ipso. independent press standards organisation

Paper No. 1602

CONFIDENTIAL

MINUTES of the COMPLAINTS COMMITTEE MEETING
Wednesday 19 December 2018 at 10.30 am
Gate House, 1 Farringdon Street, London EC4M 7LG

Present
Alan Moses (Chairman)
Nazir Afzal
Richard Best
Lara Fielden
Janette Harkess
David Jessel
Helyn Mensah
Elisabeth Ribbans
Neil Watts
Miranda Winram (Items 6 to 11)
Peter Wright

In attendance:
Charlotte Dewar, Director of Operations
Michelle Kuhler, PA and minute taker
Bianca Strohmann, Head of Complaints
Matt Tee, Chief Executive

Also present: Members of the Executive:

Katrina Bell
John Buckingham
Rosemary Douce
Jonathan Harris
Vikki Julian
Sophie Malleson
Thomas Moseley
Lauren Sloan
Charlotte Urwin

Observers: Jonathan Grun, Editors' Code of Practice Committee

1. Apologies for Absence

There were apologies received from Andrew Pettie.

2. Declarations of Interest

Peter Wright declared an interest in item 8 and 10 (iii) and (iv), and left the meeting for these items.

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 14 November.

4. Update by the Chairman – oral

The Chairman updated the Committee on recent events including his meetings held at the House of Commons and House of Lords and a meeting held with the Regulatory Funding Company in relation to future funding for IPSO.

5. Matters arising

There were no matters arising.

6. Complaint 06604-18/06605-18 Ant McPartlin and Anne-Marie Corbett v Now/Woman

The Committee discussed the complaints and ruled that the complaints should not be upheld. Copies of its rulings appear in **Appendix A.**

7. Complaint 06005-18 Newlands v Evening Telegraph

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

8. Complaint 05768-18 Solomon v Mail Online

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

9. Complaints not adjudicated at a Complaints Committee meeting

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

10. Any other business

(i) 06731-18 Wedge v The Sun

The Committee discussed the complaint and it was decided that it fell within IPSO's remit.

(ii) 06642-18 Hill v The Spectator

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

(iii) 05228-18 Versi v Daily Mail

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

(iv) 05991-18 Versi v thesun.co.uk

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

11. Date of next meeting

The date of the next meeting was confirmed as Wednesday 30 January.

The meeting ended at 1pm

APPENDIX A

Decision of the Complaints Committee

McPartlin and Corbett v Woman

Summary of complaint

1. Ant McPartlin and Anne-Marie Corbett complained to the Independent Press Standards Organisation that Woman breached Clause 2 (Privacy) of the Editors' Code of Practice in an article headlined, "Ant set to be a dad?" published on 8 October 2018.

2. The article was trailed on the front page and was accompanied by 2 photographs of the complainants. The article continued inside, and reported on social media speculation that Ms Corbett may be pregnant. It included photographs of the complainants, and reported comments made by members of the public on social media, including "she looks pregnant".

3. The article also appeared online with the headline, "Is Ant McPartlin expecting a baby with new girlfriend Anne-Marie Corbett?" published on 6 October 2018. The online article did not include the photographs that were published in print. It was otherwise substantially the same as the print article.

4. The complainants said that the article breached Clause 2 (Privacy) of the Editors' Code. They were particularly concerned that the article had been published in the context of recent, extensive media coverage relating to various aspects of Mr McPartlin's private life. They said that Ms Corbett was not a public figure, and that the nature of the speculation in the article was particularly upsetting for the complainants. They said that whether or not someone was pregnant was a deeply personal and private matter. They said that reporting on a possible early pregnancy was particularly intrusive, due to the medically accepted heightened risk of miscarriage.

5. The complainants accepted that there had been some speculation about the possible pregnancy on social media. However, they said that this was limited, and did not affect their expectation of privacy in relation to this information. They said that the publication had not just reported this speculation, but adopted and added to it itself, as shown through the headlines on both the front page and inside article. They emphasised that the speculation included in the article would lead to further questions from members of the public and other media outlets, which they said constituted a further intrusion for them and their families.

6. While they accepted that Mr McPartlin was well-known as an entertainer, they said that Ms Corbett was a private individual, with no independent public profile. Therefore, they said that the fact the media had speculated on the possible pregnancies of certain well-known individuals in the past did not diminish the intrusive effect of the article. Further, they said that the publication of this private information could not reasonably be justified in the public interest.

7. The publication did not accept that it had breached the Code. It said that the article did not contain any information about which the complainants had a reasonable expectation of privacy, and therefore Clause 2 was not engaged. It said that the publication had not revealed the fact of a pregnancy, but had simply reported comments made by members of the public on social media, which it did not accept could be considered private

information. It provided screenshots of more than 100 comments that had been posted online by members of the public, speculating that the woman looked pregnant. In some cases the comments had been subject to "voting" by other members of the public; they had been "upvoted" up to 200 times. It argued that it had no knowledge as to whether or not the complainant was pregnant, but simply reported on speculation that was in the public domain.

8. While the publication accepted that the reporting of speculation could, in certain circumstances, constitute a breach of Clause 2, it did not accept that this was the case in this instance. It said that the article had not reported the pregnancy as fact, but clearly as the conjecture of others. It said that it had explained that the claims had been made by members of the public who plainly had no direct knowledge of the matter, and had published the photograph which had led to this speculation. It said that the article had not reported or suggested that any source with direct knowledge of the matter had commented on the matter. In these circumstances, readers were able to come to their own conclusion about the credibility of the claims. It also said that its readers would read the article in the context of the publication in which it appeared, and would not consider it to be an authorative source of news. It denied that the article would "force the hand" of the complainants by putting them in a position where they felt obliged to confirm or deny the claims.

9. The publication stressed that it was entitled to discuss and report on the lives of people who may be of interest to its readers. It said that light-hearted and affectionate articles such as the one under complaint were of great importance to its readership, and said that reporting on such matters were a matter of public interest. It provided a number of examples of similar stories in other publications, which speculated on the possible pregnancies of various women in the public eye. While the publication did not wish to advance a specific public interest justification, as it did not accept Clause 2 was engaged, it said that the article itself was an example of freedom of expression, which is recognised and protected under the Editors' Code.

10. Regardless, during direct correspondence between the parties the publication did offer a meeting with senior editorial executives at the magazine, and a published apology to attempt to resolve the complaint.

Relevant Code Provisions

11. Clause 2 (Privacy)*

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

ii) Editors will be expected to justify intrusions into any individual's private life without consent. In considering an individual's reasonable expectation of privacy, account will be taken of the complainant's own public disclosures of information and the extent to which the material complained about is already in the public domain or will become so.

iii) It is unacceptable to photograph individuals, without their consent, in public or private places where there is a reasonable expectation of privacy.

Findings of the Committee

12. The Committee acknowledged that the complainants had found the publication of the article distressing.

13. The complainants' position was that the publication of speculation about a possible pregnancy, regardless of whether or not it was accurate, was intrusive. The Committee emphasised that an individual may have a reasonable expectation of privacy in relation to information about a pregnancy, specifically in relation to information regarding a pregnancy in the early months, given the risks of complications. Further, it acknowledged that the publication of speculation may, in and of itself, be intrusive depending on the full circumstances.

14. In this instance, the publication had been able to demonstrate that around the time the article was published, published photographs had given rise to widespread speculation by members of the public as to whether the couple were expecting a child together. These included comments on various articles published online, some of which had been "upvoted" dozens of times by other users, apparently endorsing the speculation. The article directly quoted a number of these comments, and made clear to readers that these were the views of "fans" who had made comments online in response to the publication of the photograph of the woman, which was also included in the article under complaint. The publication itself had not expressed a view on the credibility of these claims; nor had it added details to the speculation, or endorsed the views which had been expressed by members of the public.

15. There was no suggestion, in the article or otherwise, that the publication was in possession of any information about the accuracy of this claim. The Committee did not consider that the article was an attempt by the publication to report on, or reveal the fact of a pregnancy without the complainants' consent. Given [the fact that the article was reporting on claims which were in the public domain, and the way in which the claims were presented in the article, the Committee concluded that the magazine's publication of an article referring to this speculation did not constitute an intrusion into the complainants' private life. There was no breach of Clause 2.

Conclusions

16. The complaint was not upheld.

Remedial Action Required

17. N/A

Decision of the Complaints Committee

McPartlin and Corbett v Now

Summary of complaint

1. Ant McPartlin and Anne-Marie Corbett complained to the Independent Press Standards Organisation that Now breached Clause 2 (Privacy) of the Editors' Code of Practice in an article headlined, "Tum-thing to tell us, Anne-Marie?" published on 8 October 2018.

2. The article reported on social media speculation that Ms Corbett may be pregnant. It included a photograph of the complainant, which the article said had been published online and had led to comments such as "she looks pregnant," and "pregnant I see" by members of the public. The article was also trailed on the front page with the headline, "Is Ant's girlfriend pregnant?" and included a photograph of each complainant.

3. The article also appeared online with the headline, "Tum-thing to tell us? Are Ant McPartlin and girlfriend Anne-Marie Corbett expecting a baby?" published on 6 October 2018. The online article did not include the photographs that appeared in print. It was otherwise substantially the same as the print article.

