19. Clause 5 requires that, when reporting on suicide, care should be taken to avoid excessive details of the method used, to prevent simulative acts. This must be balanced, however, against a publication's right to report on legal proceedings – and the Committee had regard, therefore, for the context in which this information appeared.

20. The complainant had criticised the emergency services, stating that her husband's death had been "preventable", and the coroner's conclusions referenced issues with the accessibility of the beach. In the Committee's view, the information regarding the beach and its accessibility formed an important part of the inquest proceedings, and reporting it ensured an accurate reflection of both the criticism the emergency services had received and the further contextual information which explained the delays in their response. It also noted the article did not contain further information about the beach and its accessibility beyond what had been heard during the inquest.

21. The Committee also noted – as made clear in the coroner's closing remarks – that information regarding the complainant's husband's actions at the beach was clearly relevant to the coroner's decision of suicide, and it was important for the publication to report this to make clear that the verdict had been correctly reached. It was clear from the coroner's remarks that the fact that the complainant's husband may have chosen "that particular location at that particular time" indicated that the death was not

accidental or due to misadventure, and the fact that he was seen repeatedly putting his head in the water also supported a verdict of suicide.

22. Further, while the Committee acknowledged that the publication of the article – and specific details regarding her husband’s actions – had caused the complainant concern and upset, it did not consider that the reference to her husband “actively” or “repeatedly” placing his face in the water was excessive detail as defined by Clause 5, where this was directly relevant to explaining the reasons for the coroner’s verdict and explained the reasons for the conclusion. There was no breach of Clause 5.

23. The Committee turned to Clause 4, starting with the complainant’s concerns that the article itself was not sensitive, was too graphic, and had caused her family grief. It had regard for the specific information reported in the article, and the context in which it appeared. The Committee again noted that the information had been heard during the inquest, and it had regard for the public interest in reporting on legal proceedings. The Committee, however, balanced this against the publication’s obligations under Clause 4.

24. In the Committee’s view, the article had been presented in a factual and non-sensational way – it did not consider that it made light of the circumstances of the complainant’s husband’s death, or the grief felt by his family at his death. Further, the Committee was also mindful that Clause 4 explicitly states that its provisions should not restrict the right to report legal proceedings. The Committee again noted that it was important the article reported information which made clear that the complainant’s husband’s death was intentional, and the inquest verdict of suicide was correctly reached – this included his actions and the circumstances leading to his death, such as the text messages he had sent to the complainant, as well as his actions at the beach. Statements made by the emergency services – which included information regarding the complainant’s husband’s actions at the beach – also clearly formed a large part of the inquest proceedings.

25. In light of this, the Committee – while it appreciated the distress felt by the complainant – was satisfied that the article was not insensitive in breach of Clause 4.

26. The Committee then turned to the complainant's concerns that the article misspelt her name as Elisabeth. The Committee considered that this was a typographical error, which arose from how the complainant's name would have been read aloud at the inquest. Although unfortunate, the Committee did not consider that this amounted to a lack of care taken over the article's accuracy, or a significant inaccuracy in the context of the article as a whole. There was no breach of Clause 1 on this point.

27. The Committee then turned to the complainant's concerns under Clause 2. Clause 2 is designed to ensure that people's private and family lives are not intruded upon without justification – it is clear that, when determining whether an individual has a reasonable expectation of privacy over information reported, the Committee will take into account the extent to which the information may already be in the public domain.

28. The Committee appreciated that the complainant objected to the reporting of information which she considered private regarding her husband's death. It also noted that she may not have been informed that information disclosed in the inquest could be reported. In this case, however, the disputed information had been made public during the course of the inquest hearing, and was therefore already in the public domain, prior to the publication of the article. This was also the case with the complainant's name – and the Committee recognised that an individual's name is generally not something someone has a reasonable expectation of privacy over. The Committee did not consider, therefore, that the article represented an intrusion into the complainant's private and family life. There was no breach of Clause 2.

29. Finally, the Committee considered the complainant's concerns under Clause 14. It noted the complainant's view that much of the reported information was confidential. However, Clause 14 relates to the moral obligation of journalists to protect their confidential sources of information, rather than to concerns about the publication of confidential information. There was, therefore, no breach of Clause 14.

Conclusions

30. The complaint was not upheld.

Remedial action required

31. N/A

Date complaint received: 26/06/2024

Date complaint concluded by IPSO: 30/09/2024

APPENDIX B

03844-24 Dawson v spectator.co.uk

Summary of Complaint

1. Juno Dawson complained to the Independent Press Standards Organisation that spectator.co.uk breached Clause 1 (Accuracy), Clause 3 (Harassment) and Clause 12 (Discrimination) of the Editors' Code of Practice in an article headlined "The sad truth about 'saint' Nicola Sturgeon", published on 21 May 2024.

