

## **Annual Ipsos statement for KM Media Group**

**January 1 to December 31 2015**

KM Media Group is an independent publisher with 272 employees. We publish weekly paid-for and free newspapers and the kentonline.co.uk digital network, an umbrella for our 26 local news portals and associated brands.

We also operate a network of kmfm radio stations, whose output is regulated by Ofcom.

KM Media Group also has interests in television, having been awarded a terrestrial licence for the Maidstone and Tonbridge area. However, at time our writing, our video content runs online-only as an IPTV service.

### **Our products**

We publish the following weekly paid-for newspapers:

Kent Messenger (Maidstone, Malling, Weald)  
Medway Messenger  
Sittingbourne Messenger  
Kentish Gazette  
Herne Bay Gazette  
Whitstable Gazette  
Faversham Times  
Kentish Express (Ashford, Tenterden, Romney Marsh)  
Folkestone and Hythe Express  
Gravesend Messenger  
Dartford Messenger  
East Kent Mercury (Deal, Sandwich)  
Dover Mercury  
Sittingbourne News Extra  
Sheerness Times Guardian  
Kent Business (monthly, published with Kent Messenger and Medway Messenger)

We publish a series of free newspapers, the Extras, with editions for Maidstone, Medway, Gravesend, Folkestone, Ashford and Thanet.

Our KentOnline network encompasses 26 local news portals in addition to our What's On, kmfm, KMTV and Kent Business brands.

The local portals come under the authority of the relevant area editor. There is a separate editor overseeing the KentOnline homepage, drawing from county-wide content generated in local offices as well as that generated on the central desk.

Our print and digital titles are audited by the ABC.

The KM places utmost importance on compliance with the Editors' Code at all stages of news-gathering.

No articles are published until all facts are verified and the Code is at the forefront of all decision-making.

This presents a particular challenge in Kent, where we have a very active citizen journalist community who rush to publish - particularly in relation to victims of fatal accidents.

### **Responsible person**

The responsible person is editorial director Ian Carter. His contact details are



### **Training**

All editorial staff are issued with copies of the Editors' Code as part of their induction process. This applies to all staff, regardless of whether they primarily work on radio, television or online/print.

All editorial staff are also required to sit annual training on the Editors' Code. This training is provided in the form of online modules supplied by the Press Association. Staff are required to complete this training within a fortnight of starting work. We have a 100% completion rate.

Compliance with the Editors' Code is also a term of all editorial employees' contracts.

All editorial staff are also provided with a copy of the KM's complaint handling process. A copy of this document is attached to this report, entitled '*Internal Complaints Process*.'

There are no additional documents or manuals issued to staff.

### **Our record on compliance**

There were two upheld complaints between January 1 and December 31 2015. Both related to articles published in the Kentish Gazette Series.

The first is appended to this report for ease of reference, titled '*Perkins v Kentish Gazette*'. The ruling was published on February 10 2015.

Following the ruling, a thorough review was undertaken of the steps taken before the decision was made to publish.

Owing to our over-riding need to protect our original source for the story, we were somewhat limited in ability to address some of the issues relating to this complaint. The editor defended his decision to publish what he felt was an accurate account of a matter of public interest, as set out in the adjudication.

Following receipt of the ruling, the adjudication ran both in the Gazette and on the KentOnline homepage.

The second adjudication is appended to this report, entitled '*Hobgin v Herne Bay Gazette.*' The adjudication was published on April 24 2015.

The Gazette had, as required, made extensive efforts to resolve this complaint internally but had not managed to satisfy the complainant. The editor offered to run a clarification on page 3, cross referenced from the front.

The adjudication was published in the Herne Bay Gazette, cross-referenced from the front page, and on the homepage of KentOnline.

A review of the decision-making process that led to the publication of this article indicated the newsdesk believed they had attempted to comply with the Editors' Code.

