

MINUTES of the COMPLAINTS COMMITTEE MEETING
Wednesday 2nd September at 10.30am
Via Video Conference Call

Present Lord Edward Faulks (Chairman)
Richard Best
Nazir Afzal (Items 1-7)
Andrew Brennan
David Hutton
Lara Fielden
Janette Harkess
Helyn Mensah
Miranda Winram
Mark Payton
Andrew Pettie
Peter Wright

In attendance: Charlotte Dewar, Chief Executive
Michelle Kuhler, PA and minute taker
Lauren Sloan, Head of Complaints

Also present: Members of the Executive:

Katrina Bell
Rosemary Douce
Hanno Fenech
Alice Gould
Sebastian Harwood
Vikki Julian
Sean Sutherland

Observers: Jonathan Grun, Editors' Code of Practice Committee

1. Apologies for Absence

There were no apologies received

2. Declarations of Interest

No declarations of interest were received

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 9 June.

4. Matters arising

There were no matters arising.

5. Update by the Chairman – oral

The Chairman welcomed everyone back. He congratulated Lara Fielden on her appointment to the Board. He also thanked Thomas Moseley who is leaving IPSO.

6. Complaints update by Head of Complaints

Lauren Sloan updated the committee on recent happenings, IPSO received 15066 complaint about the Death Express, Scottish Sun headline. With all staff assisting IPSO managed to respond within 12 days to the complainants.

There are still a steady stream of investigated complaints coming through, mainly regarding Covid-19, various reasons, examples; breaking lockdown rules, statistics and deaths plus scientific reports. Lauren expects this to carry on into the autumn.

7. Complaint 00750-20 Manchester United Football Club and Mr Ed Woodward v The Sun

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

8. Complaint 01735-20 Downing v The Jewish Chronicle

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

9. Complaints not adjudicated at a Complaints Committee meeting

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

10. Any other business

There were no other business

11. Date of next meeting

The date of the next meeting was confirmed as 6th October 2020.

The meeting ended at 1.54pm

Appendix A

Decision of the Complaints Committee 00750-20 Manchester United v The Sun

Summary of complaint

1. Manchester United, and on behalf of Ed Woodward, complained to the Independent Press Standards Organisation that The Sun breached Clause 2 (Privacy) and Clause 3 (Harassment) of the Editors' Code of Practice in the preparation and publication of an article headlined "Thugs target Utd chief Ed/THUGS" and an article headlined "CRIME SCENE Cops investigate at Ed Woodward's house after thugs target Man Utd chief with flares and spray walls with red paint", both published on 29 January 2020.
2. The first article reported that a "furious Manchester United mob" of "around 20 hooded fans" had thrown "a smoke bomb and fireworks" at the house of Ed Woodward, reported to be the Manchester United chief executive. The article outlined the events that had taken place during the incident; the group had rang an intercom, sprayed red paint on the gate of the property before "launching their missiles". It included a quote from a source, stating, "Woodward has been a disaster as chief executive and needs to leave the club... these guys decided to pay him a visit to tell him to his face. They didn't get to speak to him but, hopefully, he'll get the message." It reported that at the club's home ground there had recently been "increasingly vitriolic chants aimed at Woodward" and that in November a fan had approached Mr Woodward and carried out a physical prank in a bar. The article went on to outline a previous occasion which had been reported on contemporaneously by the newspaper, whereby fans from the same football club had attended the home of a former player who had said he wanted to leave the club. The article was accompanied by a photograph from the recent incident. It showed hooded individuals outside the gates of a property and the light of a flare or firework could be seen in the air above the gate. The article also reported the county the property was in, and its estimated value.
3. The article was also published online with the headline "ED DEVILS Man Utd fans throw flares at Ed Woodward's house in shocking scenes as anti-board protests continue to escalate". The online article was substantially the same as the print version. It also reported that some of the hooded men were "believed to be members of United's notorious "Men in Black" hooligan firm" and reported that it was not believed that Mr Woodward and his family were home at the time of the incident. It also included statements from the police and the football club regarding the incident.
4. The second article, which appeared online only, reported on the aftermath of the incident. It included new photographs of the property, which showed the damage and that the police were in attendance. One photograph showed an intercom on a pillar which had been sprayed red, others showed the gates, drive and front of the property. One photograph had seemingly been taken through the gate, and another, showing the drive and side gable of a building, had been taken when the gates were open. It also included a short video which showed a flare being launched across the gates of the property. The article again reported the general location of the property and repeated the details from the first article relating to the actions of the fans at the incident.
5. The complaint was brought on behalf of Manchester United and its Executive Vice Chairman Ed Woodward. The complainants said that the journalist and photographer's involvement in the incident constituted harassment in breach of Clause 3. They said that the incident reported on was extremely serious in nature, and had involved criminal damage, public order offences and harassment, which they believed had been encouraged by the presence of the journalist and photographer. The complainants believed that, without the publicity given to the event by the presence of the journalist and photographer,