4. The complainants said that the article breached Clause 2 (Privacy).They were particularly concerned that this article had been published in the context of recent, extensive media coverage relating to various aspects of Mr McPartlin's private life. They said that Ms Corbett was not a public figure, and that the nature of the speculation in this article was particularly upsetting for the complainants. They said that whether or not someone was pregnant was a deeply personal and private matter. They said that reporting on a possible early pregnancy was particularly intrusive, due to the medically accepted heightened risk of miscarriage.

5. The complainants accepted that there had been some speculation about the possible pregnancy on social media. However, they said that this was limited, and did not affect their expectation of privacy in relation to this information. They said that the publication had not merely reported this speculation, but adopted and added to it itself, as shown through the headlines on both the front page and inside article. They emphasised that the speculation included in the article would lead to further questions from members of the public and other media outlets, which they said constituted a further intrusion for them and their families.

6. While they accepted that Mr McPartlin was well-known as an entertainer, they said that Ms Corbett was a private individual, with no independent public profile. Therefore, they said that the fact the media had speculated on the possible pregnancies in relation to certain well-known individuals in the past did not diminish the intrusive effect of the article. Further, they said that the publication of this private information could not reasonably be justified in the public interest.

7. The publication did not accept that it had breached the Code. It said that the article did not contain any information about which the complainants had a reasonable expectation of privacy, and therefore Clause 2 was not engaged. It said that it had not revealed the fact of a pregnancy, but had simply reported comments made by members of the public on social media, which it did not accept could be considered private information. It provided screenshots of more than 100 comments that had been posted online by members of the public, speculating that the woman looked pregnant. In some cases the comments had been subject to "voting" by other members of the public; they had been

"upvoted" up to 200 times. It argued that it had no knowledge as to whether or not the complainant was pregnant, but simply reported on speculation that was well-established in the public domain.

8. While the publication accepted that the reporting of speculation could, in certain circumstances, constitute a breach of Clause 2, it did not accept that this was the case in this instance. It said that the article had not reported the pregnancy as fact, but clearly as conjecture. It said that it had attributed these claims simply to unknown members of the public, with no direct knowledge of the matter, and included the photograph that had led to this speculation. It said that the article had not reported or suggested that any source with direct knowledge of the matter had commented on the matter. In these circumstances, readers were able to come to their own conclusion about the credibility of the information. It also said that its readers would read the article in the context of the publication in which it appeared, and would treat it as interesting and light-hearted, rather than an authorative or influential source of news. It denied that the article would "force the hand" of the complainants by putting them in a position where they felt obliged to confirm or deny the story.

9. The publication stressed that it was entitled to discuss and report on the lives of people who may be of interest to its readers. It said that light-hearted and affectionate articles such as the one under complaint were of great importance to its readership, and said that reporting on such matters were a matter of public interest. It provided a number of examples of similar stories in other publications, which speculated on the possible pregnancies of various women in the public eye. While the publication did not wish to advance a specific public interest justification, as it did not accept Clause 2 was engaged, it said that the article itself was an example of freedom of expression, which is recognised and protected under the Editors' Code.

10. Regardless, during direct correspondence between the parties the publication offered a meeting with senior editorial executives at the magazine, and a published apology to attempt to resolve the complaint.

Relevant Code Provisions

11. Clause 2 (Privacy)*

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

ii) Editors will be expected to justify intrusions into any individual's private life without consent. In considering an individual's reasonable expectation of privacy, account will be taken of the complainant's own public disclosures of information and the extent to which the material complained about is already in the public domain or will become so.

iii) It is unacceptable to photograph individuals, without their consent, in public or private places where there is a reasonable expectation of privacy.

Findings of the Committee

12. The Committee acknowledged that the complainants had found the publication of the article distressing.

13. The complainants' position was that the publication of speculation about a possible pregnancy, regardless of whether or not it was accurate, was intrusive. The Committee emphasised that an individual may have a reasonable expectation of privacy in relation to

information about a pregnancy, specifically in relation to information regarding a pregnancy in the early months, given the risks of complications. Further, it acknowledged that the publication of speculation may, in and of itself, be intrusive depending on the full circumstances.

14. In this instance, the publication had been able to demonstrate that around the time the article was published, photographs had given rise to widespread speculation by members of the public as to whether the couple were expecting a child together. These included comments on various articles published online, some of which had been "upvoted" dozens of times by other users, apparently endorsing the speculation. The article directly quoted a number of these comments, and made clear to readers that these were the views of "fans" who had made comments online in response to the publication of the photograph of the woman, also included in the article under complaint. The publication itself had not expressed a view on the credibility of these claims; nor had it added details to the speculation, or endorsed the views of these members of the public.

15. There was no suggestion, in the article or otherwise, that the publication was in possession of any information about the accuracy of this claim. The Committee did not consider that the article was an attempt by the publication to report on, or reveal the fact of a pregnancy without the complainants' consent. Given the subject of the speculation, the material in the public domain, and the presentation of the article, the Committee concluded that the magazine's publication of an article referring to this speculation did not constitute an intrusion into the complainants' private life. There was no breach of Clause 2.

Conclusions

18. The complaint was not upheld.

Remedial Action Required

19. N/A

APPENDIX B

Decision of the Complaints Committee
06005-18 Newlands v Evening Telegraph (Dundee)

Summary of Complaint

1. Kathleen Newlands complained to the Independent Press Standards Organisation that the Evening Telegraph (Dundee) breached Clause 1 (Accuracy), Clause 2 (Privacy), Clause 4 (Intrusion into grief or shock), and Clause 8 (Hospitals) of the Editors' Code of Practice in an article headlined "Notorious shoplifter found dead", published on 7 December 2018.

2. The article reported that a "one-legged man who became notorious for carrying out shoplifting sprees on his mobility scooter has been found dead in a hospital toilet". It said that the man, who was named, had been found at a named hospital three days previously "alongside evidence of illicit drug misuse". It said that the man "had a leg amputated because of drug-related issues", and that he had "a long list of convictions for crimes of dishonesty" which "had not been stopped by the loss of a leg about a year ago".

3. The article appeared in the same format online under the headline "One-legged man who went on shoplifting sprees on his scooter found dead in hospital toilet", published on 8 September 2018.

4. The complainant – the man's aunt – said that the article breached Clause 4 (Intrusion into grief or shock): the family had not been aware that the man had died in a hospital toilet, or that his death had been linked to drugs, prior the publication of the article. She was concerned that the article gave the impression that the man had entered the hospital to use drugs, when in fact he had been a patient there. She also said that the article breached Clause 1 (Accuracy) because the man had lost his leg due to an illness, rather than due to drug use. In addition, she said that the article breached Clause 8 (Hospitals) because it intruded on the man's rights to patient confidentiality.

5. The publication denied any breach of Clause 4 (Intrusion into grief or shock). It said that it had received the original copy from an agency, and it had published the story as a matter of public interest. It said that the agency became aware of the circumstances of the man's death from confidential sources in the days following the death. It said that, as the story was published four days after the man's death, it had no concern that the family would not have been informed by the police about the circumstances of his death. It denied that the article had revealed any private information about the man, or any health conditions he was being treated for; it therefore denied any breach of Clause 2 (Privacy) or Clause 8 (Hospitals). The publication said that, in any event, as the man had died while committing a criminal act in a public building, and he had a history of engaging in drug-fuelled crime, there was a public interest in the reporting. This history, and the information relating to his use of the mobility scooter, had been discussed as part of the proceedings against him. The publication also denied that the article was inaccurate in breach of Clause 1 (Accuracy): the man's solicitor, representing him in court months before his death, had said that "He accepts most of his health problems are self-inflicted. He is now in a wheelchair, having had a recent amputation. He has significant health difficulties associated with his drug misuse".

Relevant Code Provisions

Clause 1 (Accuracy)
i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.

Clause 2 (Privacy)
i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.
ii) Editors will be expected to justify intrusions into any individual's private life without consent. In considering an individual's reasonable expectation of privacy, account will be taken of the complainant's own public disclosures of information and the extent to which the material complained about is already in the public domain or will become so.
iii) It is unacceptable to photograph individuals, without their consent, in public or private places where there is a reasonable expectation of privacy.

Clause 4 (Intrusion into grief or shock)
In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. These provisions should not restrict the right to report legal proceedings.

Clause 8 (Hospitals)
i) Journalists must identify themselves and obtain permission from a responsible executive before entering non-public areas of hospitals or similar institutions to pursue enquiries.
ii) The restrictions on intruding into privacy are particularly relevant to enquiries about individuals in hospitals or similar institutions.

The Public Interest
3. The regulator will consider the extent to which material is already in the public domain or will become so.

Findings of the Committee

6. The Committee first wished to extend its condolences to the complainant and her family. It acknowledged that although the family had been aware of their relative's death before the publication of the article, they had learned details of the circumstances from the coverage and had found this extremely upsetting.

7. The article was based on information provided to the publication by confidential sources and had been published four days after the man had died. It had not informed the family of the fact of the man's death – but rather, its specific circumstances. The question for the Committee was whether the publication of this information about the circumstances of the man's death, about which the family was not aware, was insensitive in breach of Clause 4.