However, the editor accepted at the earliest opportunity there were grounds to offer a clarification setting out the complainants' stance. All staff have been firmly reminded of their obligations under the Code.

### **The KM complaints process**

All KM titles carry the same text on the same page every week, either on p2 or the letters page (the variation owing to differing advert shapes on p2 in some titles).

The text states the title is a member of Ipso and abides by its rules and regulations. It provides a contact number and email for the editor, and also directs people to our online complaints form, [www.kentonline.co.uk/complaints](http://www.kentonline.co.uk/complaints)

We continue to receive the majority of complaints via the online route. The form generates an email to the relevant title editor.

All complaints are logged as soon as they are received and are entered into diaries for the 14 and 28-day point.

If a complaint has not been resolved within 14 days, it is referred to the editorial director who will review correspondence to date and suggest further remedies where appropriate.

If a complaint is not resolved within 28 days, it is referred to Ipso.

All complaints logs are reviewed on a weekly basis and are discussed at monthly editors' meetings. These meetings act as a forum for discussing Editors' Code best practice.

As stated, all editorial staff are given copies of the KM complaints process, which is attached to this report.

This document stresses the availability of Ipso complaints offices to discuss pre-publication issues relating to the Code or public interest. Any such guidance would form a key part of the decision-making process.

The KM also retains an editorial advisor and subscribes to the News Media Association's legal advice service, both of which we use frequently prior to publication.

## Internal complaints process

KM Media Group is a member of IPSO (the Independent Press Standards Organisation). All editorial employees are required to abide by both the Editors' Code and Ipsos's complaint-handling process, and to have completed our online training module.

Failure to do so may result in disciplinary action being taken.

The Editors' Code is on display in each newsroom and individual copies are also available. If you have not received one, please ask your editor for a copy. Further supplies are available from [REDACTED] on [REDACTED] or [REDACTED]

### The complaints process

Complaints may reach you in one of three ways. They may come direct from a member of the public via email, telephone, social media or in person.

They may be forwarded to you from our online complaints form, found at [kentonline.co.uk/complaints](http://kentonline.co.uk/complaints)

They may be sent to you from Ipsos if the complainant has contacted the regulator direct.

Ipsos will consider complaints from third parties, so the person contacting you does not have to be directly involved in the story.

If you receive a complaint immediately inform your editor or news editor, passing over the complainant's details and a summary of the issues.

**Under no circumstances should anybody below news editor level attempt to resolve a complaint themselves. If your editor or news editor is not available, contact the editorial director.**

- The editor/news editor should enter the details onto the relevant title's complaints log, including contact details for the complainant, a link to the story (either a date/page number or website URL) and a summary of the points raised.
- All complaints should be entered onto the log except those that are clearly too trivial to merit investigation. However, since the majority of complaints can potentially breach at least one clause of the Editors' Code err on the side of caution.
- The editor/news editor should enter the date the complaint was received on the title's Google complaints calendar, with further entries marking the 21 and 28 day point.

From this point, we have 28 days to attempt to resolve a complaint internally.

We have freedom to resolve a complaint in whatever way we see fit, including corrections or clarifications, letters of apology or any other means.

If you reach agreement with the complainant over how to resolve the issue, ensure you have this acceptance in writing.

A paper trail of all correspondence, from the initial complaint through to resolution, must be kept on file, with [REDACTED] copied in.

If you have been unable to resolve a complaint within 21 days, refer the issue to the editorial director who will review progress to date and, where appropriate, make further suggestions.

If by the 28 day point all attempts to resolve a complaint have been unsuccessful, the editor/news editor must contact the complainant and advise them they have exhausted our internal process and should now contact Ipso if they wish to proceed further.

Ipso encourages approaches from editors and journalists for advice on the Editors' Code or the public interest. Complaints offices can be contacted during office hours on 0300 123 2220 or, when necessary, out of hours on 077659 152656.

An Ipso complaints officer will then contact the title asking for a copy of all correspondence between the publisher and the complainant; this should be provided without delay.