the attack may not have gone ahead. They also said that the references to previous conduct by fans in the article was irresponsible and constituted harassment, as it encouraged further behaviour of this sort. The complainant was extremely concerned that the publication, upon receipt of a "tip-off" before the event, did not take steps to inform the club, Mr Woodward, or police and did not make any attempt to establish whether Mr Woodward and his family would be home at the time. They said that in such circumstances, the actions of the journalist and photographer constituted harassment and intimidation in breach of Clause 3 (i). The complainants said, further, that the conduct of the journalist and photographer was not consistent with the principles set out in the Preamble of the Code and that they had acted against the public interest.

6. The publication did not accept any breach of the Code. The publication did not accept that the presence and actions of the journalist and the photographer constituted harassment. It said that the terms of Clause 3 did not prevent journalists from attending and reporting on protests, nor does the Code impose an obligation on journalists to report crimes, or potential crimes, to the police. The publication provided press coverage of the London riots in 2011 as an example of a situation where journalists and photographers would have witnessed criminal activity whilst reporting on events. It said their role was to inform the public, not to act as de facto police officers. The newspaper also disputed the complainant's claim that the presence of a journalist encouraged the participants, and guaranteed publicity for the incident which it otherwise would not have received; it said footage of the incident was circulating on social media before the articles were published, and other publications had reported on this social media content prior to publication of the articles under complaint. It said the incident would have gone ahead and been reported on regardless of whether or not the journalist attended and that the journalist's attendance meant that the publication was able to report on the incident accurately. Further, the newspaper said that its coverage also condemned the attack, calling those involved "thugs".

7. The newspaper said that the journalist did not know the nature of the incident in advance, and had no reason to believe it would be anything other than a peaceful and lawful protest. It provided an account of the sequence of events that had led the journalist and photographer to attend the event. It said that the journalist had received a phone call in which he was told that a group of fans was planning a protest in connection with Manchester United. Following this phone call, the journalist engaged a photographer who accompanied him to the event. The publication said that the journalist had not been informed of the location of the protest beforehand, and had been told to attend a certain pub, where he identified individuals he believed may have been attending or organising the protest. He was then directed to another pub, where a number of other individuals joined the group. They then walked a short distance to a gated house. The journalist said that he heard someone ring the buzzer at the front gate, and receive no answer. Some of the group started to video the incident and, as a result, the journalist saw that a spray can had been used. The journalist said that, at the end of the incident, he saw someone let off a smoke bomb or flare and the group then left. The publication said that during the incident the journalist and photographer stood apart from the participants, but close enough to hear and see what was going on. It also said that the interactions between the journalist and the participants had been limited; the journalist had asked for directions to the location and, when asked to comment on how the quotes within the article had been obtained, the newspaper explained that, it had obtained comment from one participant after the incident had concluded.

