

# Jersey Evening Post

**IPSO Annual Statement**

**1 January to 31 December 2021**

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- **INTRODUCTION**

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- **Overview**

Guiton Publishing is the division of the Guiton Group that is responsible for media interests in the autonomous jurisdiction of the Bailiwick of Jersey, in the Channel Islands.

Jersey operates under laws unique to the jurisdiction and which are different from the UK. This means editorial decisions, although based on a common set of journalistic principles and ethics, must be made in accordance with local legislation and the requirements of Jersey common and customary law. The adherence to best-practice standards has been at the heart of the strong relationship that the Jersey Evening Post, the flagship title of the group in Jersey, has enjoyed with the community it has served for 130 years.

In common with publishers in the UK, Guiton Publishing has voluntarily signed up to IPSO and will always strive to meet its contractual obligations with the regulator. However, Jersey is not subject to the jurisdiction of the courts of England and Wales; and the States of Jersey, the Island's parliament, is the sovereign authority in the Island. While Guiton Publishing will strive to meet best-practice standards, local laws and obligations will, in all cases, need to take precedence.

The Jersey Evening Post is the Island's only daily printed newspaper and its online platforms are a leading provider of digital news and commercial content. The newspaper has a local board of directors, both operationally and in non-executive capacity, and also a non-exec chairman, who are prominent in the local community.

Because of the compact nature of the market we serve, the directors are easily accessed by members of the government, officers of the law and by the wider readership in general. The weekly reach of Jersey Evening Post is over half the adult population, higher than the combined readership of the English national newspapers, the combined reach of the radio stations and higher than commercial TV coverage.

- **Titles and products**

Jersey Evening Post (and associated supplements)

ecoJersey

HomeLife

Everybody Loves Jersey/Jersey Loves Food

Prime Time

Home 360°

Move

JEP Digital Publications

[www.jerseyeveningpost.com](http://www.jerseyeveningpost.com) (and associated commercial platforms)

- **Responsible person**

The publisher's responsible person is Andy Noble, Editor's Assistant, Tel: 01534 611633, [editorial@jerseyeveningpost.com](mailto:editorial@jerseyeveningpost.com) or [anoble@jerseyeveningpost.com](mailto:anoble@jerseyeveningpost.com) \_\_\_\_\_

- **OUR EDITORIAL STANDARDS**

- **Overview**

The Jersey Evening Post is committed to upholding the Editors' Code of Practice. Journalists are issued with copies of the code and details are set out on the company's intranet and placed on company notice boards. Training sessions – internally and externally – reinforce and refresh the importance of adhering to the code. All staff are reminded of the need to uphold the code at all times and the importance of representing the news organisation and its owners – and the profession of journalism – in a positive and professional manner.

- **Editorial guidance**

In respect of IPSO, guidance would be sought prior to publication if deemed necessary by the editor. Any guidance would be considered alongside any legal advice (if any) that had been sought. Guidance would also be sought from IPSO in resolving complaints made to IPSO. This may take the form of agreeing a suitable resolution to a complaint with IPSO acting as the conduit between the complainant and the newspaper.

The Jersey Evening Post is committed to resolving all complaints as quickly and reasonably as possible.

Jersey Evening Post journalists and contributors are made aware of the importance of Clause 1 (accuracy) of the Editors' Code when researching, writing, news editing and sub editing articles and comment pieces.

- **Verification of stories**

Editors demand that reporters and writers can stand up any claims made in their copy. In practice, this can mean a number of things, from the corroboration of information by a number of sources, to the use of supporting documentary evidence or a requirement to obtain information from a source who enjoys a level of privilege because they are deemed to make statements in the public interest (police, government ministers etc).

Editors are responsible for making sure that reports are fair and balanced. The Jersey Evening Post understands very clearly its duty to provide the right of reply.

Every story published in the newspaper is checked before publication. All news stories are checked initially by a news editor and then by a sub editor. All pages are signed off before publication by a senior member of the editorial department, in practice the editor or deputy editor.

Any stories of concern will also be checked by the editor or deputy editor.

In the vast majority of cases, articles published online are only available for uploading after they have been checked by the news editor and a sub editor.

- **OUR COMPLAINTS-HANDLING PROCESS**

***In what form are editorial complaints accepted?***

Complaints are accepted in all forms, by email, letter, telephone, via social media and in person.