The complaint will then undergo Ipso's formal adjudication process. If the complaint is upheld, Ipso has the power to impose various sanctions, including directing where apologies should appear.

The following points must be borne in mind at all stages of the process:

- A paper trail of all correspondence, dated, and including all relevant information including a copy of the reporter's shorthand notes where appropriate, must be kept.
- [REDACTED] must be copied into all paperwork, including the original complaint.
- It is essential to maintain and regularly review the complaints log and calendar; failure to resolve a complaint in the timescale may lead to a technical breach of the code regardless of whether a story was inaccurate.
- Nobody below news editor level should attempt to negotiate resolution of a complaint.
- When dealing with a complaint, bear all platforms in mind. If we remove a story from KentOnline, we should also remove it from the e-edition of the paper by contacting [REDACTED]. Alert all other editors in the group in case the story has appeared, or is due to appear, in another title.
- Regularly refresh your knowledge of the Editors' Code and keep abreast of Ipso adjudications. All rulings are published at [ipso.co.uk](http://ipso.co.uk) and you can follow them on Twitter at @ipsonews

- All new starters and work experience placements must be provided with a copy of the Editors' Code and informed we must abide by its guidelines.
- Ipsos refreshers will take place throughout the year; editors must keep a log of who has attended.

The editorial director will hold monthly individual meetings with senior editors to discuss all ongoing complaints.

Our legal advisor [REDACTED] should also be contacted in relation to all sex cases, stories making serious allegations about individuals or businesses or when legal proceedings are active or pending.

He can be contacted on his home phone [REDACTED], his mobile [REDACTED] or by e-mail at [REDACTED] or [REDACTED]

**Ian Carter, editorial director**

## **Perkins v Kentish Gazette**

Decision of the Complaints Committee

01457-14 Perkins v Kentish Gazette

1. Cllr Alex Perkins complained to the Independent Press Standards Organisation that the Kentish Gazette (Canterbury and District) had breached Clause 1 (Accuracy), Clause 4 (Harassment), Clause 6 (Children) and Clause 12 (Discrimination) of the Editors' Code of Practice in an article headlined "Refugees spark pupil safety fears", published in print and online on 16 October 2014.

2. The article reported concerns in the Kent area that unaccompanied male asylum seekers were "lying" about their ages and "being placed in schools" with 11-year-old children. It stated that men in their 20s were being dishonest about their ages, attributing this assertion to "head teachers in Canterbury". Sub-headlines on the newspaper's front page had stated that "asylum seekers lie about age to get themselves educated", and that "men in their 20s [are] being placed in schools with 11-year-olds". The article had included direct quotations from head teachers. One stated that schools had been told to expect pupils "who were 15 or 16 only to find they were clearly 20 or 21", and that "sometimes there is doubt about where [the pupils] have come from, and even what age they are"; another commented that "while many of these are genuine cases... a minority are not". Two head teachers quoted also referred to "safeguarding concerns". The matter was reported in the wider context of an "immigration crisis" in the county.

3. The complainant said that the coverage was inaccurate as there was no proof that asylum seekers had been lying about their age, nor had any adults of 20 been placed in schools with pupils aged 11. He noted that none of the head teachers quoted in the article had confirmed that there were pupils enrolled at their schools who had lied about their ages, nor had they expressed concerns about safety. The complainant had spoken to representatives from the County Council who had said that there had been only two cases over a number of years in which unaccompanied asylum seekers were found to be older than originally thought. Neither was 20, and neither was placed in a school with



11 year olds. Furthermore, there were only 10 unaccompanied asylum-seeking children in Kent this academic year, with just 3 placed in Canterbury. The complainant also said that it was inaccurate to state that there was "an immigration crisis engulfing Kent" and objected to the use of a stock image of adult asylum seekers to illustrate the article; he said that this was misleading.