2. The article – which appeared online only – was a comment piece about Nicola Sturgeon and focused largely on her stance on transgender rights in Scotland. It reported, referring to the complainant, that Nicola Sturgeon "was interviewed by writer Juno Dawson, a man who claims to be a woman, and so the conversation naturally turned to gender". It also reported that Ms Sturgeon said: "I've had more abuse hurled at me over the issue of trans rights than probably any other issue I've discussed, including Scottish independence probably", and that when interviewed by the complainant Ms Sturgeon "[took] the opportunity to restate that 'trans women are women' and that 'people should be able to live how they want to be'". It also reported that "[a]t the height of the gender storm back in 2023, [Sturgeon] said of some of those opposed to gender self-ID: 'There are people who have opposed this Bill that cloak themselves in women's rights to make it acceptable, but just as they're transphobic you'll also find that they're deeply misogynist, often homophobic, possibly some of them racist as well'".

3. The complainant complained first directly to the publication and then to IPSO one day later. She said that the article was inaccurate in breach of Clause 1 to report that she was "a man who claim[ed] to be a woman". She said that she held a Gender Recognition Certificate and was declared a woman in all legal matters by the Gender Recognition Panel.

4. The complainant said the article breached Clause 12 as she considered the claim that she was “a man who claim[ed] to be a woman” to be discriminatory as she legally changed her gender in 2018. The complainant considered she was deliberately misgendered with the intention being to offend her.

5. Lastly, the complainant said the article breached Clause 3 in its reporting that she was “a man who claim[ed] to be a woman” as she believed the author of the article had pursued a campaign against her. She added that she felt the words used within the article were designed to cause her suffering and to encourage others to harass her online.

6. The publication did not accept it was inaccurate in breach of Clause 1 to report that the complainant was “a man who claim[ed] to be a woman”. It said the author of the piece did not believe in gender identity and held the view that it was not possible for a person to change their biological sex. The publication added that such gender critical views were a protected characteristic under the Equality Act 2010 and did not consider the claim to be a significant inaccuracy requiring correction. However, prior to IPSO’s investigation and one day after the complainant had complained directly to the publication, it offered to print the following as a footnote at the end of the article:

“Juno Dawson has contacted us to say that, having obtained a Gender Recognition Certificate in 2018, she is legally a woman”.

7. The publication did not accept it had breached Clause 12. It believed the reference in the article to the complainant’s gender was relevant, as it put the remarks made by Ms Sturgeon into context and did not consider this to be either prejudicial or pejorative.

8. Lastly, the publication also did not accept it had breached Clause 3. It said it did not accept that publishing this statement amounted to harassment.

Relevant Clause Provisions

Clause 1 (Accuracy)

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

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

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

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

Clause 3 (Harassment*)

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

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

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

Clause 12 (Discrimination)

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

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

Findings of the Committee

9. The Committee first considered whether the article had breached Clause 1 in reporting that the complainant, who has a Gender Recognition Certificate, was "a man who claim[ed] to be a woman".

10. When making its decision, the Committee had regard to the context: this was a comment piece, clearly distinguished as such by the inclusion of the columnist's prominent byline, author's illustration, and the tone, which expressed the author's opinions of Nicola Sturgeon and her stance on transgender rights. The publication had explained that the author held gender critical views and asserted that these constituted a philosophical belief and were therefore protected under the Equality Act 2010.

11. The Committee took into account that the article made clear the columnist's views on the issues which were highlighted in the piece. He was critical of what he perceived to be Nicola Sturgeon's position that "men should be allowed to assume the rights of women at their whim", describing the self-ID gender legislation passed in Scotland as a "disaster". Given the context, the Committee considered that the sentence in issue was sufficiently distinguished as being the columnist's view that the complainant remained biologically male despite the transition process she had undergone rather than being a statement of fact about the complainant's sex or gender as recognised under the Gender Recognition Act 2004. For these reasons, the Committee did not uphold the complaint of inaccuracy.

12. The Committee next considered whether stating that the complainant was "a man who claim[ed] to be a woman" amounted to a pejorative or prejudicial reference to the complainant on the basis of her gender identity.

13. The Editors' Code protects the right to hold and express a wide range of beliefs, and the columnist was accordingly entitled to express beliefs about gender transition and biological sex.

14. The Editors' Code also requires, however, that "the press must avoid prejudicial or pejorative reference to an individual's... gender identity". In the view of the Committee, referring to the complainant as a man "claiming" to be a woman was personally belittling and demeaning toward the complainant, in a way that was both pejorative and prejudicial of the complainant due to her gender identity, and was not justified by the columnist's right to express his views on the broader issues of a person's sex and gender identity given that this targeted her as an individual. The Committee upheld the complaint of discrimination under Clause 12 (i).

15. The Committee also considered whether the reference to the complainant's gender identity was genuinely relevant to the story, under Clause 12 (ii). The Committee noted that the terms of the Clause state that details of an individual's gender identity must be avoided unless genuinely relevant to the story. The Committee considered that the brief reference to the complainant's gender identity was genuinely relevant to the story in the context of her public profile as someone who had spoken on transgender issues and in the context of the discussion of Ms Sturgeon's views towards transgender issues – which arose within the interview the

complainant had conducted. As such, there was no breach of Clause 12 (ii) on this point.