### ***Who handles editorial complaints internally?***

All staff are advised that telephone, social media, in-person and email complaints that come to them directly are to be logged and passed on to their line manager, for example, the news editor, who will determine whether they reach a threshold or seriousness which requires them to be passed on. Those reaching that threshold are collated and logged by a central staff member, the editor's PA, upon completion of an internal notice-of-complaint form (see example attached).

The level at which the complaint is handled depends on its seriousness but could ultimately be passed on to be resolved by the editor or his deputy. In practice, the editor, deputy editor, or news editor ultimately handle complaints.

Postal complaints are generally logged and directed to the editor or his deputy for handling. Complaints received via (non-personal) company social media platforms are logged/resolved by the internet editor or passed on to the editor or deputy editor if necessary.

### ***Records kept of editorial complaints and their outcomes***

The editor's assistant logs all complaints passed to him and records and files the outcome. All staff have access to an internal complaints form on which details of the complaint are logged. Outcomes are similarly logged. All forms are collated centrally by the editor's PA.

### ***How Jersey Evening Post seeks to resolve complaints***

Complaints which have some foundation are resolved by offering the complainant some form of redress, usually a correction/clarification in the newspaper and/or online or by removing the offending content from the online story. Corrections are either published on page 2 or the letters pages (pp 12 and 13). Requests from complainants for the publication of a correction on a specific page or for a correction to be published next to a follow-up story on the same subject are considered on their merits with a view to ensuring due prominence. Online corrections are generally added to the original article.

A significant percentage of complaints stem from a misunderstanding that can be addressed and resolved through the writing of a letter or email, usually by the editor, to the complainant. These letters aim to clarify the reasons underlying/explaining publication (prominence, news angle, page design, headline etc).

The JEP no longer allows comments about published reports on [jerseyeveningpost.com](http://jerseyeveningpost.com).

### ***What information it provides to readers and where about its internal process for editorial complaints and IPSO's complaints process***

#### **Online**

The home page of the newspaper's website, [jerseyeveningpost.com](http://jerseyeveningpost.com), features a 'Making a complaint' link, <https://jerseyeveningpost.com/complaints/> which leads to a simple explanation of the newspaper's complaints policy and a further, clearly-marked hyper-linked email address invites those with a complaint to email the editor. A postal address is also provided for those who wish to complain in writing.

The section of the website makes clear that the company abides by IPSO guidelines and contains a hyperlink direct to the IPSO website and the Editors' Code.

## **In paper**

There is a daily panel underneath the editorial leader column which names the editor and gives an email address for the editorial department.

There is also a panel on the letters pages under the heading 'Complaints procedure'. It provides a brief explanation of the complaints policy and gives telephone, mail and email contact details for making a complaint. Since December 2017 this panel has been headed by the new IPSO-Regulated mark.

## **OUR TRAINING PROCESS**

Our journalists receive legal training as part their journalism training and they regularly refer both to the Editors' Code of Practice and McNae's Essential Law for Journalists.

Reporters have all been advised about the complaints handling methods outlined above and issued with the Editors' Code of Practice. Their attention is drawn to relevant aspects of the code by senior managers as and when stories about juveniles etc are instigated. The code is also posted prominently on noticeboards for reference.

The Jersey Evening Post has undertaken a series of training sessions with all members of editorial staff to ensure they are familiarised with the IPSO editors' code.

Training involves a detailed analysis of the code followed by group discussion of case studies and then a Q&A to make certain that the training has been well understood. Staff who do not show reasonable understanding will get extra training and new staff will receive full training. The process will be re-evaluated each year with emphasis on new staff and those who show weakness in their understanding of the code. A copy of the training materials currently used is attached.

Other than the Editors' Code of Practice and McNae's Essential Law for Journalists referred to above, we do not currently have any additional internal manuals or codes for use by journalists.

Editors have access to and seek advice from the Press Association legal team and the NMA as necessary.

## **OUR RECORD ON COMPLIANCE**

### **Complaints**

There were two complaints made to IPSO by Duncan Cassidy in 2021, which were both ruled upon by IPSO. These were as follows:

#### **Complaint 1**

Duncan Cassidy complained to the Independent Press Standards Organisation that the Jersey Evening Post breached Clause 1 (Accuracy) and Clause 12 (Discrimination) of the Editors' Code of Practice in an article headlined "Vaccinations are not there to use when the horse has bolted. They create that bolt in the first place", published on 20 July 2021.