4. The complainant also said that the headline was discriminatory towards those seeking asylum; that the article had intruded into the time at school of the children mentioned; and that it amounted to the harassment and intimidation of orphaned children legitimately placed in Kent schools.

5. The newspaper defended its coverage as an accurate report on a matter of major public interest, which had potential implications for the well-being of pupils. It said that on-the-record comments by local head teachers, quoted in the article, supported the claims made. The article had also cited a representative from Kent County Council, who had made reference to "very rare cases where asylum-seeking children have been found to be older than the age they claimed". The newspaper said that while every case was different, it was not inaccurate to state that some asylum seekers who had given a false age were "lying".

6. The newspaper did not consider the use of the stock image to be misleading. Furthermore, it noted that it had chosen not to illustrate the story with photographs of children in the relevant schools, because to have done so would have raised a clear breach of the Editors' Code. The newspaper also said that it was perfectly entitled to describe the situation with asylum seekers at Calais as a "crisis", citing a comment by the mayor of Calais that people were prepared to risk death to cross the English Channel.

7. The newspaper also drew attention to the fact that, after publication of the story, it had printed a number of readers' letters opposing the views expressed in its coverage.

## **Relevant Code Provisions**

### **8. Clause 1 (Accuracy)**

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

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

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

### **Clause 4 (Harassment)**

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

### **Clause 6 (Children)**

(i) Young people should be free to complete their time at school without unnecessary intrusion.

### **Clause 12 (Discrimination)**

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

## **Findings of the Committee**

9. The Editors' Code recognises that "protecting public health and safety" forms part of the public interest which journalism may serve. The protection of children is a matter of particular importance, and a legitimate subject of investigation. The newspaper was entitled to examine the concerns which had been drawn to its attention, and to ask local head teachers for comment to establish whether there was a safety risk to children in the county.

10. The article had included extensive comment from head teachers and a council representative making reference to the difficulties of establishing the ages of unaccompanied asylum seekers, and to rare occurrences of adults applying for school places. However, these comments did not support the newspaper's statement, as fact, that "men in their 20s are lying about [their] age and going to schools"; nor did the newspaper subsequently provide any material to corroborate this prominent assertion. This represented a failure to take care not to publish inaccurate information in breach of Clause 1 (i). The claims in the front page sub-headlines were not substantiated, and in the context of a report which made reference to safety concerns, these were significantly misleading. This aspect of the complaint was upheld.

11. The reference to an "immigration crisis" in Kent was a statement of opinion on the part of the newspaper. While the complainant took the view that the other inaccuracies in the article undermined this opinion, the newspaper was entitled to present its position that there was a "crisis".

12. The Committee acknowledged the newspaper's position that it had used stock photographs to illustrate the article partly out of concern for the privacy of local children who might attend one of the schools concerned. While the complainant considered that the photograph used to illustrate the story was misleading, the newspaper had not stated that the men pictured were those who had allegedly been placed in schools. It was entitled to illustrate its story in this way. The photographs had not breached the terms of Clause 1.

13. The terms of Clause 4 generally relate to the conduct of journalists during the news-gathering process, and are intended to offer protection to identified individuals who are the subject of media attention. The Clause does not usually address the way in which newspapers choose to cover stories. The complainant had not suggested that any journalists had engaged in conduct which would engage the terms of this Clause and the Committee did not consider this aspect of the complaint further.

14. The complainant's concerns under Clause 6 and Clause 12 were general ones, and did not relate to any specific individuals. The complaint did not engage the terms of these Clauses, and the Committee did not consider these aspects further.

### **Conclusions**

15. The complaint was upheld in part.

### **Remedial Action Required**

16. Having partially upheld the complaint under Clause 1, the Committee considered what remedial action should be required.

