

MINUTES of the COMPLAINTS COMMITTEE MEETING
Wednesday 15 July 2015 at 10.30 a.m.
Gate House, 1 Farringdon Street, London EC4M 7LG

Present:

Sir Alan Moses (Chairman)
Richard Best (Deputy Chairman)
Lara Fielden
Janette Harkess
Gill Hudson
Matthew Lohn
Jill May
Elisabeth Ribbans - **absent for Item 8**
Neil Watts
Peter Wright - **absent for Item 8**
Nina Wrightson

In attendance:

Elizabeth Bardin, Minute-taker and Governance Manager
Charlotte Dewar, Director of Operations
Ben Gallop, Senior Complaints Officer
Bianca Strohmman, Senior Complaints Officer
Matt Tee, Chief Executive

Also present:

Members of the Executive:

Xavier Bastin
Niall Duffy
James Garmston
Robyn Kelly
Holly Pick

Observers:

Jonathan Grun, Editors' Code of Practice Committee
Alistair Henwood, Arbitration Researcher (IPSO)
Neil Marshall, Consultant

1. Apologies for Absence

An apology for absence was received from David Jessel.

2. Declarations of Interest

2.1 Elisabeth Ribbans declared an interest in item 8 due to her personal acquaintanceship with two of the individuals concerned. She would leave the meeting for this item.

2.2 Peter Wright declared an interest in item 8 due to his connection with Associated Newspapers. He would leave the meeting for this item.

3. Update by the Chairman

An oral update was given by the Chairman which commenced with his introduction to the Committee of Jonathan Grun, who, the Chairman informed the Committee, would be taking over as Secretary of the Editors' Code of Practice Committee and would be a regular observer at future Committee meetings, where it was felt his presence would be helpful in enabling the Code Committee to understand the approach taken by IPSO to the interpretation of the Code.

He also introduced Neil Marshall, who is conducting an independent review of IPSO's complaints process. His presence at the meeting was to familiarise himself with how the Committee operates.

The Chairman announced the imminent departure of James Garmston from the Complaints Executive, and invited the Committee to express its gratitude. The Committee joined him in expressing appreciation of the substantial good work he had accomplished during his time at IPSO.

Rules - Changes

The Chairman voiced his optimism that an agreement could be reached over the proposed changes to IPSO's rules and regulations, and stated that the proposals were formulated with the aim of providing effective regulation. He expressed concern at delays in the negotiations but expressed the hope that a final agreement would be reached soon, free of the influences of external events and pressures.

He informed the Committee that a meeting had been set up with Kevin Beatty, the newly-appointed head of the Regulatory Funding Company. He expressed his belief that the RFC understood the need for demonstrating IPSO's independence.

4. Update by the Chief Executive

The Chief Executive reported on a recent visit to Trinity Mirror Group which he said was positive and an indication of the developing constructive relationship.

He informed the Committee that the Press Recognition Panel's Consultation Paper had been published, and noted that following a decision by its Board, IPSO would not respond.

Regulatory Funding Company

The funding arrangement by the RFC was continuing as planned, but it was understood by IPSO that the RFC intended to divide its functions between finance and rule-making.

5. Update by the Director of Operations

Head of Standards

The Director of Operations notified the Committee of the recent appointment and impending arrival of IPSO's first Head of Standards, whose appointment promised to be a valuable asset to IPSO.

Complaints Policy

The Director of Operations noted that simultaneously with the review of the complaints system being conducted by Neil Marshall, she was in the process of compiling a set of complaints procedures, drawing together the rules set out in IPSO's Regulations and various policies and practices that had been developed in IPSO's first months of operation. She stated that the Executive would continue to monitor the procedures in order to identify any shortcomings or areas of inconsistency. The Committee would discuss this further at its next meeting in September.

It was suggested that the enhanced website would play an important part in describing the functions and processes employed in dealing with and resolving complaints.

6. Minutes of the Complaints Committee Meeting held on 3 June 2015

The Committee approved and the Chairman signed the minutes as a true record of the meeting on 3 June 2015.

7. Matters Arising

Complaint 00782-15 Goundry v East Kilbride News

The Committee considered a submission by the East Kilbride News regarding its decision on this complaint and decided to reconsider the complaint at a subsequent meeting. It agreed that the complainant should be notified of this decision and provided with an opportunity to comment further on the matter. The Director of Operations invited the Committee to offer suggestions as to how the Complaints Executive might assist the Committee in its deliberations.

Elisabeth Ribbans and Peter Wright left the meeting for the next item.

8. Complaint 03549-15 Blair v Daily Mail

A further document was tabled. The Committee noted that correspondence sent on behalf of the newspaper had contained an inaccuracy. While this did not bear directly on the Committee's decision, the Committee agreed that this should be drawn to the attention of the newspaper with a request that it should take care to avoid a recurrence.

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

9. Complaint 00768-15 A man v Wilts & Gloucestershire Standard

The Committee discussed the problem of preventing identification of children in reports of court proceedings of this nature. It was observed that the damage in this case essentially lay in a paraphrased quotation from the proceedings. The Committee agreed that the print version of the newspaper did not breach the Editors' Code, but that the online version, in its reference to the quotation, was likely to contribute to the identification of the child. It was suggested that because decisions on such cases must necessarily be phrased in general terms to avoid identifying the child concerned, further discussion should take place on this issue, with the aim of producing guidance for editors on how to comply with the Code's requirements in this area.

The Committee ruled that the complaint should be upheld under Clause 7 (Children in sex cases) and Clause 11 (Victims of sexual assault) in relation to the online version of one of the articles. The copy of its ruling appears in **Appendix B**.