8. The newspaper also said that after the incident, the Digital Sports Editor contacted a representative of Mr Woodward to see if he knew what had happened. The newspaper said that Mr Woodward was the appropriate person to inform of the criminal act, as it was his property and the event had now concluded. The journalist was also contacted by the police regarding the incident. The newspaper said that while he was not obliged to speak to the police regarding their investigation, he cooperated fully. It said that the journalist was told by the investigating officer that he was only ever considered a witness, not a suspect.

9. Upon receipt of the publication's account, the complainants maintained that the actions and presence of the journalist and photographer constituted harassment. They said that even if the journalist did not know that the protest was to take place at a private family home, where the journalist was, in advance of the incident, directed from pub to pub, under cover of darkness by people described in the article as, "hooded", "thugs", and a "mob" with spray paint and flares, it was evident that a peaceful and lawful protest was not going to take place. They also said that the journalist had engaged with some of the participants, by obtaining directions to the second pub and the quote published in the article and the complainants did not accept that the publication's representatives were distinguishable from the group carrying out the criminal activity. They also disputed that the phone call between the Digital Sports Editor and the complainant was only to confirm the veracity of the footage they intended to publish. They said that Clause 3 could not be interpreted so narrowly so as to prohibit harassment and intimidation by journalists but to allow journalists to be present, and in their belief, complicit, while others carried out harassment and intimidation and then publish articles based on that misconduct.

10. The complainant also said that the photographs and video published in both articles, along with the text of the articles, breached Clause 2 (Privacy). They said that the articles, including the photographs, disclosed the location, layout and configuration of Mr Woodward's home, which prior to publication of these articles was not in the public domain. The complainant said that the publication of the photographs in conjunction with the release of a police statement regarding the incident which included the locality of the house, would have revealed Mr Woodward's address. They said that given the nature of the attack at the property on which the articles were based, publication of this information was especially irresponsible and had increased the security risk to the family. The complainant said that his address was subject to a confidentiality order, due to these security concerns.

11. The publication did not accept that Clause 2 had been breached. It said that the articles only reported the county in which the house was located and its approximate value. It said the photographs which showed a gate, intercom, and a section of the front of the property were not sufficient to lead to identification. The newspaper also said that other publications had published photographs of the complainant's home following the incident, which did not appear to be subject to any complaint.

12. The complainants also expressed concern that following the submission of the complaint to IPSO, a staff member at the club had been contacted about the complaint by a member of the publication's staff. During this conversation, the complainants' decision to submit a complaint to IPSO was discussed, and following the call an article was also published concerning this staff member's attendance at a football game. The complainants said that this was not acceptable, and was an attempt by the publication to pressurise the complainants into not pursuing their complaint.

13. The newspaper did not accept that the actions of any of its staff members could be interpreted in this way. It said that their representative simply reiterated the publication's position that there had not been a breach of the Code. It said that the fact of an IPSO complaint did not prevent it from reporting on individuals linked to the football club.

Relevant Code Provisions

14. 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 3 (Harassment)

- i) Journalists must not engage in intimidation, harassment or persistent pursuit.
- ii) They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.
- iii) Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.

*The Public Interest

1. There may be exceptions to the clauses marked * where they can be demonstrated to be in the public interest.

The public interest includes, but is not confined to:

- Detecting or exposing crime, or the threat of crime, or serious impropriety.
- Protecting public health or safety.
- Protecting the public from being misled by an action or statement of an individual or organisation.
- Disclosing a person or organisation's failure or likely failure to comply with any obligation to which they are subject.
- Disclosing a miscarriage of justice.
- Raising or contributing to a matter of public debate, including serious cases of impropriety, unethical conduct or incompetence concerning the public.
- Disclosing concealment, or likely concealment, of any of the above.

2. There is a public interest in freedom of expression itself.

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

4. Editors invoking the public interest will need to demonstrate that they reasonably believed publication - or journalistic activity taken with a view to publication - would both serve, and be proportionate to, the public interest and explain how they reached that decision at the time.