17. The breach of the Code established by the Committee was sufficiently serious that the appropriate remedial action was the publication of an adverse adjudication, as opposed to a correction. The article had been published on page 1, and coverage continued on pages 8 and 9. The adjudication should therefore appear in print on page 9, with a page 1 reference directing readers to this page, which should include the headline of the adjudication. The adjudication should also appear on [kentonline.co.uk](http://kentonline.co.uk) and a link to it, containing the headline, should also appear on the website's homepage for a period of no less than 48 hours. The adjudication must then be archived, and remain searchable, on [kentonline.co.uk](http://kentonline.co.uk) in the usual way. If, following receipt of this decision, the publication intends to continue to publish the online article on [kentonline.co.uk](http://kentonline.co.uk), a link to the adjudication must also be published at the start of that article.

18. The terms of the adjudication, which the newspaper should publish without addition or alteration under the headline "IPSO Complaint upheld – adult asylum seekers in schools", are as follows:

Following an article published by the Kentish Gazette (Canterbury and District) and kentonline.co.uk on 16 October 2014 headlined "Refugees spark pupil safety fears", Cllr Alex Perkins complained to the Independent Press Standards Organisation that the Kentish Gazette had breached Clause 1 (Accuracy), Clause 4 (Harassment), Clause 6 (Children) and Clause 12 (Discrimination) of the Editors' Code of Practice.

IPSO upheld the complaint in part, and decided that there had been a breach of Clause 1 of the Editors' Code. IPSO required the Kentish Gazette to publish this decision, by its Complaints Committee, to remedy the breach.

The article reported concerns in the Kent area that unaccompanied male asylum seekers were "lying" about their ages and were "being placed in schools" with 11-year-old children. It stated that men in their 20s were being dishonest about their ages, attributing this assertion to "head teachers in Canterbury". Sub-headlines on the newspaper's front page had stated that "asylum seekers lie about age to get themselves educated", and that "men in their 20s [are] being placed in schools with 11-year-olds". The article had included direct quotations from head teachers. One stated that schools had been told to expect pupils "who were 15 or 16 only to find they were clearly 20 or 21", and that "sometimes there is doubt about where [the pupils] have come from, and even what age they are", and another stating "while many of these are genuine cases... a minority are not". Two head teachers quoted also referred to "safeguarding concerns".

The complainant said that the coverage was inaccurate as there was no proof that asylum seekers had been lying about their age, nor had any adults of 20 been placed in schools with pupils aged 11. He noted that none of the head teachers quoted in the article had confirmed that there were pupils enrolled at their schools who had lied about their ages, nor had they expressed concerns about safety. The complainant had spoken to a representative from the County Council who had said that there had been only two cases over a number of years in which unaccompanied asylum seekers were found to be older than originally thought. Neither was 20, and neither was placed in a school with 11 year olds. Furthermore, there were only 10 unaccompanied asylum-seeking children in Kent this academic year, with just 3 placed in Canterbury.

The Kentish Gazette considered that publication of the article was in the public interest, as the matter reported was a safeguarding issue, which had implications for the well-being of pupils. The newspaper defended the accuracy of its coverage. It said that on-the-record comments by local head teachers, quoted in the article, supported the claims

made. The newspaper also cited a representative from Kent County Council, who had made reference to "very rare cases where asylum-seeking children have been found to be older than the age they claimed". While every case was different, it was not inaccurate to state that some asylum seekers who had given a false age were "lying".

The newspaper also drew attention to the fact that, after publication of the story, it had printed a number of readers' letters, opposing the views expressed in its coverage.

The Committee noted that the Code makes clear that "protecting public health and safety" forms part of the public interest which journalism may serve, and it acknowledged that the protection of children was a matter of particular importance, and a legitimate subject of investigation. The Committee considered that the newspaper was entitled to investigate concerns which had been drawn to its attention and to ask local head teachers for comment to establish whether there was a safety risk to children in the county.