10. Complaint 00353-15 A woman v Dunfermline Press

The Committee deliberated on the practical difficulties of avoiding the identification of children in circumstances where publications are entitled to report on the proceedings, but the information then circulates freely online. It was stated that whilst the printed word could be controlled, and the monitoring of responses to such reporting on social media sites could be monitored by the newspapers responsible for the initial reporting, certain social media sites could not be completely controlled. The difficulties of finding the correct balance between the need to report a matter of concern, whilst protecting the identity of the child involved, opened further debate. It was suggested that finding a solution to this challenge might require a consideration of changes to the Editors' Code.

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

11. Complaints 02716-15 / 03071-15 West/Draper v Sunday Mirror

For the purposes of discussion, the Committee considered the two matters jointly, being linked, as they were, by the common association of their complaints.

The absent Committee member had submitted a written contribution, of which the Committee was informed.

The Committee issued rulings in relation to both complaints, which remained subject to correspondence at the time of the approval of these minutes. These rulings will be published when they are confirmed.

12. Complaint 02741-15 Greer v The Sun

The Committee took the view that while there had been a large number of views expressed following the publication of the article, there had been no breach of Clause 1 (Accuracy) of the Editors' Code. The Committee noted that it had informed the Metropolitan Police Service that it had received a number of complaints that the article had breached the law and agreed that this communication should be referenced in the decision.

The Committee ruled that the complaint was not upheld. A copy of its ruling appears in **Appendix D**.

13. Complaint 02624-15 Partnerships in Care v Ayrshire Post

The Committee discussed the complaint and ruled that it was upheld under Clause 1 (Accuracy). A copy of its ruling appears in **Appendix E**.

14. Complaint 02624-15 Blake v Watford Observer

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

15. Complaints not adjudicated at a Complaints Committee meeting

The Committee confirmed its formal approval of IPSO Papers listed in **Appendix G**.

16. Any other business

16.1 Complaint 00766-15 Sloan v the Sunday Telegraph

This complaint had been circulated previously and the Committee had felt the need for further deliberation on the issues it raised, and particularly the nature of the Committee's role in adjudicating on scientific disputes. The

Committee discussed the various issues highlighted by the publication of this article and ruled that the complaint was not upheld. A copy of its ruling appears in **Appendix H**.

16.2 Discussion: Changes to Complaints Practices

The Deputy Chairman reported that following his recent attendance at a Board Meeting his input had been well received, and that although some Board members had had questions over the mechanics of the process, those who had attended Committee meetings had generally subsequently revised their opinions.

The Chairman expressed the need for further clarification and guidelines for newspapers concerning the points of identification of children in court cases and misuse of facts in opinion pieces.

FURTHER ACTION: Discussion on the provisions of the Editors' Code with respect to the position of children involved in court proceedings, both as victims and witnesses.

16.3 Gift-Hospitality Register

The Governance Manager announced the intention of keeping a log of gifts received and hospitality accepted for all Board and Committee members and all members of staff, in keeping with good governance. This was not likely to prove to be an onerous task or present a problem for individuals, as it was thought that such occurrences would be rare. The Governance Manager suggested that it be left to those who had any doubt to check with her, or fill in the form devised for such reporting, as necessary.

17. Date of next meeting

The next Complaints Committee Meeting will be held on **Wednesday 9 September 2015 at 10.30 a.m.**

The meeting ended at 13.10

Elizabeth Bardin
Governance Manager
22 July 2015

Appendix A

Decision of the Complaints Committee 03549-15 Blair v Daily Mail

Summary of Complaint

1. Tony Blair complained to the Independent Press Standards Organisation that the Daily Mail had breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Blair tried to wriggle out of MPs' probe into IRA 'comfort letters'", published on 10 January 2015.
2. The article reported that the complainant had contacted the Speaker of the House of Commons after being summoned to appear before the Northern Ireland Affairs Committee inquiry into so-called "comfort letters", as part of an attempt to avoid giving oral evidence to the inquiry.
3. The article claimed that the complainant had been told by the Speaker that he was required to appear and characterised the call as an attempt by the complainant to "wriggle out" of giving evidence. It reported that the Speaker was said to have "ripped into" the complainant in response.
4. The complainant said this was inaccurate. He had explained to the Speaker that, while he had already given evidence on the issue to the Hallett Review and did not therefore believe that there was benefit in his repeating this evidence to the Committee, he would be attending. He sought advice on whether there was any scope to change the date he was required to attend the Committee, in light of restrictions on his diary, and had been advised to offer two alternative dates.
5. The complainant said that the article was misleading in stating that he had limited his appearance before the Committee to an hour, when in fact this was at the suggestion of the Committee's Chair.
6. The newspaper noted that the complainant had declined to give evidence to the Committee after being initially invited to do so in March 2014. The newspaper provided a letter sent by the complainant to the Committee's Chair, dated 18 November 2014, in which he said he "had nothing to say which will be new", and that "if you continue to insist on my attendance" he would ask his office to "look into dates in the new year"; however, given his other commitments this would be "challenging". As a consequence, the Committee had felt it had to take the unusual step of summoning him to appear before the Committee on 14 January 2015. The newspaper provided a copy of the letter from the Chair, dated 10 December 2014, notifying the complainant of the summons, which referred to the complainant's "continuing lack of response to the Committee's invitation" and stated that the Committee was "particularly disappointed" at the lack of response "since its members have noted that you have been in the UK regularly over the past few weeks, but you have not been able to find an hour or so to meet us". The

Chair described this as “extremely disrespectful to the House”. The conversation reported had taken place in this context.