8. The man's involvement with drug addiction and the criminal proceedings against him were matters of public record, having been previously heard in court and reported on by the

publication. In particular, the reference to his status as an amputee had been a prominent part of the previous reporting because he had used a mobility scooter in committing crime. The Committee noted that the death had occurred while the man was in the care of a public body, and it was not in dispute that the man had been found with drug paraphernalia. The inclusion of these details was not gratuitous: it drew attention to a matter of potential public concern. In these circumstances, while the Committee understood the family's distress that they had learned of the details of the man's death in this manner, it did not consider that the publication of these details breached Clause 4.

9. The man's solicitor had said, in court, that he suffered from significant health difficulties associated with drug misuse. The publication interpreted this comment as a reference to the reason for the man's amputation, a claim which had been published previously without any complaint; there was no failure to take care over the accuracy of this point, and in light of the statement made in court by the man's solicitor, the Committee did not consider that the article contained any misleading impression that required correction. There was no breach of Clause 1 (Accuracy).

10. The details of the complainant's prior court appearances, including the account of his amputation, were in the public domain, and did not represent private information. In addition, the complainant believed that, because the man's death had occurred in hospital, it represented private medical information about him. However, deaths are not private matters, but matters of public record; revealing the fact of the complainant's death did not therefore intrude on his family's privacy. There was therefore no breach of Clause 2 (Privacy), and where there was no suggestion that any journalist had entered the hospital in pursuit of the story, there was no possible breach of Clause 8 (Hospitals).

Conclusions

11. The complaint was not upheld.

Remedial action required

12. N/A

Date complaint received: 11 June 2018
Date decision issued: 24 January 2019

APPENDIX C

Decision of the Complaints Committee

05768-18 Solomon v Mail Online

Summary of Complaint

1. Fiona Solomon complained to the Independent Press Standards Organisation on behalf of the Solomon family, including her daughters, Jemma and Stacey, that Mail Online breached Clause 2 (Privacy) and Clause 6 (Children) of the Editors' Code of Practice in an article headlined: "Stacey Solomon PICTURE EXLUSIVE: TV star wows in dove grey bridesmaid dress at her sister's wedding… yet can't resist stealing a cigarette break before the nuptials", published on 25 August 2018.

2. The article reported that Stacey Solomon, a television presenter, had attended the wedding of her sister. The article was accompanied by a number of photographs of the wedding party taken in the grounds of the venue, including the bride in her wedding dress walking alongside her father, and Stacey Solomon smoking, and bending down to adjust her sister's dress. A number of photographs featured the complainant's grandchildren, with their faces pixelated.

3. The complainants said that the photographs had been taken without their knowledge and consent while they had been engaged in private family life. They said that the publication of the images was an unjustified intrusion into their privacy. The complainants further said that the publication of pixelated images of the children, without parental consent, was a breach of Clause 6.

4. The complainants said that the publication had made no attempt to seek consent from the family, or to establish the circumstances in which the photographs had been taken before publication. They said that the entire venue had been booked out for the wedding, and the angle of the photographs demonstrated that the photographer would have been standing within the private grounds of the hotel when the images were taken, as the area would not have been visible from the public road.

5. The complainants said that, apart from Stacey Solomon, the family was not in the public eye, and there was no public interest in reporting on the wedding or publishing photos from it. The complainants expressed concern that Jemma Solomon had been denied the excitement of seeing the pictures that were taken by her official wedding photographer on the day. While the complainants acknowledged that Stacey Solomon was in the public eye, they said that she still had the right to have her privacy respected. They said that the photographs of Stacey smoking were particularly intrusive, as they were intended to expose her to ridicule.

6. The publication did not accept a breach of the Code. It said that the photographs were taken in circumstances where there was no reasonable expectation of privacy, and it did not accept that the terms of Clause 6 were engaged.

7. The publication said that it had obtained the photographs from a press agency. Prior to publication, it had asked the agency about the circumstances in which the pictures were taken; the agency had explained that the hotel wedding venue was situated within grounds that were open to the public. The publication provided a marked-up aerial photograph of the hotel, and

clarified that the photographer had been standing on the edge of the grounds, and not on the public road which ran alongside, at the time the photographs were taken.

8. The publication noted the complainant's position that the venue had been "booked out" on the day; it acknowledged that this was something which was offered by the venue, but said that there was no mention on the venue's website that this meant that the hotel and grounds were solely for the private use of the guests only. The publication said that weddings can never be private ceremonies and all civil wedding venues must ensure that the premises are open to the public. It said that although the photographer took steps not to intrude on the events on the day by keeping a respectful distance from the wedding party during the ceremony, the grounds would have been open to the public, as not to do so would have meant the venue being in breach of the licence conditions.

9. The publication said that a wedding is the most public aspect of a relationship and no private information was revealed from the photographs. The publication said that a number of people pictured, namely Jemma Solomon and her father, had been featured in the media already to some extent, and aspects of their family life had already been placed into the public domain.

10. The publication said that shortly after publication, it had been contacted by a PR representative of Stacey Solomon, who had requested removal of the images. The publication provided copies of this correspondence, in which the representative had said: "I appreciate that you will want to retain the photos of Stacey and [her partner], but her sister has kept her wedding day off of social media etc to keep it private until the professional photos". It noted that at least initially, it had been made plain that Stacey Solomon had no expectation of privacy.

11. The publication said that the terms of Clause 6 were not engaged, because the children had not been photographed on an issue which involved their welfare. Notwithstanding this, it said that it pixelated the features of the children heavily, prior to publication, and no private information had been revealed about them. It noted that Stacey Solomon had published an image on Instagram of herself, her partner and her children on the day of the wedding, and that Jemma Solomon had similarly published unpixelated pictures of her children on social media.

12. While the publication did not accept a breach of the Code, as a gesture of goodwill, and in an attempt to resolve the complaint, the publication removed the photographs of the bride. It also offered to remove the photographs of the other family members and their children, except for the images of Stacey Solomon.

Relevant Code Provisions

Clause 2 (Privacy) *

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

ii) Editors will be expected to justify intrusions into any individual's private life without consent. In considering an individual's reasonable expectation of privacy, account will be taken of the complainant's own public disclosures of information and the extent to which the material complained about is already in the public domain or will become so.

iii) It is unacceptable to photograph individuals, without their consent, in public or private places where there is a reasonable expectation of privacy.

Clause 6 (Children)

i) All pupils should be free to complete their time at school without unnecessary intrusion.

iii) Children under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.

v) Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.

Findings of the Committee

13. A marriage is a public declaration of a relationship; the fact of a marriage is not information about which there is a reasonable expectation of privacy. However, information relating to the celebrations in connection with a wedding, including photographs, may be part of an individual's private and family life in respect of which the individual has a reasonable expectation of privacy, depending upon the circumstances. The Code requires publications to show respect for an individual's private and family life and to justify any intrusions, including the taking of photographs in both public and private places, in circumstances where an individual has a reasonable expectation of privacy and has not provided consent.

14. The photographer, without permission, had entered the grounds of the hotel, which the complainants had booked out for the purpose of the wedding. In such circumstances, the complainants had a reasonable expectation that the grounds of the hotel would be respected as a place where they could enjoy their private and family lives, without intrusion. The photographer had taken a number of photographs of the complainants in several locations which would not have easily been visible from the public road which ran alongside the hotel. These photographs had been taken, without the complainants' knowledge and consent, while they had been socialising together and engaging in their private and family lives. Publishing photographs of the complainants taken in such circumstances represented an intrusion; the publication had not sought to justify the publication of the images in the public interest. The complaint under Clause 2 was upheld.

15. The publication of the photographs of the complainant's grandchildren represented an intrusion, in breach of Clause 2, for the reasons explained above. The Committee acknowledged that these photographs had been pixelated such that the children's likeness had not been revealed, however, it was foreseeable that they would be identifiable through their association with their parents.

16. The question for the Committee under Clause 6 was whether the children had been photographed on an issue which involved their welfare. The information disclosed about the complainant's grandchildren in the photographs in their pixelated form was limited. They had been photographed in the grounds of the hotel as part of the wedding party: these were not issues which involved their welfare. In such circumstances, the terms of Clause 6 (iii) were not engaged; no consent for the photographs from a parent was therefore required. The complainant had not sought to argue that the published photographs represented an intrusion into the children's time at school. There was no breach of Clause 6.

Conclusion

17. The complaint was upheld.

Remedial Action Required

18. Having upheld the complaint, the Committee considered what remedial action should be required.

19. Where the Committee has upheld a complaint as a breach of Clause 2, the appropriate remedial action is the publication of an adjudication.

20. The adjudication should be published online, with a link to it (including the headline) being published on the top 50% of the publication's homepage for 24 hours, with a link to the full adjudication (including the headline) appearing on the homepage for 24 hours; it should then be archived in the usual way. The headline to the adjudication should make clear that IPSO has upheld the complaint, give the title of the publication and refer to the complaint's subject matter. The headline must be agreed with IPSO in advance. The publication should contact IPSO to confirm the amendments it now intends to make to the article to avoid the continued publication of material in breach of the Editors' Code of Practice. If the article remains online un-amended, the full adjudication (including the headline) should appear below the headline.