16. The Committee also considered the complaint that the words used within the article were designed to cause her suffering and encourage others to harass her online. It noted that Clause 3 generally relates to the way journalists behave when gathering news, including the nature and extent of their contacts with the subject of the story. The Committee acknowledged the complainant's concern about the impact of the article. It has in the past found that publication could constitute harassment, taking into account a number of factors, including the number of published articles relating to the person concerned; the time period over which the articles were published; the extent to which the subject of the articles might be considered a public figure and the extent to which their activities might arguably have prompted the coverage; the extent to which the articles might reasonably be said to have solely targeted the subject; whether the published information could reasonably be said to be intrusive or offensive; whether the subject matter of the articles was a matter of legitimate interest for readers; the extent to which republication of any material could be said to be prompted by a fresh newsworthy event; whether a reasonable editor could regard the repetition of earlier content and images as relevant; the extent to which the coverage could be expected to cause alarm or distress to a reasonable person in the complainant's position; and whether publication could be regarded as an abuse of media freedom. The Committee did not consider that this sole brief reference, in the context of a column discussing Nicola Sturgeon's views on gender identity, could constitute harassment under the terms of Clause 3. There was no breach of Clause 3.

Conclusions

17. The complaint was partially upheld under Clause 12 (i).

Remedial action required

18. 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 an adjudication; the nature, extent and placement of which is determined by IPSO.

19. When considering what remedial action was appropriate, the Committee had regard to the terms of Clause 12 the publication had breached – the article had included a reference to the complainant’s gender identity that the Committee considered to be both pejorative and prejudicial. The Committee had expressed its concern that this reference was personally belittling and demeaning toward the complainant. Given the nature of the breach, the appropriate remedial action was the publication of an upheld adjudication.

20. The Committee considered the placement of this adjudication. As the article appeared online only, the adjudication should be published online, with a link to this adjudication (including the headline) being published on the top 50% of the publication’s homepage for 24 hours; it should then be archived in the usual way. If the newspaper intends to continue to publish the online article without amendment to remove the breach identified by the Committee, a link to the adjudication should also be published on the article, beneath the headline. If amended to remove the breach, a link to the adjudication should be published as a footnote correction with an explanation that the article had been amended following the IPSO ruling. The publication should contact IPSO to confirm these amendments it intends to make to the online material to avoid the continued publication of material in breach of the Editors’ Code of Practice.

21. The terms of the adjudication for publication are as follows: Juno Dawson complained to the Independent Press Standards Organisation that spectator.co.uk breached Clause 12 (Discrimination) of the Editors’ Code of Practice in an article headlined “The sad truth about ‘saint’ Nicola Sturgeon”, published on 21 May 2024.

The complaint was upheld, and IPSO required spectator.co.uk to publish this adjudication to remedy the breach of the Code.

The article under complaint was a comment piece about Nicola Sturgeon and focused largely on her stance on transgender rights in Scotland. It reported that Nicola Sturgeon “was interviewed by writer Juno Dawson, a man who claims to be a woman, and so the conversation naturally turned to gender”.

The complainant said the article breached Clause 12 as she considered the claim that she was “a man who claim[ed] to be a woman” to be discriminatory as she legally changed her gender in 2018. The complainant considered she was deliberately misgendered with the intention being to offend her.

IPSO considered referring to the complainant as a man “claiming” to be a woman was personally belittling and demeaning toward the complainant, in a way that was both pejorative and prejudicial to her gender identity, and was not justified by the columnist’s right to express their views on the broader issues of sex and gender identity. As such, there was a breach of Clause 12 (i) on this point.

Date complaint received: 23/05/2024

Date complaint concluded by IPSO: 08/10/2024

Independent Complaints Reviewer

The publication complained to the Independent Complaints Reviewer about the process followed by IPSO in handling this complaint. The Independent Complaints Reviewer decided that the process was not flawed and did not uphold the request for review.

APPENDIX C

Paper no.	File number	Name v publication
3182	00713-24	Ahmed v The Courier
3171	22710-23	Magdy v thejc.com
3136	22450-23	Daniel v Daily Record
3149	00081-24	Odling-Smee v Cambrian News (Aberystwyth)
3152	22210-23	Union of Islamic Students Associations In Europe (UISAE) v thetimes.co.uk
3191	00759-24	Islamic Students Associations of Britain v thetimes.co.uk
3196	03831-24	Various v The Daily Telegraph
3185	00554-24/01581-24	Mallon v Daily Mail/The Mail on Sunday
3195	01325-24	Raja v Mail Online
3198	01503-24	Barrett v Eastern Daily Press
3207	01233-24	Fermanagh and Omagh District Council v The Impartial Reporter
3209	04272-24	Various v The Star (Sheffield)
3197	01664-24	Jackson v The Mail on Sunday
3174	00321-24/00322-24	A complainant v gazetteandherald.co.uk/swindonadvertiser.co.uk
3213	01241-24	Muslim Association of Britain v The Daily Telegraph
3210	01710-24	Full Fact v Daily Express
3215	01475-24	Energy and Climate Intelligence Unit v The Daily Telegraph