7. The newspaper’s account of the conversation was based on information provided by well-placed confidential sources and clearly presented as claims. The newspaper had attempted to call the Speaker about the article, but the call was not returned; it had also contacted the complainant's office, which gave a blanket denial. This was published in full.
8. Prior to publication, the newspaper had also contacted three members of the Northern Ireland Affairs Committee to put the story to them; while none were prepared to comment on-the-record, they gave no indication that any element of the article was incorrect. In response to this complaint the newspaper had contacted four named members of the Committee, who had confirmed that the article contained an accurate account of the conversation as it was reported to the Committee by its Chair, to whom it had been reported by the Speaker.
9. The newspaper had subsequently been contacted by the Speaker, who said that the complainant had at no time asked him to overturn an order that he appear before the Committee; neither had the Speaker "ripped into" the complainant. Their exchange was cordial and involved no disagreement. The newspaper argued that this was a limited denial which related only to those specific claims in the article. It said that this did not affect the article’s central claim: that the complainant had spoken to the Speaker in an attempt to avoid giving evidence as required, but was told he should attend. However, it offered to publish the following clarification to reflect the Speaker's position:

An article dated 10 January 2015 suggested that Tony Blair had begged the Speaker to overturn an order to appear before the Northern Ireland Affairs Committee and that the Speaker had ‘ripped into’ Mr Blair. Mr Bercow has confirmed to us that he was not asked to overturn an ‘order’ and that rather than ‘ripping into’ Mr Blair the conversation they had was a cordial one. The article also said that Mr Blair managed to limit his appearance to an hour. In fact, it was the Committee Chair who made that proposal.

10. The complainant did not accept this proposal. He said that the Speaker’s denial demonstrated that the article was inaccurate in its entirety and should be retracted in full.

Relevant Code Provisions

11. 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.

Findings of the Committee

12. The newspaper had relied on accounts of the conversation provided by a number of confidential sources, viewed in the context of the complainant's previous, documented, reluctance to give oral evidence to the Committee. It had contacted the parties to the call – and three members of the Committee – prior to publication to allow them an opportunity to comment on the claims and, in the complainant's case, had published his denial.
13. The article made clear that information about the conversation came from a "Westminster insider" rather than the complainant or the Speaker. It also made clear that the complainant disputed the account the newspaper had been given. The account was appropriately presented as a claim, or the newspaper's understanding of what had passed between the parties. The Committee was therefore satisfied that care had been taken to avoid misleading readers by suggesting that the newspaper had been in a position to establish that the claims published were true. While it was appropriate for the newspaper to have published the complainant's denial, the fact of his denial did not mean it was not entitled to publish the allegations. There was no failure to take care not to publish inaccurate, misleading or distorted information and no breach of Clause 1 (i).
14. The complainant's reluctance to give evidence – giving as his reason that he could add nothing new to the Committee's understanding – was demonstrated by his correspondence with the Committee, and the Committee's subsequent decision to summon him to appear on a specific date. On the complainant's own account, he had sought in the conversation with the Speaker to attend the Committee on another day to that required by the summons, and had repeated to the Speaker his belief that there was no benefit in his appearing. The newspaper had characterised his alleged conduct as having the appearance of his trying to "wriggle out" of the summons. In the full circumstances, and given the manner in which the newspaper presented these claims, this was not significantly misleading. The complaint under Clause 1 was not upheld.
15. The Speaker had not originally commented on the claims when these were put to him before publication, but had subsequently denied that there was any suggestion that he might "overturn" an order or that the conversation had been anything other than a cordial one. Given the potential for this claim to alter perceptions of the extent of the complainant's cooperation, the Complaints Committee welcomed the newspaper's offer to publish a clarification setting out the Speaker's position.

Conclusions

16. The complaint was not upheld.

Appendix B

Decision of the Complaints Committee 00768-15 A man v Wilts & Gloucestershire Standard

Summary of complaint

1. A man complained to the Independent Press Standards Organisation that the Wilts & Gloucestershire Standard had breached Clause 1 (Accuracy), Clause 3 (Privacy), Clause 7 (Children in sex cases) and Clause 11 (Victims of sexual assault) in four articles published in 2015. The complainant's partner also complained that the articles breached Clause 3 of the Code.
2. The articles reported the developments in the man's court case, in which he had been accused of a sexual offence involving a child; he was found not guilty of all charges.
3. The man was concerned that the articles had contained details, including a paraphrased quotation from the proceedings, which implied a specific connection between him and the alleged victim. As he was named in the articles, this could lead readers to identify the child; this constituted a breach of Clause 7 and Clause 11.
4. The man said that identification of him as the defendant breached Clause 3. His partner raised concerns that his identification intruded into her privacy, also. The complainant was further concerned that omission of details from the case – in order to protect the child's identity – meant that the articles presented a partial account of his conduct which was misleading.
5. The newspaper said that it had taken appropriate care to ensure that the child was not identifiable from its coverage of the trial. The quotation did not imply a link between the complainant and the alleged victim.
6. It said that in appearing before the court accused of a crime the man had no reasonable expectation of privacy. The principle of open justice is a powerful one, and can only be compromised in very limited circumstances. In publishing details about the man it was precisely the newspaper's intention to ensure that he could be identified as the defendant in this case, to avoid others with the same or similar names being misidentified as the defendant. The details were given in open court, and recorded on the register and court list. The woman was not mentioned in the articles and the newspaper said that the incidental effect on her of the publication of her partner's address was outweighed by the prevailing public interest in open justice.

Relevant Code provisions

7. 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.

Clause 3 (Privacy)

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

Clause 7 (Children in sex cases)

1. The press must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences.
2. In any press report of a case involving a sexual offence against a child...Care must be taken that nothing in the report implies the relationship between the accused and the child.

Clause 11 (Victims of sexual assault)

The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and they are legally free to do so.