5. An exceptional public interest would need to be demonstrated to over-ride the normally paramount interests of children under 16.

Findings of the Committee

15. The Committee noted the seriousness of the circumstances that led to the complaint. The attack on the property by men wearing hoods, and the use of spray paint and flares, would undoubtedly have caused significant alarm and distress to the family had they been home at the time. It was clear that the knowledge that such an incident had taken place had itself caused the family serious distress and had led to concerns about the family's safety.

The Committee considered the complaints against the publication under Clause 3 (Harassment) which provides that journalists must not engage in intimidation or harassment or persistent pursuit, and Clause 2 (Privacy) which provides that everyone is entitled to respect for their private and family life, including their homes. In reaching its decisions, the Committee was mindful of the Preamble to the Code.

16. The complaint under Clause 3 (Harassment), put simply, was that by its conduct in connection with the event the publication had engaged in intimidation and harassment. The conduct cited in the complaint included:

Conduct before the event: Giving the event "guaranteed publicity" by indicating its intention to attend the event which thereby encouraged the participants to proceed; not taking steps to alert the police or the complainants about the planned event; and failing to take steps to assess the potential impact on the family.

Conduct at the event: The journalist and photographer attending the event and allegedly not taking steps to distinguish themselves from the participants; the journalist's engagement with the participants before, during and after the event.

Conduct after the event: The publication of coverage that reported details of the event and referenced previous similar incidents.

17. The Committee first considered the journalist's conduct prior to the event and the complaint that, in breach of Clause 3, the publication had not taken steps (i) to stop the event; (ii) to warn any appropriate law enforcement authority or the complainants about the event; or (iii) to assess the potential impact of the event on the family. There was a dispute between the complainant and the publication over the extent of the publication's knowledge prior to the event. The publication's position was that at the time the tip-off was received, the journalist was not made aware that Mr Woodward would be the target of the attack, and the journalist had no reason to believe that the event would be anything other than a peaceful protest. The extent of the information he had been given prior to attending the event was limited, it said: he had been informed that a protest in connection with Manchester United was planned and was instructed to meet the participants at a named location. The complainant challenged the plausibility of the publication's account and alleged that the journalist must have been aware of the nature of the event either at the time of the tip-off because of the instructions he was given or once he met the participants because of their dress and demeanour.

The Committee considered the parties' respective positions and concluded that there was no evidence which demonstrated that the publication knew or could reasonably have suspected that the event would involve an attack on a private home; that Mr Woodward's home would be the target; or that there would be any criminal activity. Further, there was no evidence to suggest that the publication had misled the Committee as to the extent of its knowledge or its suspicions about the nature of the event. In such circumstances, any decision taken by the publication not to alert the police or the complainants of the event was not capable of amounting to harassment or intimidation under Clause 3; there was no breach on this point.

18. The Committee next considered the conduct of the journalist and the photographer at the event, noting that there was no suggestion that the journalist or the photographer had participated in the attack on the property. The Committee acknowledged that there was a dispute between the parties as to whether or how the journalist and the photographer had sought to distinguish themselves from the participants and as to whether, when, and to what extent the journalist had spoken to the participants. The newspaper said that the journalist and photographer had kept a distance from the group as best they could at the event. The complainants complained that by virtue of the attendance of the journalist and the photographer at the event, the publication had effectively encouraged the participants' activities and that it had, therefore, assumed some responsibility for the event which amounted to harassment. The complainants also said that, had the family been at home, their distress would have been compounded by the presence of two additional (apparent) participants.

The Committee acknowledged the complexity of the role of a journalist as an observer at newsworthy events, and the potential for the presence of the press to affect the way such events unfold. As noted above, there was no evidence that the publication was aware that crimes would be committed at the property, but even in the event that the publication had such knowledge, there is a public interest in the reporting of crime or the threat of crime. A finding that the attendance of the journalist and the photographer at the event, or that engaging with the participants to obtain information or to seek comment, amounted to harassment would directly inhibit the ability of journalists to report on matters of significant public interest. The Committee concluded that the attendance of the journalist and the photographer at the event in a professional capacity, and seeking information or comment from the participants, did not make them complicit, and did not constitute harassment under Clause 3 of the Code.