However, the Committee found that the comments from head teachers and council representatives, making reference to the difficulties of establishing the ages of unaccompanied asylum seekers, and to rare occurrences of adults applying for school places, did not support the newspaper's contention that "men in 20s [were] lying about [their] age and going to schools", nor did the newspaper subsequently produce any material which might justify this prominent assertion. The publication of these claims therefore represented a failure to take care not to publish inaccurate information in breach of Clause 1 (i). This statement was not an accurate summary of the information contained in the article, and in the context of a report which made reference to safety concerns, it was significantly misleading. This aspect of the complaint was upheld. Publication of IPSO's full adjudication on the matter was required to remedy this breach of the Code.

## Hogbin v Herne Bay Gazette

### Hogbin v Herne Bay Gazette

1. Joanne Hogbin complained to the Independent Press Standards Organisation on behalf of her daughter, Bethany Mackie, that the Herne Bay Gazette had breached Clause 1 (Accuracy), Clause 3 (Privacy), Clause 5 (Intrusion into grief or shock) and Clause 10 (Clandestine devices and subterfuge) of the Editors' Code of Practice in an article headlined "Boozy trip just days before teen locked up", published in the 25 December edition of the newspaper.

2. The article reported that Ms Mackie had been jailed for five years for causing death by dangerous driving, and drink-driving. It reported that while Ms Mackie had told the court of her "genuine remorse", she had "enjoyed a booze-fuelled Christmas trip just days before she was jailed". The front page article was accompanied by a photograph of Ms Mackie in which she was holding a full wine glass aloft. In the bottom of the photograph, the top of another person's head is visible, below the wine glass. The photograph was captioned "Bethany Mackie poses with a wine glass days before she was jailed". The article reported that she "held a full wine glass aloft and posed for the camera as she caught the train". The complainant had uploaded the photograph onto her Facebook account, along with a number of other photographs of their trip.

3. The complainant said that, in the photograph in question, Ms Mackie had been drinking Coca-Cola from a plastic wine glass. She said that the original picture, as it appeared on Facebook, had been cropped prior to publication, so that the eyes of Ms Mackie's sister were no longer visible. She said that the photograph was taken on a family day out, as demonstrated by the rest of the photographs which she had uploaded to her Facebook account. The complainant was concerned that the photograph gave a misleading impression of Ms Mackie's behaviour; rather than suggesting two sisters playing together with soft drinks, the photograph, when seen in conjunction with the front page headline, suggested Ms Mackie had been on a drunken outing. While the complainant confirmed that she and her adult friend had had one alcoholic drink each,

as depicted in one of the photographs she had uploaded, she made clear that Ms Mackie had not drunk any alcohol on the trip.

4. The complainant said that the photographs had been taken from her Facebook account, which had its privacy settings set so that her photographs were only available to family and friends. Whilst she subsequently conceded that the photographs may have been accessible to the public, she suggested that her privacy settings may have been altered by someone who had accessed her account. She said that the article intruded into her family's private life, and expressed concern about the effects of the article on Ms Mackie's younger sister, and on the family of the deceased.

5. The newspaper said that it had been contacted by a member of the public, who had copied photographs and text from the complainant's open Facebook profile, and sent them to the newspaper via email. The newspaper had then viewed this profile, which was publically accessible, and saved its own copies of the photographs. The newspaper provided a screen grab of the journalist's internet history for the day before the article was published, which showed that he had viewed the complainant's profile, and a number of photographs on Facebook. It noted that the readers' comments posted on the online article before it had been updated to include the details and photograph of the trip to London, had referred to photographs of Ms Mackie drinking alcohol being posted on Facebook.

6. The newspaper said that the references to a "boozy trip", and a "booze-fuelled Christmas trip", were accurate, as evidenced by the photograph of the complainant and her friend drinking alcoholic drinks on the train. It said that the article had not claimed that Ms Mackie was drinking an alcoholic drink, but that she had "held a full wine glass aloft", which was an accurate description of the photograph in question. It said that it had cropped out the part of the picture which depicted Ms Mackie's sister in order to comply with its obligations under Clause 6 (Children) and Clause 9 (Reporting of crime) of the Editors' Code of Practice.