Findings of the Committee

8. The newspaper was fully entitled, subject to the provisions of the Code which afford protection to victims, to cover the case and identify the complainant as the defendant. This included publishing details designed to distinguish the complainant from others who might share his name, including his partial address.
9. The inclusion of the paraphrased comments in the online version of one article, which strongly implied a specific connection between the child and the complainant, was highly concerning and demonstrated a significant failure on the newspaper's part. This was a clear breach of Clause 7.
10. The comments were also likely to contribute to the identification of an alleged victim of sexual assault; the online version of the article breached Clause 11 of the Code.
11. The Committee was satisfied that the other articles complained of did not include details sufficient to raise a breach of Clause 7 or 11. The Committee is not in a position to provide detailed reasoning for its findings, due to the risk of contributing to the identification of the alleged victim.
12. The Committee did not uphold the complaints under Clause 3. It is a central principle of open justice that newspapers are allowed to report the identities of those accused of crimes, unless the court imposes relevant reporting restrictions. In identifying the defendant in this case the newspaper did not intrude into his privacy or the private life of his partner.

13. The newspaper had appropriately reported the outcome of the case; the man had been acquitted. The requirements of the Code – and the law – prevented publication of some information relevant to the man’s defence. This did not raise concerns under Clause 1.

Conclusions

14. The complaint was upheld under Clause 7 (Children in sex cases) and Clause 11 (Victims of sexual assault).

Remedial action required

15. In circumstances where the Committee determines that there has been a breach of the Editors’ Code it can require the publication of a correction and/or adjudication as a remedy to the breach. In this case, the Committee determined that an adjudication was an appropriate remedy. The adjudication should be published in full on the newspaper’s website, with a link on the homepage of the newspaper’s website for 48 hours; thereafter it should be archived in the usual way. The headline to the adjudication should refer to the subject matter of the article and include a reference to the IPSO complaint being upheld; it should be agreed with IPSO in advance. The terms of the adjudication which the newspaper should publish are as follows:

A man complained to the Independent Press Standards Organisation that the Wilts & Gloucestershire Standard had breached Clause 7 (Children in sex cases) and Clause 11 (Victims of sexual assault) in an article published in 2015.

The article reported that the complainant had been found not guilty of committing a sexual offence involving a child.

The man was concerned that the article had contained details, including a paraphrased quotation from the proceedings, which implied a specific connection between him and the alleged victim. As he was named in the article, this could lead readers to identify the child; this constituted a breach of Clause 7 and Clause 11.

The newspaper said that it had taken appropriate care to ensure that the child was not identifiable from its coverage of the trial. The quotation did not imply a link between the complainant and the alleged victim.

IPSO’s Complaints Committee found that the inclusion of the paraphrased comments strongly implied a specific connection between the child and the complainant. This was highly concerning and demonstrated a significant failure on the newspaper’s part. It was a clear breach of Clause 7.

The comments were also likely to contribute to the identification of an alleged victim of sexual assault; the article breached Clause 11 of the Code.

Appendix C

Decision of the Complaints Committee 03503-15 A Woman v Dunfermline Press

Summary of complaint

1. A woman complained to the Independent Press Standards Organisation that the Dunfermline Press had breached Clause 7 (Children in sex cases) and Clause 11 (Victims of sexual assault) of the Editors' Code of Practice in an article published online and in print in April 2015.
2. The article reported that an individual had been charged with sexual offences against a child. The complainant expressed concern that the article contained details that would contribute to the identification of the alleged victim.
3. The complainant also noted that the article had been posted on the publication's Facebook page, where it could be commented on by Facebook users. This was irresponsible, and in doing so the newspaper had exposed the child to the danger of identification. In fact an individual had posted a story (from a source not regulated by IPSO) containing similar information on his personal Facebook page, and the child had been identified by commenters.
4. The newspaper did not accept a breach of the Code. It had taken legal advice prior to publication of the print article, and did not consider that any of the information included in either version could have led to the identification of the child. It noted that the reporting of such cases was in the public interest.
5. The newspaper had first become aware of the concerns when it had been contacted by an individual (later discovered to be the complainant) expressing concern about the comments below the story on the publication's Facebook page. The news editor had then reviewed these comments, and had not found any that were likely to contribute to the identification of the alleged victim. Nonetheless, the article had been deleted from Facebook as a gesture of goodwill. The newspaper could not be held responsible for the comments posted by an individual on his personal Facebook page on an article published by another news organisation.

Relevant Code provisions

6. Clause 7 (Children in sex cases)
 1. The press must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences.
 2. In any press report of a case involving a sexual offence against a child- -
 - i) The child must not be identified.
 - ii) The adult may be identified.
 - iii) The word "incest" must not be used where a child victim might be identified.

iv) Care must be taken that nothing in the report implies the relationship between the accused and the child.

Clause 11 (Victims of sexual assault)

The press must not identify victims of sexual assault or publish material likely to contribute to their identification unless there is adequate public interest and they are legally free to do so.

Findings of the Committee

7. The Committee acknowledged the tension between the principle of open justice and the protection of children, enshrined within the Code.
8. In this case, the article had not included details which would contribute to the identification of the alleged victim. There was no breach of Clause 7 or Clause 11. The Committee noted that it was constrained in setting out its reasons for this conclusion in its published decision by the need to ensure that it did not contribute to the victim's identification in so doing.
9. The newspaper was not responsible for the comments made identifying the child on social media, which had been posted on an individual's unmoderated page in relation to a different article (albeit one that included substantially similar material).
10. Nonetheless, the Committee took this opportunity to draw to editors' attention the need for care in such cases to avoid creating a forum for speculation as to the victim's identity. While editors are not in a position to constrain the circulation of links to stories and commentary on them hosted on third-party websites, consideration should be given to whether stories involving victims of sexual assault can safely be published on publications' social media sites – particularly where they will be open to comments.