21. The terms of the adjudication for publication are as follows:

Fiona Solomon complained to the Independent Press Standards Organisation on behalf of the Solomon family, including her daughters, Jemma and Stacey, that Mail Online breached Clause 2 (Privacy) of the Editors' Code of Practice in an article headlined: "Stacey Solomon PICTURE EXLUSIVE: TV star wows in dove grey bridesmaid dress at her sister's wedding… yet can't resist stealing a cigarette break before the nuptials", published on 25 August 2018.

The article reported that Stacey Solomon, a television presenter, had attended the wedding of her sister. The article was accompanied by a number of photographs of the wedding party taken in the grounds of the venue.

The complainants said that the photographs had been taken without their knowledge and consent while they had been engaged in private family life. The complainants said that, apart from Stacey Solomon, the family was not in the public eye, and there was no public interest in reporting on the wedding or publishing photos from it.

The publication said that a wedding is the most public aspect of a relationship and no private information was revealed from the photographs. The publication said that weddings can never be private ceremonies and all civil wedding venues must ensure that the premises are open to the public. It said that although the photographer took steps not to intrude on the events on the day by keeping a respectful distance from the wedding party during the ceremony, the

grounds would have been open to the public, as not to do so would have meant the venue being in breach of the licence conditions.

The photographer, without permission, had entered the grounds of the hotel, which the complainants had booked out for the purpose of the wedding. In such circumstances, the complainants had a reasonable expectation that the grounds of the hotel would be respected as a place where they could enjoy their private and family lives, without intrusion. The photographer had taken a number of photographs of the complainants in several locations which would not have easily been visible from the public road which ran alongside the hotel. These photographs had been taken, without the complainants' knowledge and consent, while they had been socialising together and engaging in their private and family lives. Publishing photographs of the complainants taken in such circumstances represented an intrusion; the publication had not sought to justify the publication of the images in the public interest. The complaint under Clause 2 was upheld.

APPENDIX D

Paper No.	File Number	Name v Publication
1482	**03349-18**	**University Hospital Southampton NHS Foundation Trust v Daily Express**
1483	**04034-18**	**Ward v Telegraph.co.uk**
1515	04364-18	Virgin Trains v Mail Online
1519	05737-18	A woman v Mail Online
1520	05340-18	A woman v The Sun/thesun.co.uk
1522	04770-18	Bee v The Sunday Times
1523	06148-18	Sherief v The Sunday Times
1524	04626-18	Smith v Mail Online
1525	05555-18	Ward v Daily Mail
1530	06208-18	A woman v Worcester News
1537	06015-18	Dickinson v The Northern Echo
1538	06173-18	Keane v The Scotsman
1539	06243-18	Rae v Sunday Mail
1540	05871-18	A woman v Mail Online
1541	05679-18	Gos v Daily Express
1542		Request for review
1543	04750-18	Wilkinson v Yorkshire Post
1544	04872-18	Muslim Association of Britain v The Daily Telegraph
1545	06129-18	A man v The Sunday Times
1547		Request for review
1550	05446-18	Devine v dailyrecord.co.uk

1551	05677-18	Costello v Swindon Advertiser
1552	06367-18	SYD FB v Evening Times

APPENDIX E

Decision of the Complaints Committee

06642-18 Hill v The Spectator

Summary of complaint

1. Mike Hill complained to the Independent Press Standards Organisation that The Spectator breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "The march of trans rights", published on 6 October 2018.

2. The article was an opinion piece which discussed the increasing incidence of people who identify as transgender, and focused on the publication and implications of the Allsorts Trans Inclusion Schools Toolkit- a new set of guidelines which advise schools on how to support trans and gender variant children.

3. The article gave two examples of scenarios involving trans children and schools' responses. It said that both the examples and the responses were real, and the responses came from the Toolkit. The article explained that the Toolkit would advise schools faced with one of the examples, a scenario in which a non-transgender girl became upset after a transgender girl had watched her undress after gym and played with her penis, to respond in a manner that favoured the transgender child over that of the non-transgender girl, suggesting the parents of the non-transgender child should change their attitude to find the behaviour acceptable. It said that these examples "are real. So are the responses, which come from the Allsorts Trans Inclusion Schools Toolkit".

4. The article also asked why a disproportionate number of girls were "starting a journey that can lead to hormone treatment then binding and ultimately removing their breasts" and whether this is "…simply part of a wider crisis of mental health amongst girls?"; said that organisations often received "highly dubious quasi-legal advice from lobbying groups" on trans issues, and stated that: "According to Stonewall's 'trans umbrella', you are transgender if you sometimes cross-dress."

5. The article was also published online with the headline "Trans rights have gone wrong". It was substantially the same as the print article.

6. The complainant said that the article gave the misleading impression that the Toolkit would advise schools to respond to these examples in the manner set out by the article. The complainant pointed out that these examples were not included in the Toolkit, and that there was no evidence that they had taken place in reality, nor had the publication demonstrated that due diligence had been undertaken to establish their veracity. He said that therefore it was inaccurate for the article to apply the Toolkit's advice to these examples in the way described. In addition, the complainant said that the article gave the misleading impression that the Toolkit prioritised the welfare of transgender children over non-transgender ones.

7. The complainant said that it was misleading as stated in the article that a "disproportionate" number of girls suffered from gender dysphoria, as it remains rare. He also said it was misleading to omit the fact that there are medical guidelines surrounding the care of trans children, and that medical intervention is not an inevitable outcome of a child identifying as trans.

8. The complainant said that it was inaccurate to characterise the advice given to organisations as "quasi-legal" or "dubious" as he said that it was given by specialist lawyers and was legally binding in line with the Equalities Act.

9. The complainant recognised that the Stonewall trans umbrella says that "trans" people may describe themselves as crossdressers. However, he said that it was misleading to claim that it said that "transgender people" may describe themselves as crossdressers. The complainant said that there is a distinction between trans and transgender, as people are not considered transgender unless their gender identity also differs from the sex assigned at birth; as such, it was inaccurate to use the two terms interchangeably.

10. The publication did not accept that there was any breach of Clause 1. It said that the article was clearly an opinion piece; the columnist was entitled to criticise the guidance. It said that it was the journalist's interpretation of the Toolkit that schools would respond to the examples- which had happened in real life- in the manner set out in the article. It said that the Toolkit was a set of guidelines, and so by its very nature, it would be impossible for it to encompass all of the possible scenarios involving transgender children; the fact that the complainant had a different view of how the Toolkit would be applied to this scenario did not mean that the article was inaccurate for putting across the journalist's views.

11. The publication said that journalist had a sufficient basis for this interpretation. It pointed to the fact that the Toolkit responded in the way set out by the article to a scenario very similar to the example given. It also said that the "Underlying principles and messages" of the Toolkit made clear that teachers using it as guidance would be extremely reluctant about challenging trans children or taking the side of children who raise objection to the presence or behaviour of trans children, including in changing rooms.

12. The publication said that the example in question had happened in real life, but in in line with their obligations under Clause 6 (Children) and Clause 14 (Confidential sources) they did not want to provide any further information which may reveal the identity of the child. It said that the journalist had been in direct contact with the family involved in the situation, and they were satisfied with the accuracy of the article.

13. The publication said that readers would understand that the word "disproportionate" was clearly referring to the well- reported fact that over 70% of referrals in 2017/18 to the Tavistock Gender Identity Development Service were for young people assigned female at birth.

14. The publication said that it was not misleading to characterise the advice given by some lobby groups as "quasi-legal", because some lobby groups make frequent reference to legislation in order to urge organisations to adopt their recommendations, but this was not legal advice given to organisations by lawyers. It said that the article made clear that the description only applied to lobby groups, and was not referring to legal advice given by lawyers.

Relevant Code Provisions

15. 1. Accuracy

i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.

ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.
iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.
iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.
v) A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.

Findings of the Committee

16. The publication accepted that the example in question did not appear in the Toolkit; it said that the example illustrated its conjecture as to how the Toolkit's guidance would have applied in this case. The author was entitled to speculate on how the guidance would be applied, but under the terms of Clause 1 (iv) it was required to distinguish this as conjecture. By stating that "These cases are real. So are the responses, which came from the Allsorts Trans Inclusion Schools Toolkit" the article failed to make clear that the Toolkit response was not a response to the scenario set out, but was instead the author's conjecture as to how the Toolkit would have responded to such a scenario. The Committee found that the article breached Clause 1(iv), and thus required clarification under 1(ii). The publication had not offered any correction; there was also breach of Clause 1(ii).

17. The complainant speculated that the example may not be real, as claimed in the article; he was not in a position to provide any basis to support this claim. In the absence of such evidence the Committee did not find that there was any breach of Clause 1 on this point.

18. It was clear from the question posed in the article (as to whether there was a wider crisis of mental health amongst girls) that the article was comparing girls to boys. In circumstances in which the number of girls diagnosed with gender dysphoria greatly outnumber the number of boys, the publication was entitled to characterise this amount as "disproportionate". The article did not claim that there are no medical guidelines surrounding the treatment of gender-variant children or that identifying as such would inevitably result in medical intervention. There was no breach of Clause 1 on these points.