19. The remainder of the complaint under Clause 3 related to the newspaper's decision to proceed with publication of the articles about the event, and the nature of the articles it had published. The Committee understood that Mr Woodward was distressed that a prominent article had been published which included details of the attack that had taken place at his home. While it was sympathetic to the complainant's concerns, the Committee did not find that publication amounted to harassment under the terms of Clause 3; the articles had reported details of criminal activity at the home of a high profile individual which was being investigated by the police and publication was in the public interest. Further, the references in the article to previous similar incidents provided context and background to the recent incident and, by including these references, the publication had not endorsed or supported such action. The inclusion of this information did not constitute a breach of Clause 3.

20. The complaint under Clause 2 (Privacy) concerned the publication of information about Mr Woodward's home. The complainants said publication of the information posed a security risk by revealing the location of the home and details of its layout. The publication said that the information about the house published in the article was limited to the county in which it was located and its approximate value; the photographs included limited information about the entrance and drive to the property and a section of the property which was insufficient to reveal its location or to pose a security risk.

21. The Committee first considered the complaint that the publication had breached Clause 2 by revealing the location of Mr Woodward's home, taking into account the information which had been provided in the police press release for which the publication was not responsible. In certain circumstances, publication of information which identifies the location of a person's home can constitute an intrusion into an individual's private life because of the impact that publication can have on the person's right to respect for family life and home which Clause 2 seeks to protect.

22. The first article had reported the county in which the property is located and its estimated value. It was also illustrated with photographs of the event, in which the gate of the property was visible. The information provided about the property in the article was limited and the photograph, which had been taken in the dark, showed only the gate at the front of the property and was closely cropped. The Committee concluded that the information contained in the article and in the photograph was not sufficient to identify the location of the property. The complainants did not have a reasonable expectation of privacy in relation to the published information and there was no breach of Clause 2.

23. The second article included similar details about the property and was illustrated with additional photographs which had been taken the day following the incident. The images included the gate and intercom at the front of the property; the drive behind the gate; one side of the property and an outbuilding. As with the first article, the details published in the article about the property were limited to the county in which it was located and its value and the photographs alone did not contain sufficient information which would allow the property to be readily identified. The Committee concluded that the information contained in the articles and the photographs would not reveal the location of the property to those who were not already aware of it. As with the first article, the information published in the second article did not breach Clause 2.

24. The final issue under Clauses 2 related to the potential security risk posed by the publication of the photographs in the second article, which showed aspects of the layout of the property. The context in which the photographs were taken and published was significant: they depicted a potential crime scene, including the damage to aspects of the property, and showed the presence of the police at the scene. They formed part of a report on a police investigation into a potential crime, which was a legitimate matter for press scrutiny. Notwithstanding this, the Committee gave significant weight to the complainant's concerns about the publication of material that revealed the basic layout of the property; the violent incident the night demonstrated that security concerns relating to the property were justified, and any potential increase to the threat to the complainant and his family had the potential for very grave intrusion into their private lives.

25. The Committee considered the information which was contained in the photographs. They showed partial, exterior aspects of the property, which were visible to the public when the gates were open and could be seen through the gates when closed. The Committee did not find that publication of the photographs containing this limited information could reasonably be said to present a risk to Mr Woodward's security. The complainants had no reasonable expectation of privacy in relation to this information and there was no breach of Clause 2.

26. The complainant had also raised concerns regarding the conduct of editorial staff at the newspaper during the complaints process. These concerns did not relate to the conduct of a journalist during the newsgathering process, or editorial content published by the newspaper, and therefore did not engage Clause 3 of the Editors' Code. Without making any finding in relation to this aspect of the complaint, the Committee made clear that complainants must be able to pursue complaints and to seek redress freely and without interference from publications.