Conclusions

11. The complaint was not upheld.

Appendix D

Decision of the Complaints Committee 02741-15 Greer v The Sun

Summary of complaint

1. Jonathan Greer complained to the Independent Press Standards Organisation that The Sun had breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "Rescue boats? I'd use gunships to stop migrants", published on 17 April 2015.
2. The article was a comment piece, in which the columnist expressed her lack of sympathy for migrants using boats to cross the Mediterranean. She said that "the migrants harassing Brit truckers at the port [Calais] are the same as the vagrants making the perilous trip across the Med", and compared migrants to "cockroaches" and the "norovirus". The columnist argued that Britain's approach to immigration should be similar to that of the Australian government, which she characterised as "threaten[ing] them with violence until they bugger off, throwing cans of Castlemaine in an Aussie version of sharia stoning". The columnist also said that some British towns were like "festering sores", "shelling out benefits [to asylum seekers] like Monopoly money".
3. The complainant said that the article gave an inaccurate impression of the migratory patterns of North African refugees, of Australian immigration policy and of British asylum support policy. He noted that fewer than 20% of North African refugees go on to seek asylum in the UK, with the majority claiming asylum in Germany. He denied that the Australian state threatened migrants in the manner suggested in the article. Furthermore, he noted that the standard rate of support for a single asylum seeker in the UK was £36.95 per week, which was below the income support level of at least £57.90 per week. It was therefore not accurate to suggest that benefits were being distributed "like Monopoly money".
4. While the complainant accepted that the Committee would not be able to consider the complaint under the terms of Clause 12, he expressed strong objections to the language used in the article. He said that the piece included numerous prejudicial references to people of North African origin, those who seek asylum in Europe and migrants in general. He considered that it dehumanised such migrants, and advocated violence towards them.
5. The newspaper did not accept that the article was inaccurate in breach of Clause 1. It noted that the article was an opinion piece and that, under the terms of the Code, columnists were free to be partisan and to use rhetorical devices, including exaggeration, to illustrate a point.
6. The newspaper did not consider that the article had stated that the majority of North African refugees who crossed the Mediterranean by boat went on to seek asylum in the UK. It noted figures from 2014, which indicated that the UK was the final destination for around one in five such migrants. It said that Australian

immigration policy was known to be very tough, and involved turning back boats forcefully, forcing asylum seekers into detention centres and guaranteeing that refugees would not be resettled in Australia. The columnist had used exaggeration to characterise the Australian policy, and the newspaper maintained that she was entitled to interpret the firmness of this policy as violence. The newspaper noted that the question of whether £36.95 was a large sum of money was subjective. Regardless, when this was added to the cost of other benefits such as accommodation, healthcare, and food, as well as administrative costs, and multiplied by the number of asylum seekers in the UK, it was a considerable sum of money.

Relevant Code provisions

7. 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.
- (iii) The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

Findings of the Committee

- 8. The article under complaint was a polemic, which expressed strong and, to many people, abhorrent views of asylum seekers and migrants generally. The complainant, and many others, had sought to complain to IPSO that the manner in which the columnist had expressed herself breached Clause 12 (Discrimination) of the Editors' Code of Practice.
- 9. The Committee acknowledged the strength of feeling the column had aroused. It took this opportunity to note publicly that the terms of Clause 12 specifically prohibit prejudicial or pejorative reference to individuals; they do not restrict publications' commentary on groups or categories of people. In this instance, the references under complaint were not to any identifiable individuals. As such, Clause 12 was not engaged. The Committee made clear that it does not have jurisdiction to deal with potential breaches of the law, but understood that the police were currently investigating the matter. The complaint was therefore considered solely under Clause 1 (Accuracy).
- 10. The article did not suggest that all North African refugees who crossed the Mediterranean by boat went on to seek asylum in the UK, but expressed the columnist's objections to those that do. This reference was not significantly misleading such that a correction was required.
- 11. The Committee noted the complainant's position that the Australian government did not respond violently to those seeking asylum. However, the Committee was

satisfied that the suggestion that Australian policy entailed assaulting asylum seekers with containers of alcohol would clearly be understood by readers as a satirical comment, rather than a genuine explanation of the policy. This did not breach Clause 1.

12. The question of whether £36.95 per week constituted a large sum of money was a matter of opinion. While the Committee noted the complainant's position that this amount was below the income support level of at least £57.90 per week, the columnist was entitled to present her view that the level of support paid to asylum seekers by the British government was too high.

Conclusion

13. The complaint was not upheld.

Appendix E

Decision of the Complaints Committee 02624-15 Partnerships in Care v Ayrshire Post

Summary of complaint

1. Partnerships in Care complained to the Independent Press Standards Organisation that the Ayrshire Post had breached Clause 1 (Accuracy) and Clause 12 (Discrimination) in an article headlined "Ayr Clinic is rapped", published on 3 April 2015.
2. The article reported Healthcare Improvement Scotland's inspection of Ayr Clinic, a secure psychiatric unit. It reported that the Clinic had been "rapped on the knuckles", and described the inspection as a "shocker". It provided details of the report's findings, its recommendations for improvement, and its requirement that the Clinic ensure that all staff receive regular performance review and appraisal. The article also explained that the Clinic had received "very good" grades in all five inspection areas, and included a statement from the Chief Inspector, who said that it had been a positive inspection, but that Partnerships in Care must address the inspection's requirement and recommendations as a matter of priority.
3. The complainant said that the article gave a misleading and distorted impression of the report's findings. On all five "quality themes" used by the report, the Clinic had received grades of "very good", the second highest rating. The recommendations made were minor issues; to "cherry-pick" the few negative aspects of the report entirely misrepresented the inspectors' overall findings. The article's claim that inspectors "swooped" on the Clinic suggested that the inspectors were acting after concerns had been raised, which was not the case as unannounced inspections are routine. The complainant suggested that the coverage had been influenced by the newspaper's opposition to Partnership in Care's planning application for a new rehabilitation centre in the area.
4. The complainant said that the article's claim that the Clinic cares for "deranged criminals" was a prejudicial and pejorative reference to the mental health of its patients. The term referred to the mental illnesses of a recognisable group of people, namely those who were resident at the Clinic.
5. The newspaper said that the article had made clear that the Clinic had been rated "very good" in the five key inspection areas, but that the inspectors had made a number of recommendations, which were accurately reported. In these circumstances, the article had not presented the inspection in a misleading manner. It was not misleading to use the word "swooped" where the inspection was unannounced, or to say that the Clinic had been "rapped"; these were matters of editorial discretion.
6. The newspaper denied that the word "deranged" was prejudicial or pejorative. It was a word that could and has been used to legitimately describe mental illness,

and formed part of common parlance. In any event, the newspaper said that the word was not a reference to the mental illnesses of all the Clinic's patients, nor any particular individual detained there; there could not therefore be a breach of Clause 12. The newspaper denied that it was conducting a campaign against the Clinic, and offered to publish a letter from the complainant.