19. It was not misleading for the article to characterise advice from lobby-ing groups as "quasi-legal" to distinguish the advice from that given by a law firm. The article was entitled to describe this advice as "dubious" given the distinction being drawn. There was no breach of Clause 1 on this point.

20. The Stonewall advice clearly states that "trans" people may describe themselves as "crossdressers" and that transgender people may describe themselves as "trans". For this reason, the article was not misleading or inaccurate as to Stonewall's guidance, and there was no breach of Clause 1 on this point.

Conclusion

21. The complaint was upheld in part.

Remedial action required

22. Having upheld the complaint, the Committee considered what remedial action should be required. In circumstances where the Committee establishes a breach of the Editors' Code, it can require the publication of a correction and/or adjudication. The nature, extent and placement of which is determined by IPSO.

23. In this case, the Committee considered that the newspaper had been entitled to speculate on how the Toolkit would be applied to various scenarios, however this should be clearly signalled as the publication's own conjecture. As such the Committee considered that the appropriate remedy was the publication of a clarification which made clear that the example did not appear in the Toolkit, and the article had speculated as to how its guidance would be applied to this scenario.

24. The original article appeared on page 12-13 and as such, the correction should appear in print on page 12-13 or further forward in the publication, and as a footnote correction to the online article. It should state that it has been published following an upheld ruling by the Independent Press Standards Organisation. The full wording should be agreed with IPSO in advance.

APPENDIX F

Decision of the Complaints Committee

05228-18 Versi v Daily Mail

Summary of complaint

1. Miqdaad Versi complained to the Independent Press Standards Organisation that the Daily Mail breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "POWDER KEG PARIS", published on 28 July 2018.

2. The article was a first person account of the journalist's experiences of staying in Seine-Saint-Denis, a departement in the northern suburbs of Paris, for five days. The journalist had visited the area, prompted by a French Parliamentary report, which identified a number of social welfare issues in Seine-Saint-Denis including, serious crime and its contribution to the departement's economy; the level of education and the poor quality of housing. The article under complaint referred to the findings of the report, and detailed what the journalist had seen, and the impressions which he had been left with.

3. The complainant said that the journalist had misinterpreted what he had seen during his visit to Seine-Saint-Denis to fit a false and damaging narrative. He further said that the claims made by the journalist were not presented as such, but rather, were adopted as fact by the publication, in breach of Clause 1(iv).

4. The complainant disputed the journalist's claims that: "Arabic is more useful than French" in the area; that "other faiths and religious are being driven from the area"; that many of the "drug dealing by gangs" were Muslim; and that "when helicopters flew overhead in training for Bastille Day celebrations earlier this month, one man pretended to shoot at them with a machine gun. Another pushed him away and pretended to fire a shoulder-mounted missile, tracing the missile with his hand towards its targets and shouting: "Boom! Everyone laughed". The complainant also disputed that the journalist had seen a woman "walking in full face veil", as claimed by the journalist, and the women that he saw shopping, were "always accompanied by male relatives". The complainant said that there were no religious courts in France and no sharia councils, therefore it was incorrect for the journalist to refer to Seine-Saint-Denis as a "a parallel state—a state within a state, with its own rules and religious courts – where allegiance to Islam comes ahead of fealty to France".

5. The complainant disputed that the French law introduced in September 2010, which prohibits the concealment of a person's face in public had been "introduced to promote integration", as the journalist had claimed. He said that the law had been introduced for security purposes.

6. As he walked around the streets of Seine-Saint-Denis, the journalist described taking his mobile phone out to take a picture, but being confronted by a young man "waving his index fingers in my face and shouting: La La La (No! No! No!)". The piece continued: "further down the street, there was a flurry of activity. A woman was surrounded as she opened a huge bag full of phones, shoes, sunglasses and

handbags- clearly stolen from tourists or Parisians". The complainant said that the journalist had misunderstood the facts as in France, it is illegal to take use and disseminate pictures without explicit consent. Further, he said that the journalist's allegation about the goods being "clearly" stolen, was baseless.

7. In the piece, the journalist had referred to Seine-Saint-Denis as "Saint Denis"; he described it as a "sprawling district" and a "teeming suburb" and said that the legal population was estimated as £1.5million.

8. The complainant said that the article had contained a fundamental error, as it had confused "Saint Denis"- a town in France which had a recorded population of 110 733 people in 2014- and "Seine-Saint-Denis", a large departement consisting of 40 cities over an area of 236 km2. He said that the reported claims which emanated from this error- namely the claim that "300,000 illegal migrants" and an "estimated 600,000 Muslims from North African or sub-Saharan African backgrounds" were living in the area- could never relate to the populace of the town, Saint Denis.

9. The complainant said that the figure of "300,000 illegal migrants" was, in any event, inaccurate because the French Parliamentary report which the article had attributed the figure to, did not make this finding. The complainant noted that the report had stated: "the only thing we are sure about is that the State doesn't know how many illegal immigrants there are". The complainant also disputed the figure reported to be the number of Muslims living in the area.

10. In the piece, the journalist had reflected on the terrorist attack which took place in Paris 2015, which claimed the lives of 130 people. The journalist claimed that the situation had, in many ways, worsened. The article contained a quote from a police officer who had worked in Saint-Denis for more than two decades: "The radicalisers use these hidden places of worship to influence the young and impressionable. These radicalisers are the ones who motivate the young towards terrorism". The complainant disputed the article's claim that: "there are around 350 known jihadists living in Saint-Denis, while 1,700 are believed to have returned to France after fighting for IS in Syria, with 15,000 terrorism suspects in France".

11. The complainant disputed that there were a "record number" of mosques in the area, and said that there were approximately 12 mosques; not over 160, as the article had claimed.

12. The complainant said that the article had presented the fact that French police "will only drive through the areas armed and four to a vehicle", as unusual. He said that this was misleading because this type of police activity was not unusual, as the article had suggested, and was actually standard procedure throughout France. The complainant also disagreed that the area was considered a police "no-go" area, as the journalist had claimed.

13. During his visit to Seine-Saint-Denis, the journalist interviewed a Rabbi who lived in the area and whose home, the article reported, had been "firebombed" in 2009. The article reported that the Kosher restaurant next door had also been burned down. The Rabbi told the journalist: "The problem is people coming to France and wanting to change it. And its worse because they want to force people to change. I respect this country because I was born here. I respect the laws of this country. I respect Christmas

even though it has nothing to do with being a Jew. Now they won't let Christmas happen". The article referenced the murder of an 85 Jewish woman, who it reported had vowed "never to leave Paris"; "she was stabbed to death in her apartment in March" and one of the perpetrators was a "Muslim neighbour [her family] said they had known since he was a boy".

14. The complainant disputed that the Rabbi's comments about Christmas; he said that dozens of activities went on during the holiday period. The complainant disputed that a kosher restaurant had burnt down in the area. The complainant said that it was unclear why the article had referenced the murder of the 85 year old woman, given that the event had no reference to Saint-Denis.

15. The journalist had claimed: "even Left-wingers belatedly acknowledge the scale of the problem" in Seine-Saint-Denis, and claimed that a named former politician had been commissioned by the President of France to write a report on "the burgeoning problem of Parisian suburbs". The complainant said that the politician referred to in the article was centre-right.

16. The journalist reflected on his time in the area: "having spent several days in Saint-Denis, it's clear to me that the area is already lost to France – to the rule of French law, equality, religious freedom, and even access to the streets by the police themselves". The reporter claimed that "the only person to shake my hand during my visit was the Rabbi. Everyone else offered me their wrist, not wanting to touch hands with an infidel- someone unclean". He concluded: "as a metaphor for what is happening in the French capital, it couldn't be more sad – or more troubling".

17. The article was published in substantially the same form online, under the headline: "Powder Keg Paris: As a devastating report reveals 300,000 illegal migrants are living in one French suburb….[journalist] explores the tensions in a community at odds with mainstream society".

18. The newspaper did not accept a breach of the Code. It said that the article had been written by a reputable and careful freelance journalist with over 30 years experience, who often worked as a foreign correspondent. The newspaper said that the journalist stayed in Seine-Saint-Denis to investigate the findings of the French Parliamentary report further, and the style and tone of the article made clear it was written on the basis of his own experiences there. The newspaper said that the article's style was a well-established genre of journalism, which allows reporters to investigate claims made about parts of the world or segments of society; this is compelling because it gives readers a descriptive account of matters of important public interest. The newspaper denied that the article had engaged the terms of Clause 12.

19. The newspaper said that without any admission of liability, it had removed the piece online following complaints. In an attempt to resolve the complaint, it offered to reinstate the article, and make amendments to it, in an attempt to address the complainant's concerns.

20. The newspaper did not accept that the presentation of the journalist's experiences in Seine-Saint-Denis was a breach of Clause 1(iv).