In circumstances where there is sufficient evidence that a publication is seeking to discourage or deter a complainant from making a complaint, or acts in a way which is intimidating or distressing to a complainant, the matter will be investigated by IPSO's Standards department.

Conclusion

27. The complaint was not upheld.

Remedial Action Required

28. N/A

Independent Complaints Reviewer

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

Date complaint received: 07/02/2020

Date complaint concluded by IPSO: 16/10/2020

Appendix B

Decision of the Complaints Committee 01735-20 Downing v The Jewish Chronicle

Summary of complaint

1. Gerald Downing complained to the Independent Press Standards Organisation that the Jewish Chronicle breached Clause 1 (Accuracy) and Clause 3 (Harassment) of the Editors' Code of Practice in an article headlined "Hampstead chair thanked 'Jewish Question' activist", published on 13 March 2020.
2. The article reported that "the new chair of a local Labour Party that has hundreds of Jewish members thanked an ex-member who was expelled over 'sickening' comments about Jews that were raised in Parliament". It reported that the Chair had written "thanks comrades" on Facebook in reference to the complainant, after he said the Chair had "defeated the Zionists". The article went on to report that the complainant "was thrown out of Labour in 2016 over his involvement with the Socialist Fight group which has published articles including one that was headlined "Marxists must address the Jewish Question" and another that referred to a "world Jewish-Zionist Bourgeoisie". The article reported that in 2016, David Cameron had "attacked Mr Corbyn over [the complainant's] membership of Labour during prime minister's questions, and that David Cameron had "called [the complainant] a '9/11 sympathiser' and said Labour must expel him".
3. The article also appeared in much the same format online under the headline "Hampstead and Kilburn Labour chair thanks ex-member who was expelled for 'sickening' comments about Jews", published on 10 March.
4. The complainant said that the article was inaccurate. He said that he was not expelled from the Labour Party for making "sickening comments about Jews"; the complainant provided letters which stated that he was expelled for publicly supporting another political party. The complainant said that the letters communicating the decisions regarding his expulsion, readmission, and re-expulsion made no reference to antisemitism or comments about Jews, and that this could have been easily established by contacting him or the Labour Party prior to the article's publication.
5. The complainant said the inaccurate information in the article and the headline was designed to harass him and his family in breach of Clause 3.
6. The publication denied that the article was inaccurate. It did not dispute the official reasons given by the party in its correspondence but said that this would have merely stated procedure and it would not have expanded on the wider meaning or reasoning behind the decision. The newspaper initially suggested that the reference to "sickening comments" came from comments by David Cameron in the House of Commons. It later accepted that Mr Cameron had not referred to claims of antisemitism in his comments about the complainant, and suggested instead that the comments were made by an MP in the House of Commons.

It later said that these comments came from a letter from the MP to Jeremy Corbyn MP, then Leader of the Labour Party. It provided a copy of this letter, however the letter received by IPSO did not feature or reference comments about Jews and instead appeared to refer to the complainant's previous disclosures on the September 11 attacks. The publication provided articles from 2016 which reported that his expulsion was linked to comments he had made about Jews on his website and noted that the complainant's website had published articles including one which demanded that "Marxists must address the Jewish Question" and another referring to a "world Jewish-Zionist Bourgeoisie". It emphasised that while the exact reasons for a party member's expulsion may not always be clear, there was evidence to suggest that this was the reason behind the complainant's expulsion.

7. The publication denied that the terms of Clause 3 (Harassment) were engaged.

8. The complainant said that neither Mr Cameron nor the MP had made any reference whatsoever to him making comments about Jews in the House of Commons, let alone "sickening comments". The complainant accused the publication of misrepresentation as it had changed its position by claiming that the remarks were made in a letter from the MP, a claim the complainant disputed. The complainant said that he was owed an apology from the publication.