Relevant Code Provisions

7. 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.
- (iii) The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

Clause 12 (Discrimination)

- (i) The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any physical or mental illness or disability.
- (ii) Details of an individual's race, colour, religion, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.

Findings of the Committee

8. The Code does not contain a requirement for balance, and editors are entitled to exercise their discretion in selecting – and commenting on – material for publication. The Committee grants editors considerable latitude in the characterisation or presentation of source material. However, Clause 1 imposes a requirement to take care not to distort.
9. The Healthcare Improvement Scotland's report had been positive; it found that the facility was "very good" in all areas and contained no recommendations which had a direct impact on patient care.
10. In this context, the description of the report as a "shocker" and claim that the Clinic had been "rapped" distorted the report's findings in a manner that went beyond a legitimate editorial interpretation of the inspector's conclusions.
11. The newspaper had included some accurate details of the findings; however this was not sufficient to correct the distorted impression given by the article as a whole. The newspaper had failed to take care not to publish distorted information, in breach of Clause 1 (i).

12. The reference to “deranged criminals” related to a distinct class of individuals resident at the Clinic. Clause 12 was therefore engaged. However, the Committee was satisfied that the term “deranged”, while pejorative, was used with reference to those individuals’ criminal behaviour; it was not therefore discriminatory in relation to their mental health specifically. The complaint under Clause 12 was not upheld.

Conclusions

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

Remedial action required

14. 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. Given the nature of the breach identified in this instance, the Committee required publication of an adjudication. The article was published on page 20; the adjudication should be published on that page, or further forward. The headline must make clear that IPSO has upheld the complaint, and refer to its subject matter; it must be agreed with IPSO in advance.
15. The terms of the adjudication to be published are as follows:

Following the publication of an article in the Ayrshire Post on 3 April 2015, headlined “Ayr Clinic is rapped”, Partnerships in Care complained to the Independent Press Standards Organisation that the Ayrshire Post had breached Clause 1 (Accuracy) of the Editors’ Code of Practice.

IPSO established a breach of the Editors’ Code and has required the Ayrshire Post to publish this decision as a remedy.

The article reported Healthcare Improvement Scotland’s inspection of Ayr Clinic, a secure psychiatric unit. It said that the Clinic had been “rapped on the knuckles”, and described the inspection as a “shocker”.

Partnerships in Care complained that this was a misleading and distorted impression of the report’s findings. As the article had noted, on all five “quality themes” used by the report, the Clinic had received grades of “very good”. The only recommendations made were minor issues.

IPSO’s Complaints Committee found that, as the report had been positive and contained no recommendations which had a direct impact on patient care, the description of the report as a “shocker” and the claim that the Clinic had been “rapped” distorted the report’s findings in a manner that went beyond a legitimate editorial interpretation of the inspectors’ conclusions; IPSO upheld the complaint as a breach of the Editors’ Code.

Appendix F

Decision of the Complaints Committee 02594-15 Blake v Watford Observer

Summary of complaint

1. Daniel Blake complained to the Independent Press Standards Organisation that the Watford Observer had breached Clause 1 (Accuracy) and Clause 12 (Discrimination) of the Editors' Code of Practice in a reader's letter headlined "Bushey synagogue will regret eruv", published on 3 April 2015.
2. The letter was from a member of a residents' association in Bushey, London, and concerned plans to build a new eruv (a defined area in which Jewish people may carry or push objects on the Sabbath). The letter writer opposed the establishment of the eruv, and expressed concern that Bushey was going to become a Jewish area, whereas previously people of all religions had "happily co-existed." She claimed that "Jewish law can discriminate against a disabled wheelchair user," and asked, "why are Jews exempt from the law?"
3. The complainant had led the eruv project at Bushey Synagogue, and said that the letter was clearly anti-Semitic. In his view, the suggestion that Jews would come to regret the establishment of the eruv was threatening, and the letter's references to a "powerful Jewish lobby" and local Jews' attempts to "socially engineer" the area were discriminatory and breached Clause 12. The complainant also said that the letter was inaccurate and misleading: Bushey Synagogue had not sought to mislead the public in relation to the eruv, and it was not seeking to increase the Jewish population in the area. Jewish law is always secondary to state law, and does not discriminate against disabled wheelchair users. The complainant had submitted his own letter to the newspaper in response, which was published the following week. The letter mentioned that "Jewish law is respectful of English law and certainly does not discriminate against wheelchair users."
4. The newspaper did not accept that it had breached the Code by publishing the reader's letter. It said that it was the writer's honestly-held interpretation of events surrounding the eruv application. Publication of the letter did not indicate that the newspaper shared the views of the author, and the following week the newspaper had published a number of letters in favour of the eruv. Regarding the claim within the letter that Jewish law discriminates against wheelchair users, the newspaper said that it had investigated this point upon receiving the complaint, and was satisfied that the rules surrounding pushing and carrying on the Sabbath do make travel more difficult for wheelchair users; for example, the use of electronic wheelchairs should be avoided on that day. As such, the newspaper did not believe that a correction on this point was necessary.