21. The newspaper said that the journalist's assumption that the goods had been stolen from tourists and Parisians, was not unreasonable based on what he saw. The journalist observed that the seller was not part of the flea market, and had made clear that everyone would have to hurry in case the police showed up. The newspaper said that the complainant was not in a position to dispute whether the goods were stolen or not. The newspaper said that the journalist spent a number of days within the community, and was provided with a great deal of "street information"; these sources told the reporter that many drug related gang members were Muslim. The newspaper said that the journalist's claim that Seine-Saint-Denis was a "parallel state with its own rules and religious courts", was based on his own experiences. It said that the journalist had interviewed many people, some of whom had outlined their deepest religious philosophy, and explained to the journalist why their religion can only allow fealty to Islam, and not France. The journalist told the newspaper that based on his discussions with the residents of Seine-Saint-Denis, it was clear that religious laws were administered by religious courts in the community.

22. The newspaper accepted that the article had misreported the name of the departement, and that Seine-Saint-Denis and Saint-Denis were two different areas. The publication noted that Seine-Saint-Denis derives its name from Saint-Denis, and it understood that the names were interchangeable. It said the journalist's original copy had referred to Saint-Saint-Denis, but for simplicity's sake, it had been shortened when the piece was edited. The publication did not accept that the error would have misled readers in a significant way. It said that the article reported, accurately, a total population of 1.5m people and referred to a "suburb" and "sprawling district". It said that readers without knowledge of the distinction between Saint Denis and Seine-Saint-Denis would have understood the article to be referring to a large area. Notwithstanding this, the newspaper offered to publish a correction on this point, as set out at paragraph 31 below.

23. The newspaper said that the claim that there are "around 350 known jihadists living in Saint- Denis" had been derived from comments which an anonymous official, who had told another publication that there were an estimated 30 possible terrorists living in Seine-Saint-Denis, and about 300 extremists who would support them.

24. The newspaper said that the article had accurately reported that there were 15,000 terrorism suspects in France; this was based on comments made by the French Prime Minister, and was the subject of widespread coverage. In relation to 1,700 jihadists which the article had claimed had returned to France, the newspaper acknowledged that this figure related to the number of French nationals that had left France to join IS in Iraq and Syria. The newspaper did not accept this to be a significant inaccuracy, and offered to amend the online article as follows: "*…while 1,700 are believed to have left France to fight for IS in Iraq and Syria…*"

25. The newspaper said that as identified by the complainant, the 300,000 figure for Seine-Saint-Denis was derived from analysis of the French Parliamentary report, which estimated that between 150,000 and 400,000 illegal immigrants were living in the area; this report had been the subject of widespread coverage. The newspaper said that the figure of 300,000 originally came from estimates reported in French media and the article under complaint had been clear that the reported figure was an estimate.

26. The newspaper said that the statistic that there are an estimated 600,000 Muslims living in Seine-Saint-Denis originated from a report by the Institut Montaigne from 2000. It said that this figure was checked prior to publication by a researcher in France, who referred to a French publication which had reported that according to the Prefect of the region, about 45% of the department's population were Muslim. The publication said that at the time, this amounted to 700,000, therefore the reported figure was sensible and restrained. The newspaper did not accept the complainant's position that relying on this report was a failure to take care over the accuracy of the article, given the year the report was made. It said that the figure of 600,000 was clearly labelled as an estimate and was not a significant point in the context of the whole article. It noted that the complainant had not provided any basis to show that the reported estimate was wrong.

27. The newspaper noted that integration had played a large role in public debate regarding the veil ban, as noted by the then- French Prime minister: "the burqa is not welcome in France. We cannot accept in our country women imprisoned behind bars, cut off from social life, deprived of identity". The newspaper acknowledged that the French veil ban was introduced for a number of reasons, including security, as the complainant had highlighted in his complaint. As a gesture of goodwill, the newspaper said it would be willing to amend the online article to: "…illegal under a French law introduced in part to promote integration".

28. The newspaper said that the reference made to the actions of the police, was in order to highlight that the authorities are reluctant to visit Seine-Saint-Denis. It noted that the Prefect of Seine- Saint-Denis had said in an interview that the "police are too frightened to enter alone most areas under [his] control".

29. The newspaper said that it was not incorrect, as the complainant had claimed, to report that there was a "record number" of mosques in Seine-Saint-Denis. It provided an online directory which listed 160 mosques and prayer rooms in the area, and another which listed 500. The newspaper did not accept that the omission of reference to "prayer rooms" was significantly misleading; the directory claimed that it would "let you find a place of worship" – the newspaper said it was not unreasonable to assume that these prayer rooms were open to the public, or at least intended to be.

30. The newspaper said that the reference to the 85-year-old woman's murder in Paris, was to illustrate a point which the Rabbi had made to the journalist, and reported in the article, that people from within the Jewish community were starting to leave. The newspaper said that the journalist was entitled to interview the Rabbi, who detailed his own experiences with leaving in the area; it said that care was taken to make clear that his comments about Christmas were his own opinion. The newspaper said that the claim about the kosher restaurant was based on statements made by French police, and reported in another publication, that a petrol bomb attack on community centre and synagogue in Seine-Saint-Denis had sparked a fire in the kosher restaurant next door.

31. The newspaper said that it was a matter of subjective comment as to whether a politician is left wing or not. It referred to an article in another publication which suggested that the politician had left the then-President's party after it had taken a "sharp swerve to the right". It noted that the politician was the head of the Radical party in France, and one of his election promises was to build a "republican, ecologist

and social alliance": these are values some would consider to be left wing. The newspaper said that in any event, this was not a significant point in the context of the article.

32. The newspaper said it had attempted to mediate a resolution to the complaint and had suggested a number of formulations for a clarification, all of which had been rejected by the complainant. While it did not accept a breach of the Code, the newspaper offered to publish the following wording on p.2 in its established Corrections & Clarifications column, in addition to online:

> *A July 28 feature about a Paris suburb which was the subject of a French parliamentary report said that up to 300,000 illegal immigrants lived there and referred to it throughout as Saint Denis. In fact, the suburb is called Seine-Saint-Denis, in which the smaller commune of Saint Denis is situated, and the report referred to estimates of 150-400,000 illegal immigrants. The article also said 1,700 jihadists are believed to have returned after fighting for IS. This is in fact the number of people understood to have left France – not Seine-Saint -Denis – to join IS. The claim that the suburb is home to '350 known jihadis' was based on comments of an anonymous official who told another publication that there are about '30 possible terrorists living in this area and about 300 extremists who would support them', and there are no official figures for the number of jihadis there. We are also happy to clarify that the reference to 160 'mosques' should have been to 'mosques and prayer rooms'; the French veil ban was introduced for reasons of security as well as integration; [Name] was murdered in a different part of Paris; [Name] no longer works at French anti-Islamophobia group CCIF; and [Name] is a teacher, not a professor. We apologise for any confusion.*

Relevant Code Provisions

Clause 1 (Accuracy)

i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and - where appropriate - an apology published. In cases involving IPSO, due prominence should be as required by the regulator.
iv) The Press, while free to editorialise and campaign, 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, sex, gender identity, sexual orientation or to any physical or mental illness or disability.

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

Findings of the Committee

33. The article had reported that "around 350 known jihadists lived in Saint- Denis". This was a significant claim which gave credibility to a central thrust of the article, which was that Seine-Saint-Denis posed a real risk of "home grown" radicalised terrorism.

34. The newspaper had relied upon comments given by an anonymous official to another publication, who had said that that there were an estimated 30 possible terrorists living in Seine-Saint-Denis and about 300 extremists who would support them. While the reporter was entitled to detail his experiences of staying in the area, in making this specific factual claim, which the newspaper had failed to justify, the official's comments had been presented as established fact. In doing so, the article had failed to make clear to readers the source of the claim, nor had it made clear that it had not been based on any official figures. The newspaper had failed to take care over the accuracy of the article, in breach of Clause 1(i), and a correction was required under the terms of Clause 1(ii).

35. The estimate of 1,700 French nationals who had not returned after joining IS in Iraq and Syria related to France as a whole, not Seine-Saint-Denis, as the article claimed. The newspaper accepted that the article was inaccurate on this point; the Committee considered that this was a significant inaccuracy as it concerned a central thrust of the piece, as set out above.

36. The headline to the online version of the article had stated that "300,000 illegal migrants are living in one French suburb". The Parliamentary report which this figure had been based on, had contained estimates that the area was home to between 150,000 and 400,000 illegal immigrants. The Parliamentary report had not adopted any particular figure within this estimated range, nor did the report adopt the range itself as being accurate. Unlike the prominent subheadline to the print article, which had presented the figure as an estimate, the online article's headline had stated, as fact, that there were 300,000 illegal migrants in the area. This factual assertion represented a failure to take care not to publish inaccurate information, in breach of Clause 1(i) and a failure to distinguish between comment and conjecture and fact, in breach of Clause 1(iv). The misrepresentation of the findings of the Parliamentary report was a significant inaccuracy which required correction under the terms of Clause 1 (ii).

37. The newspaper had offered to publish a correction in response to the initial complaint, and had suggested a variety of word formulations in direct correspondence with the complainant, and during IPSO's investigation. The offer of a correction had initially been made 17 days after the complainant had complained directly; given the number of significant and detailed issues raised in the complaint the Committee considered that this offer was made promptly. A form of words – which clarified that 1,700 jihadists had not returned to France after joining ISIS, and that the Parliamentary report had referred to estimates of 150-400,000 illegal immigrants– had been proposed by the newspaper ten days later. The correction which the newspaper had offered in final settlement of the complaint, set out above, had made clear that the

claim that "there are around 350 known jihadists living in Saint-Denis" was based on comments made to another publication by an anonymous official, and made clear that no official figures for the number of jihadists in the area. The Committee considered that the wording on these three points of complaint identified the inaccuracies and the offer of correction was made promptly for the reasons explained above; the publication of this wording on p.2 in the newspaper's established Corrections and Clarifications column and online, represented due prominence. In order to avoid a breach of Clause 1(ii) this wording should now be published.