9. The publication provided examples of disclosures by the complainant on his website which it said demonstrated that he held antisemitic views and said that the publication had drawn certain conclusions that the reasons for his expulsion related to his previous disclosures.

10. On 12 May, and 13 days after IPSO began its investigation, the publication offered to amend the headline of the online article from "Hampstead and Kilburn Labour chair thanks ex-member who was expelled for 'sickening' comments about Jews", to "Hampstead and Kilburn Labour chair thanks ex-member who was expelled following 'sickening' comments about Jews".

11. On 20 May, and 21 days after IPSO began its investigation, the publication offered to amend the headline of the online article from "Hampstead and Kilburn Labour chair thanks ex-member who was expelled for 'sickening' comments about Jews", to "Hampstead and Kilburn Labour chair thanks expelled member criticised in the Commons for 'sickening' comments about Jews", it also offered to amend the article to reflect this change.

12. On June 10, 42 days after IPSO began its investigation, the publication offered to amend the headline of the online article to "Hampstead and Kilburn Labour chair thanks ex-member who was expelled after Commons plea by Cameron". The publication also proposed amendments to the article which it said made the reasons for the complainant's dismissal from the party clear. However, given his previous disclosures and the nature of the alleged inaccuracies, the publication did not accept that an apology was appropriate in the circumstances.

13. The publication offered the following clarification in print to be published on its Letters page:

Gerald Downing

In a headline dated March 13 we referred to Gerald Downing's expulsion from the Labour Party as being the result of his views about Jews. He was, in fact, expelled for his membership of the Socialist Fight organisation.

14. The publication offered to publish the following clarification as a footnote to the online article:

This article has been amended to make clear that the official reason for Mr Downing's expulsion from the Labour party was his membership of Socialist Fight, not his antisemitic views.

Relevant Code Provisions

15. Clause 1(Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
- ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.
- iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.
- iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.
- v) A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.

Clause 3(*Harassment)

- i) Journalists must not engage in intimidation, harassment or persistent pursuit.
- ii) They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.
- iii) Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.

Findings of the Complaints Committee

16. The article reported as fact that the complainant had been expelled from the Labour Party due to his "sickening" comments about Jews; the online article featured this claim in its headline. In addition, the article stated that these comments had been raised in Parliament. The letters from the Labour Party to the complainant made clear he was expelled from the party for publicly supporting another political party. The publication provided articles and material written by the complainant that it had alleged formed the unofficial reason he was expelled from the Labour Party, however this was directly contradicted by the official basis provided by the Labour Party. The publication was not able to provide any evidence to support its position that the Labour Party had considered any of the material it wished to rely on when reaching its decision. In addition, the publication had not demonstrated that comments made by the complainant about Jews were raised in Parliament. The Committee did not consider that going on to report that the complainant was expelled for supporting another political group clarified the position or mitigated the significance of these inaccuracies.

The publication had no evidence to support that the complainant had been expelled from the Labour Party for making “sickening” comments about Jews which were raised in parliament, and particularly where this featured in the headline of the online article, it had failed to take care not to publish inaccurate information and there was a breach of Clause 1(i). Where the inaccuracy had falsely stated that the complainant had made antisemitic remarks that had been discussed in Parliament, which was a very serious accusation which could have had a detrimental effect on the complainant, this was a significant inaccuracy and a correction was required under Clause 1(ii).

17. The publication offered to amend the online article’s headline on three separate occasions, and also offered to publish a correction as a footnote to the online article, and in the print version of the paper. The Committee considered that the proposed clarifications offered by the newspaper were not adequate. Corrections must address the original inaccuracy, and put the correct position on record. The online correction did not refer to the original headline, which was inaccurate. Neither version of the correction made clear that the complainant’s views on Jewish people had not been described as “sickening” in Parliament. For these reasons, there was a further breach of Clause 1(ii).