5. The newspaper said that the letter did not contain a discriminatory reference towards a particular individual; it did not believe that the terms of Clause 12 were engaged.

Relevant Code provisions

6. 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.
- (iii) The press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

Clause 2 (Opportunity to reply)

A fair opportunity to reply to inaccuracies must be given when reasonably called for.

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

Findings of the Committee

7. The Committee understood why members of the Jewish community in Bushey had found the letter concerning, and acknowledged the complainant's position that the letter contained references to Jewish people which many would find offensive. However, the Committee's role was to determine whether or not publication of the letter had breached the terms of the Editors' Code.
8. Newspapers are entitled to publish readers' letters which robustly argue controversial opinions, including where it is likely that those opinions will offend. The letter under complaint had plainly been the writer's opinion. In light of the newspaper's explanation of the claim about the effect of Jewish law on wheelchair users, the Committee did not identify a significant inaccuracy in this regard, which would require correction under the Code.
9. Jewish people are not "exempt from the law". It was appropriate for the newspaper to publish the complainant's reply promptly – the following week – setting out the correct position, in line with the newspaper's obligations under Clause 2 of the Code, which provides an opportunity to reply to inaccuracies when reasonably called for.

10. The claim about Jewish people being “exempt from the law” had been presented by a reader in the context of a clearly provocative letter; it was not a legal opinion, and it did not constitute a point of significance in the context of the letter as a whole. In these circumstances, the Committee was satisfied that the claim in the letter was not likely to significantly mislead readers; the newspaper was not required to publish a correction on this point, in addition to the letter it had already published. There was no failure to distinguish comment from fact. There was no breach of Clause 1.
11. The letter had not made a prejudicial, pejorative or irrelevant reference to any individual’s religion. There was no breach of Clause 12.

Conclusions

12. The complaint was not upheld.

Appendix G

239	00652-15	Docherty v Get West London
245		Complaints – Request for review
246		Complaints – Third party
272	01610-15	Robinson v Swindon Advertiser
278		Complaints – Third party
289	00870-15	Hussain v The Sunday Telegraph
290	02374-15	Roberts v Lancaster Guardian
291	01514-15	National Guild of Removers & Stors v Daily Mirror
292	00351-15	Ata-Amonoo v Bristol Post
293	02667-15	Heimlich v Daily Mirror
294	01030-15	Westley v The Daily Telegraph
295	00944-15	O'Connor v Romsey Advertiser
296	01660-15	McKenzie v Daily Record
297	02405-15	Bird v The Sun
298	01319-14	Hawk v mirror.co.uk
299		Complaints – Request for review
301	02626-15	Scott v Bedford Times & Citizen
302	00588-15	Burbage Council v The Hinckley Times
303		Complaints – Third party
304		Complaints – Request for review
305	01509-15	Boyd v Daily Express
306	03109-15	Emmott v The Daily Telegraph
307		Complaints – Request for review
308	00675-15	Moloney v Irish News
309	00660-15	Muller v The Daily Telegraph
317	03470-15	MEND v The Times
320	02368-15	A woman v The Daily Telegraph
322	02585-15	Ozer v Sunday Mail
323	01902-15	Afzal v The Sunday Telegraph
324	02402-15	Rodu v The Daily Telegraph
327		Complaints – Request for review
330	01982-15	Oakes v Press & Journal
332	02575-15	A woman v Evening Chronicle
334	00163-15	Duff v The Times
336	03343-15	Johnson v Mid Devon Advertiser
338	00180-15	Morley v Hull Daily Mail
339		Complaints – Request for review
340		Complaints – Third party
341	03460-15	Dorries v Sunday Mirror
344	01983-15	Foster v Event Magazine
345	00580-15	Owens v That's Life

346		Complaints – Request for review
347	00506-15	Cottrill v Daily Mirror
348	01743-15	Tysoe v Daily Express
351	03787-15	O'Connor v Sunday Mail
352		Complaints – Third party
353		Complaints – Request for review

Appendix H

Decision of the Complaints Committee 00766-14 Sloan v The Sunday Telegraph

Summary of complaint

1. Professor Terry Sloan complained to the Independent Press Standards Organisation that the Sunday Telegraph had breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "How we are being tricked with flawed data on global warming", published on 25 January 2015.
2. The article was a comment piece that presented the columnist's criticism of the use of techniques to adjust raw data from weather stations by scientists studying long-term climate patterns, which he described as "wholesale corruption". It suggested that scientists who support the consensus view of anthropogenic climate change had "invariably" made adjustments to support their thesis that the earth is warming. The article contrasted the results of this data from measurements of the earth's surface temperature with data from satellite measurements, claiming that "in recent years", they have shown "increasingly ... quite different results". As an example, the columnist stated that the surface-based record had shown "a temperature trend rising up to 2014 as 'the hottest years since records began'", while for 18 years the satellite-based records had shown "no rise in the trend".
3. The complainant acknowledged that the columnist was entitled to his opinion, but said that on this occasion he had supported his argument with inaccuracies. In particular, the columnist's references to uncalibrated data were invalid and misleading; calibration was needed to correct for changes in the way the data were collected. This was widely accepted among scientists.
4. Further, the complainant denied the claim that the adjustments were "invariably in one direction", with "earlier temperatures ... adjusted downwards, more recent temperatures upwards, thus giving the impression that they have risen much more sharply than was shown by the original data". Adjustments could be either positive or negative, with roughly equal numbers of each type of change.
5. The columnist's criticism of the use of sampling techniques to correct for a reduction of the number of weather stations collecting data was misleading; in fact, the number of weather stations was far above what was necessary to obtain accurate global surface temperatures. The columnist had inaccurately called this process "homogenization"; it was "infilling".
6. The complainant denied that measurements of mean global surface temperatures from satellite data were showing increasingly different results from those taken at surface weather stations. The differences between the data sets were small enough that they could be the result of chance; they were less than the measurement uncertainty.