38. The Committee turned to consider the broader complaint relating to the overall presentation of the journalist's experiences in Seine-Saint-Denis. First person accounts bring life to subjects of media interest; the journalist had travelled to Seine-Saint-Denis and stayed in the region for five days, prompted by an official Parliamentary report which had highlighted the presence of a number of social welfare issues in the area. The Committee acknowledged that the complainant disagreed with the journalist's account of his time in the departement, and noted his explanations as to why the reporter had misunderstood what he had seen. However, the complainant was not in a position to dispute the reporter's personal experiences of what he had seen on the streets of Seine – Saint -Denis; what he had been told by the people he had met there; or the impressions which the journalist had been left with. Care had been taken to present the piece as a first-hand account of the journalist's personal experiences, and the Committee did not conclude that the reporting of his claims represented a failure to take care over the accuracy of the article, or a failure to distinguish clearly between comment, conjecture and fact. This aspect of the complaint did not represent a breach of Clause 1.

39. The article had misreported the name of the departement. However, it had been clear that the region being described was an area of significant geographical size and population. It referred to a "sprawling district", a "teeming suburb" and had accurately reported that the total population was estimated to be at 1.5 million. Readers would have understood that the article related to a large area, the misreporting of its name, in those circumstances, did not render the article significantly misleading. The Committee noted that the error had been acknowledged swiftly by the newspaper and while it did not represent a significant inaccuracy, the prompt offer of a correction was welcomed by the Committee.

40. The article had reported that there were an estimated 600,000 Muslims living in the area. Care had been taken to report this figure as an estimate, which had been based on report by the Institut Montaigne, and checked by a researcher in France. There was no failure to take care over the accuracy of the article on this point. The Committee noted that the complainant had not provided an alternative figure and the Committee did not conclude that this aspect of the article represented a significant inaccuracy which required correction.

41. There appeared to be a number of reasons why the full face veil ban in France in 2010 had been introduced, including concerns over integration, which had been referenced by the then-President of France. The omission of other reasons why the ban was introduced, did not render the article significantly inaccurate or misleading. This aspect of the complaint did not breach of Clause 1.

42. The newspaper had relied on an online directory which had set out the availability of over 160 mosques and prayer rooms in the area. There was no suggestion from this directory, nor from the complainant, that these prayer rooms were not open to the public. The omission of references to prayer rooms did not render the article misleading; the article had sought to distinguish between "official" and "unofficial" places of worship, in the context of concerns about radicalization. There was no breach of Clause 1 on this point.

43. It was not disputed by the complainant that French police drove through Seine-Saint-Denis armed and four to a vehicle. The Committee did not find that the omission of information which made clear this was standard procedure was misleading; the article was a focused report on social welfare issues in Seine-Saint-Denis. The journalist had relied upon comments made by the Prefect of the area, in claiming that the area was considered a "no-go area". The newspaper had taken care over this point, and no correction was required.

44. The newspaper was entitled to report the claims made by the Rabbi, who had spoken to the journalist at length about his experiences of living in Seine-Saint-Denis; the complainant was not in a position to dispute his claims, and care had been taken to clearly present them as such. The complainant was not in a position to confirm the extent of the damage which had been inflicted on the kosher restaurant as a result of fire; in any event, the complainant did not dispute that the kosher restaurant referred to in the article had been damaged as a result of a petrol bomb attack. Any inaccuracy over the extent of the fire damage was not significant in the context of the article. It was not misleading to reference the murder of the 85 year old woman, in circumstances where the article had reported on wider concerns over violence in Paris, as well as in France. The newspaper had provided a sufficient basis to support its characterisation of the politician as "left-wing"; in any event, this was not a significant point in the context of the article. There was no breach of Clause 1 on these points.

45. The article did not identify any individuals and make any irrelevant, prejudicial or pejorative reference to their race or religion. The terms of Clause 12 were not engaged.

Conclusions

46. The complaint was upheld in part.

Remedial Action Required

47. Having upheld the complaint in part, the Committee considered what remedial action should be required.

48. The newspaper had promptly offered a correction which had identified the three significant inaccuracies in the article highlighted at paragraphs 33-36 above. The correction which the newspaper had offered in final settlement of the complaint, referred to material which the Committee did not consider to be in breach of the Code. However, the Committee welcomed the fact that this wording provided clarification on a number of further points of the complaint. The wording set out at paragraph 32 should now be published. The print correction should be published in the newspaper's

established corrections and clarifications column. The online correction should be published as a footnote to the article.

Decision of the Complaints Committee

05991-18 Versi v thesun.co.uk

Summary of complaint

49. Miqdaad Versi complained to the Independent Press Standards Organisation that thesun.co.uk breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "CITY ON THE EDGE: 300,000 illegal immigrants crammed into just one tiny suburb", published on 28 July 2018.

50. The article reported on the findings of a French Parliamentary report, which had identified a number of social welfare issues in Seine-Saint-Denis, a suburb in the north-east of Paris. The article's subheadline reported that according to the report, Seine-Saint-Denis "is home to as many as 300,000 illegal immigrants"; this information was repeated in a caption to a photograph of a street in the area which accompanied the article.

51. The Parliamentary report, referring to the number of illegal immigrants in Seine-Saint-Denis, stated:

According to the estimates of interlocutors met by the rapporteurs, these people in an irregular situation would be between 150 000, 250 000 people, even 400 000. Or an additional addition equivalent to the population of Ariege (152 321 inhabitants), Jura (259 000 inhabitants), or even Landes (411 757 inhabitants). The margin is large.

52. The complainant said that the article's headline was inaccurate because it stated as fact that a French Parliamentary report had concluded that there were 300,000 illegal immigrants in Seine-Saint-Denis. The complainant noted that this factual assertion had been repeated in the first line of the article; he said that while the figure had been presented as an estimate elsewhere, a reader of the entire article would have been misled them as so the report's conclusions.

53. The publication said that the article, when taken as a whole, made clear that it had reported an estimate. It said that the figure of 300,000 illegal immigrants was sourced from an article in another publication, but was checked with reference to the Parliamentary report before publication. The publication said that the report had given a number of estimates for the number of illegal immigrants in Seine-Saint-Denis and the figure of 300,000 was within the stated range of 150,000-400, 000 people. It said that the reporter could have chosen the higher estimate of 400,000 contained in the Parliamentary report, but took a more conservative approach instead. The publication noted that the complainant did not dispute the thrust of the article, which was that a very high number of illegal immigrants – in the hundreds of thousands – were living in a small area in France.

54. The publication said that, in any case, the figure of 300,000 was self-evidently an estimate as it was notoriously difficult to calculate the number of people who are in a country illegally. The publication said that as noted in the article, "between 8 and 20 per cent of the suburb's population are not registered with the authorities"; it had further reported politicians' concerns that it is very difficult to monitor illegal

immigrants. The publication said that this indicated the difficulty in determining one definitive number of illegal immigrants.

Relevant Code Provisions

Clause 1 (Accuracy)

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

Findings of the Committee

55. The article's headline had stated that "300,000 illegal migrants are living in one French suburb". The Parliamentary report which this figure had been based on, had referred to estimates given by interlocutors that the area was home to between 150,000 and 400,000 illegal immigrants: it did not adopt any particular figure within this estimated range. The article was a report of an estimate, however the headline and the first line of the piece did not present the figure as such. The factual assertion that there were 300,000 illegal immigrants living in the area represented a failure to take care not to publish inaccurate information, in breach of Clause 1(i). The newspaper had failed to comply with its obligation to correct this inaccuracy, which was significant, as it had presented an estimate as an assertion of fact, in breach of Clause 1(ii).

Conclusion

56. The complaint was upheld.

Remedial Action Required

57. Having upheld the complaint as a breach of Clause 1, the Committee considered what remedial action should be required. In circumstances where the Committee establishes a breach of the Editors' Code, it can require the publication of a correction and/or adjudication. The nature, extent and placement of which is determined by IPSO.

58. In this case, the article had noted that Seine-Saint-Denis "is home to as many as 300,000 illegal immigrants". In circumstances where there was some qualification in the article to the headline and first line's factual claim, the Committee considered that the appropriate remedy was the publication of a correction which made clear that the figure of 300,000 was an estimate.

59. The Committee considered that the publication of this correction on the article, as well as a standalone correction on the top half of the publications homepage for 24 hours,

which would be then archived in the usual way, was sufficient to meet the terms of Clause 1 (ii). This wording should be agreed with IPSO in advance and should make clear that it has been published following an upheld ruling by IPSO. If the publication intends to continue to publish the online article without amendment the correction on the article should be published beneath the headline. If the article is amended, the correction should published as a footnote which explains the amendments that have been made.