18. Clause 3 generally relates to the way journalists behave when researching a news story, and is meant to protect people from being repeatedly approached by the press against their wishes. As the complainant’s complaint regarding harassment was based on the inaccuracy of the article, this Clause was not engaged.

Conclusion

19. The complaint was upheld under Clause 1.

Remedial Action Required

20. 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.

21. The Committee considered that there was a serious breach of Clause 1(i). The article had inaccurately reported that the complainant was expelled from the Labour Party for making sickening comments about Jews, and reported that this had been discussed in Parliament. The publication was unable to provide any evidence for the allegations it made. Whilst it had offered to make multiple amends to the online article and clarification to both versions, none of these were sufficient to correct the original inaccuracy. In light of the newspaper’s failure to take care over the article’s accuracy, and its failure to correct the inaccuracies in line with its obligations under Clause 1(ii), the Committee concluded that an adjudication was the appropriate remedy.

22. The Committee considered the placement of this adjudication. The article had featured on page nine. The Committee therefore required that the adjudication should be published on page nine or further forward in the newspaper. The headline to the adjudication should make clear that IPSO has upheld the complaint, give the title of the newspaper and refer to the complaint’s subject matter. The headline must be agreed with IPSO in advance.

23. The adjudication should also be published on the newspaper's website, with a link to the full adjudication (including the headline) appearing on the top half of the newspaper's homepage, on the first screen, for 24 hours; it should then be archived in the usual way. If the newspaper intends to continue to publish the online articles without amendment to remove the significantly misleading statements identified by the Committee, the full text of the adjudication should also be published on the article, beneath the headline. If amended to remove the inaccurate statements, a link to the adjudication should be published with the article, explaining that it was the subject of an IPSO adjudication, and explaining the amendments that have been made.

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

Following an article published in print on 13 March 2020 headlined " Hampstead chair thanked 'Jewish Question' activist" and online on 10 March 2020 headlined "Hampstead and Kilburn Labour chair thanks ex-member who was expelled for 'sickening' comments about Jews", Gerald Downing complained to the Independent Press Standards Organisation that the newspaper had breached Clause 1 (Accuracy) of the Editors' Code of Practice. IPSO upheld this complaint and has required The Jewish Chronicle to publish this decision as a remedy to the breach.

The article reported that Mr Downing had been expelled from the Labour Party after making "'sickening' comments about Jews" and that these comments had been discussed in Parliament.

The complainant said that the article was inaccurate; he had been expelled from the Labour Party for publicly supporting another political party, not for making comments about Jews, sickening or otherwise. The complainant provided official Labour Party letters to IPSO which supported this position. He also said that no comments he had made about Jewish people had been discussed in the House of Commons.

IPSO found that it was significantly inaccurate to report that the complainant had been expelled from the Labour Party for making "sickening" comments about Jews which were raised in parliament, and particularly where this featured in the headline of the online article, it had failed to take care not to publish inaccurate information in breach of Clause 1.

Date complaint received: 13/03/2020

Date complaint concluded by IPSO: 04/11/2020

Appendix C

Paper No.	File Number	Name v Publication
1892	00042-20	McAnena v mirror.co.uk
1865	08417-19	Rooney v The Times
1900	08980-19	Tweddle v chroniclelive.co.uk
1886	09597-19	Bremner v The Scotsman
1914	09739-19	Scott v thescottishsun.co.uk
1851	07966-19	Water UK v The Times
1885	00026-20	Fleet v Plymouth Herald
1891	00057-20	Chambers v The Guernsey Press and Star
1913	00285-20	Ratcliffe v kentlive.news
1896	00579-20	Westmoreand v kentlive.news
1893	00606-20	Clough v Evening Telegraph (Dundee)
1916	00857-20	Hayden v The Spectator
1889	09155-19	Brown v thesundaytimes.co.uk
1904		Request for review
1912		Request for review
1925		Request for review
1928		Request for review
1933		Request for review
1941		Request for review
1947		Request for review
1951		Request for review