7. The newspaper offered to publish a clarification on page 3 or page 5, cross-referenced from the front page, in which the complainant would be able to state that Ms Mackie was not drinking alcohol on the trip, and that she was genuinely remorseful. It also offered to publish a follow-up story from the complainant's perspective; a reader's letter, enabling the complainant to put her point of view in her own words; or an interview with Ms Mackie from prison. The newspaper said that after the Facebook pictures had come to its attention, the original online version of the article had been amended to include the pictures, and the details about the trip to London. After the comments on the story grew increasingly angry, the newspaper reverted to the original article, which did not contain the details of the trip to London, but simply reported Ms Mackie's sentencing, as a gesture of goodwill.

#### Relevant Code Provisions

##### 8. Clause 1 (Accuracy)

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

ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published. In cases involving the Regulator, prominence should be agreed with the Regulator in advance

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

##### Clause 3 (Privacy)

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

ii) Editors will be expected to justify intrusions into any individual's private life without consent. Account will be taken of the complainant's own public disclosures of information.

#### Clause 5 (Intrusion into Grief or Shock)

i) In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. This should not restrict the right to report legal proceedings, such as inquests.

#### Clause 10 (Clandestine devices and subterfuge)

i) The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents or photographs; or by accessing digitally-held private information without consent.

#### Findings of the Committee

9. The photograph did not show whether or not Ms Mackie had drunk alcohol on the trip to London, something which the newspaper appeared to have recognised in the fact it had taken care to avoid making this specific claim. Nevertheless, the juxtaposition of this photograph – from which that inference could easily be drawn – with the headline, had clearly suggested that Ms Mackie had drunk alcohol on the trip to London. The newspaper had not sought the comments of Ms Mackie or her family before publishing the photograph, and the decision to accompany the front page headline with the photograph demonstrated a failure to take not to publish misleading information in breach of Clause 1 (i) of the Code. This aspect of the complaint was upheld.

10. Whilst the Committee noted the complainant's position regarding her Facebook privacy settings, it appeared that the photographs had been publically accessible. The Committee had not been provided with evidence to suggest that this was the result of actions by the newspaper, and did not find a breach of Clause 10. The photograph was taken while Ms Mackie was on a train, and did not depict her engaging in a private activity. In these circumstances, taking into account the apparent public disclosure of the information by the complainant, there was no breach of Clause 3.

11. The Committee recognised that Ms Mackie and her family had been distressed by her conviction and sentencing. However, this was not a case of personal grief or shock such as to engage the terms of Clause 5. In relation to the complainant's concern about the effects of the article on the family of the deceased, the Committee explained that it would not be appropriate to consider this aspect of her complaint further where she was not acting on their behalf.

#### Conclusions

12. The complaint was upheld.

#### Remedial Action Required

13. Having upheld the complaint, the Committee considered what remedial action should be required. The Committee has the power to require the publication of a correction and/or adjudication; the nature, extent and placement is to be determined by IPSO. It may inform the publication that further remedial action is required to ensure that the requirements of the Editors' Code are met.

14. The newspaper had offered to publish a clarification on either page 3 or page 5, cross referenced to the front page. It said that this clarification would allow the complainant to state that Ms Mackie was not drinking alcohol, and that she was genuinely remorseful.

15. In order to remedy the breach of Clause 1, the newspaper should publish a clarification on page 3, cross referenced to the front page. The clarification should also

be published as a stand-alone item, with a headline indicating its subject, linked for no less than 24 hours from the home page of the newspaper's website. It should then remain online, and searchable. The clarification should explain that it was being published following an upheld complaint from Ms Mackie's mother. It should state the complainant's position that her daughter had not drunk alcohol on the trip.

Date complaint received: 22/12/2014

Date decision issued: 24/04/2015