Draft correction to be published on the article

If the article is amended:

A previous version of this article reported that there were 300,000 illegal immigrants in Seine-Saint-Denis. In fact, the Parliamentary report which this figure was based on had contained estimates that the area was home to between 150,000 and 400,000 illegal immigrants and did not conclude that there were 300,000 illegal immigrants in the area. This correction has been published following an upheld ruling by the Independent Press Standards Organisation.

If the article is unamended:

The headline and first line to this article states that there are 300,000 illegal immigrants in Seine-Saint-Denis. In fact, the Parliamentary report which this figure was based on had contained estimates that the area was home to between 150,000 and 400,000 illegal immigrants and did not conclude that there were 300,000 illegal immigrants in the area. This correction has been published following an upheld ruling by the Independent Press Standards Organisation.

Standalone correction for the homepage

Correction- Seine Saint Denis illegal immigrant report

In an article headlined "CITY ON THE EDGE: 300,000 illegal immigrants crammed into just one tiny suburb", published on 28 July 2018, we reported on the findings of a French Parliamentary report, which had identified a number of social welfare issues in Seine-Saint-Denis, a suburb north-east of Paris. The Parliamentary report had contained estimates that the area was home to between 150,000 and 400,000 illegal immigrants and did not conclude that there were 300,000 illegal immigrants in the area. This correction has been published following an upheld ruling by the Independent Press Standards Organisation.

Decision of the Complaint Committee 06642-18 Hill v The Spectator

Summary of complaint

25. Mike Hill complained to the Independent Press Standards Organisation that The Spectator breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "The march of trans rights", published on 6 October 2018.

26. The article was an opinion piece which discussed the increasing incidence of people who identify as transgender, and focused on the publication and implications of the Allsorts Trans Inclusion Schools Toolkit- a new set of guidelines which advise schools on how to support trans and gender variant children.

27. The article gave two examples of scenarios involving trans children and schools' responses. It said that both the examples and the responses were real, and the responses came from the Toolkit. The article explained that the Toolkit would advise schools faced with one of the examples, a scenario in which a non-transgender girl became upset after a transgender girl had watched her undress after gym and played with her penis, to respond in a manner that favoured the transgender child over that of the non-transgender girl, suggesting the parents of the non-transgender child should change their attitude to find the behaviour acceptable. It said that these examples "are real. So are the responses, which come from the Allsorts Trans Inclusion Schools Toolkit".

28. The article also asked why a disproportionate number of girls were "starting a journey that can lead to hormone treatment then binding and ultimately removing their breasts" and whether this is "…simply part of a wider crisis of mental health amongst girls?"; said that organisations often received "highly dubious quasi-legal advice from lobby-ing groups" on trans issues, and stated that: "According to Stonewall's 'trans umbrella', you are transgender if you sometimes cross-dress."

29. The article was also published online with the headline "Trans rights have gone wrong". It was substantially the same as the print article.

30. The complainant said that the article gave the misleading impression that the Toolkit would advise schools to respond to these examples in the manner set out by the article. The complainant pointed out that these examples were not included in the Toolkit, and that there was no evidence that they had taken place in reality, nor had the publication demonstrated that due diligence had been undertaken to establish their veracity. He said that therefore it was inaccurate for the article to apply the Toolkit's advice to these examples in the way described. In addition, the complainant said that the article gave the misleading impression that the Toolkit prioritised the welfare of transgender children over non-transgender ones.

31. The complainant said that it was misleading as stated in the article that a "disproportionate" number of girls suffered from gender dysphoria, as it remains rare. He also said it was misleading to omit the fact that there are medical guidelines surrounding the care of trans children, and that medical intervention is not an inevitable outcome of a child identifying as trans.

32. The complainant said that it was inaccurate to characterise the advice given to organisations as "quasi-legal" or "dubious" as he said that it was given by specialist lawyers and was legally binding in line with the Equalities Act.

33. The complainant recognised that the Stonewall trans umbrella says that "trans" people may describe themselves as crossdressers. However, he said that it was misleading to claim that it said that "transgender people" may describe themselves as crossdressers. The complainant said that there is a distinction between trans and transgender, as people are not considered transgender unless their gender identity also differs from the sex assigned at birth; as such, it was inaccurate to use the two terms interchangeably.

34. The publication did not accept that there was any breach of Clause 1. It said that the article was clearly an opinion piece; the columnist was entitled to criticise the guidance. It said that it was the journalist's interpretation of the Toolkit that schools would respond to the examples- which had happened in real life- in the manner set out in the article. It said that the Toolkit was a set of guidelines, and so by its very nature, it would be impossible for it to encompass all of the possible scenarios involving transgender children; the fact that the complainant had a different view of how the Toolkit would be applied to this scenario did not mean that the article was inaccurate for putting across the journalist's views.

35. The publication said that journalist had a sufficient basis for this interpretation. It pointed to the fact that the Toolkit responded in the way set out by the article to a scenario very similar to the example given. It also said that the "Underlying principles and messages" of the Toolkit made clear that teachers using it as guidance would be extremely reluctant about challenging trans children or taking the side of children who raise objection to the presence or behaviour of trans children, including in changing rooms.

36. The publication said that the example in question had happened in real life, but in in line with their obligations under Clause 6 (Children) and Clause 14 (Confidential sources) they did not want to provide any further information which may reveal the identity of the child. It said that the journalist had been in direct contact with the family involved in the situation, and they were satisfied with the accuracy of the article.

37. The publication said that readers would understand that the word "disproportionate" was clearly referring to the well- reported fact that over 70% of referrals in 2017/18 to the Tavistock Gender Identity Development Service were for young people assigned female at birth.

38. The publication said that it was not misleading to characterise the advice given by some lobby groups as "quasi-legal", because some lobby groups make frequent reference to legislation in order to urge organisations to adopt their recommendations, but this was not legal advice given to organisations by lawyers. It said that the article made clear that the description only applied to lobby groups, and was not referring to legal advice given by lawyers.

Relevant Code Provisions

39. 1. Accuracy

i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.

ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.

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

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

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

Findings of the Committee

40. The publication accepted that the example in question did not appear in the Toolkit; it said that the example illustrated its conjecture as to how the Toolkit's guidance would have applied in this case. The author was entitled to speculate on how the guidance would be applied, but under the terms of Clause 1 (iv) it was required to distinguish this as conjecture. By stating that "These cases are real. So are the responses, which came from the Allsorts Trans Inclusion Schools Toolkit" the article failed to make clear that the Toolkit response was not a response to the scenario set out, but was instead the author's conjecture as to how the Toolkit would have responded to such a scenario. The Committee found that the article breached Clause 1(iv), and thus required clarification under 1(ii). The publication had not offered any correction; there was also breach of Clause 1(ii).

41. The complainant speculated that the example may not be real, as claimed in the article; he was not in a position to provide any basis to support this claim. In the absence of such evidence the Committee did not find that there was any breach of Clause 1 on this point.

42. It was clear from the question posed in the article (as to whether there was a wider crisis of mental health amongst girls) that the article was comparing girls to boys. In circumstances in which the number of girls diagnosed with gender

dysphoria greatly outnumber the number of boys, the publication was entitled to characterise this amount as "disproportionate". The article did not claim that there are no medical guidelines surrounding the treatment of gender-variant children or that identifying as such would inevitably result in medical intervention. There was no breach of Clause 1 on these points.

43. It was not misleading for the article to characterise advice from lobby-ing groups as "quasi-legal" to distinguish the advice from that given by a law firm. The article was entitled to describe this advice as "dubious" given the distinction being drawn. There was no breach of Clause 1 on this point.

44. The Stonewall advice clearly states that "trans" people may describe themselves as "crossdressers" and that transgender people may describe themselves as "trans". For this reason, the article was not misleading or inaccurate as to Stonewall's guidance, and there was no breach of Clause 1 on this point.

Conclusion

45. The complaint was upheld in part.

Remedial action required

46. Having upheld the complaint, the Committee considered what remedial action should be required. In circumstances where the Committee establishes a breach of the Editors' Code, it can require the publication of a correction and/or adjudication. The nature, extent and placement of which is determined by IPSO.

47. In this case, the Committee considered that the newspaper had been entitled to speculate on how the Toolkit would be applied to various scenarios, however this should be clearly signalled as the publication's own conjecture. As such the Committee considered that the appropriate remedy was the publication of a clarification which made clear that the example did not appear in the Toolkit, and the article had speculated as to how its guidance would be applied to this scenario.

48. The original article appeared on page 12-13 and as such, the correction should appear in print on page 12-13 or further forward in the publication, and as a footnote correction to the online article. It should state that it has been published following an upheld ruling by the Independent Press Standards Organisation. The full wording should be agreed with IPSO in advance.

Suggested correction for Committee approval

49. "An article headlined "The March of Trans Rights" published on the 6 October 2018, set out a scenario in which a transgender girl played with her penis and made a non-transgender girl feel uncomfortable, and gave a response from the Allsorts Trans Inclusion Toolkit. In fact, the Toolkit response related to a different scenario and the article did not make clear that this was the author's conjecture as to how its advice would be applied to this situation. This correction is being

published following an upheld ruling by the Independent Press Standards Organisation."