7. The complainant raised several further concerns about the accuracy of the column. He said the claim that the late 20th-century temperature increase was no greater than previous “upward leaps” during the late 19th and early- to mid-20th centuries was inaccurate. The Intergovernmental Panel on Climate Change Summary for Policymakers reported that the increase between 1970 and 2010 was greater than previous periods cited. Finally, the columnist had misleadingly over-emphasised the warming impact of a shift toward locating weather stations in urban areas; appropriate corrections were made for this effect, and all modern studies had showed that it was in any case minor.
8. The newspaper said climate change was a controversial subject in which all claims were contestable by reference to opposing studies and opinions. Uncertainty about the reliability of climate modelling and the predictions that were derived from it was at the heart of the debate. The accuracy of all extrapolations for future warming depended on raw measurement data. Small differences in the data could produce very significant variations in predicted climate outcomes.
9. The newspaper considered that its assertion that temperature adjustments were “invariably in only one direction” would not have been understood literally by readers to mean that all adjustments to recorded temperature data had always, without exception, been upward. It noted a number of examples given in the article in which this pattern had been observed, and it provided examples of studies that discussed other such cases. Nevertheless, it offered to amend the online article to read “almost invariably”.
10. It stood by the criticism of the techniques outlined in the article. In relation to infilling, it relied on analysis of global weather station distribution that indicated that coverage had shrunk dramatically after 1990. It referred to maps published by the Science and Public Policy Institute to demonstrate that 80 per cent of global surface area was not covered by temperature recorders.
11. The newspaper did not consider that its use of the word “homogenised” for this process was significantly misleading; it was clear from the context that this referred to the “infilling” of data to cover geographical areas without weather stations. For clarity, however, it removed the word “homogenisation” from the online article.
12. The newspaper said that published data indicated that surface records were consistently higher than satellite records, as reported: the relevant data showed that between 1980 and 2015, temperature anomalies (from a mean) for the surface records (GISS and HadCRUT) were .72 and .49. For the two satellite-based measurements (UAH and RSS), the figures were .32 and .28. The newspaper denied that the differences between these two sets of figures were “insignificant”; small global temperature changes could provoke dangerous climate effects.
13. The newspaper said there were many widely accepted studies that supported its report of the impact of the urban heat island. With regard to the previous periods of warming, it referred to an interview in which Professor Phil Jones, director of the Climatic Research Unit at the University of East Anglia, had

stated that the warming rates for the periods mentioned were “similar and not statistically significantly different from each other”.

14. Nonetheless, the newspaper accepted that the column contained two inaccuracies relating to the trends shown by recent satellite data and offered to publish the following correction in print and online:

An article of Jan 25 ("How we are being tricked with flawed data on global warming") stated that, in contrast to global surface-based temperature measurements - which have shown a trend rising up to 2014 - satellite-based measurements have recorded no rise in trend for 18 years. In fact, this has been true for 17 years, not 18. It is also the case that, although the RSS record shows 2014 as only the sixth warmest year since 1998, the averaged satellite-based temperature records show it as the fifth warmest. We are happy to make this clear.

15. The complainant did not accept the newspaper's offer of a correction, as it did not fully address his complaint. He did not accept the newspaper's interpretation of the data. In relation to the anomalies, his own calculations showed an anomaly of .4 (not .72) for GISS; thus, while the satellite measurements showed smaller increases in raw terms, all four data sets showed increases that were compatible with each other within the measurement accuracy. He said the newspaper had relied on a non-peer reviewed publication to support its position regarding the effects of reduced weather station distribution and urban heat islands.

Relevant Code Provisions

16. 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.

Findings of the Committee

17. The article was an opinion piece in which the columnist sought to challenge established scientific views on global warming. There is still dispute about the interpretation of historical temperature data, and the columnist was entitled to select evidence to support his position. The Committee emphasised that its role

was to evaluate the complaint under the Editors' Code and not to attempt to reach a position on matters best left to public debate.

18. The complainant had raised a number of objections to the newspaper's commentary on the processing techniques commonly used by climate scientists. This, however, was a comment piece and the columnist was entitled to set out his position on the topic. The analysis of climate data using statistical models and views about the significance of apparent trends in this data are inherently matters of interpretation. The columnist had presented his argument and had adequately substantiated his position; the Committee did not establish a breach of the Code in this regard.
19. In addition to these general criticisms, the columnist had made the significant allegation that these adjustments had been used "invariably" to adjust the data "in only one direction. Earlier temperatures are adjusted downwards, more recent temperatures upwards, thus giving the impression that they have risen much more sharply than was shown by the original data", as part of a "wholesale corruption of proper science".
20. The newspaper had provided evidence of examples of adjustments to the data fitting this pattern, but it had not been able to demonstrate that this was "invariable". The Committee expressed serious concern about the adequacy of the material the newspaper had provided to substantiate its claim. On balance, it concluded that the newspaper had provided adequate material to avoid a finding by the Committee that it had failed to take care over the accuracy of the article, in the context of a clearly contentious opinion piece. Further, the Committee was of the view that there was an element of hyperbole in the suggestion, and as such it was not significantly misleading such that a correction was required under Clause 1 (ii). Nonetheless, the Committee noted that this had come very close to the line.
21. The Committee welcomed that, in response to the complaint, the newspaper had removed the word "homogenisation" from the online article, and had offered to correct its report that satellite-based measurements had not recorded a rise in temperature for 18 years, and that 2014 had been the fifth warmest year, not the sixth, on record. These, however, were minor inaccuracies that were not significant in the context of the columnist's argument. The newspaper was not required to correct these points under the terms of Clause 1, but the Committee welcomed its offer to do so.

Conclusions

22. The complaint was not upheld.