The article was a comment piece on vaccination uptake in Jersey. The article asked readers to "think back to Christmas where a thousand cases in Jersey resulted in around 60 people in hospital. Roughly double that number of cases has resulted in around a dozen hospitalisations". The article began by referring to the case of "an unvaccinated man in his 40s with no underlying health conditions [who] died of

coronavirus". It also discussed the effects of vaccinations on coronavirus transmissions, stating that they reduced "the risk of transmission, but also reduc[ed] the number of unvaccinated people in the Island among whom new strains can mutate"; "that EVERY mutation is currently significantly clamped down on by the vaccine"; and that "by strangling that petri dish of people, we're reducing the chance of a new vaccine-evading strain emerging". The article also reported that the risks of taking the vaccine "when compared with crossing a road or taking a paracetamol – are equally miniscule".

The complainant said that the article was inaccurate in breach of Clause 1. He said it was inaccurate to report that the previous Christmas "a thousand cases in Jersey resulted in around 60 people in hospital". The complainant provided a Freedom of Information response from the Government of Jersey which stated that between 1 February 2020 and 17 June 2021 there "were 40 admissions where clinical codes suggest either only acute care for COVID-19 was provided or the direct symptoms resulting from COVID-19, or where it has not been possible to conclusively state whether another condition required during these admissions from coding Alone".

The complainant said that the publication should not have published that the man had died of coronavirus a few days after his death, and that this should have only been published after an inquest which officially confirmed the cause of death had taken place. The complainant also said it was offensive to use the man's death to promote the uptake of vaccines.

The complainant also said it was inaccurate to report that vaccinating people was "reducing the risk of transmission, but also reducing the number of unvaccinated people in the Island among whom new strains can mutate"; "that EVERY mutation is currently significantly clamped down on by the vaccine"; and that "by strangling that petri dish of people, we're reducing the chance of a new vaccine-evading strain emerging". He said that there was no evidence to support these claims as it gave the impression that coronavirus did not mutate in vaccinated people, and the prevalence of the Delta variant in vaccinated people demonstrated that this was not correct, and that this variant had, therefore, not been "significantly clamped down on".

The complainant also said it was a breach of Clause 1 to state that the risks of taking the vaccine "when compared with crossing a road or taking a paracetamol – are equally miniscule". He said that as of 2 August, the UK yellow card scheme had found there to be 1,512 deaths and 1,102,228 suspected adverse reactions after taking the vaccine, He said that the vaccine, therefore, could not be compared to the risks of taking paracetamol or crossing the road. The complainant also said that the article was clearly biased towards one opinion, and that the publication should not be able to publish conjecture as it did not know what the future would hold.

The complainant also said that article breached Clause 12 as he believed it discriminated, ridiculed and segregated people who had chosen not to take the coronavirus vaccine. He also considered the term "anti-vaxxer" to be discriminatory in itself.

We (the publication) said, in our first round of correspondence, that it was not inaccurate to report that "a thousand cases in Jersey resulted in 60 cases in hospital" as it had received these figures from the government. We did, however, say that the figures could have been presented better as the figure of 60 cases did not distinguish between those who tested positive for Covid whilst in hospital, and those who required acute treatment for Covid. We said that the figures from the complainant's Freedom of Information request were not available at the time of publication, and that it was reasonable to rely on the Covid data reported by the local government which referred to 60 cases. We said, however, that we were entitled to compare the statistics roundly as they were like for like, and in the context of the article it was not significantly misleading as the point being made was that substantially fewer people were found to have the virus in hospital after the vaccination program than before.

We said that, whilst the inquest had not yet officially determined the cause of death of the man referred to in the article at the time of publication, we did not consider it to be inaccurate to report that he had died of Covid. We supplied a press release that had been issued by the government which was titled "Covid 19 death at Jersey General Hospital", and stated that a "patient who had tested positive for COVID-19 has died at Jersey General Hospital. The patient was an adult under 50 years of age and not classed as clinically vulnerable" and contained a quote from the Deputy Medical Officer of Health who "emphasise[d] the importance of being vaccinated to be protected against COVID". In addition, we (the publication) said it had also been in contact with a friend of the deceased who was aware he had contracted Covid and that he was suffering severely with symptoms before his death. We said a number of other people close to the deceased also corroborated this and had stated that the man was unvaccinated. We noted that, after the publication of the article, the man's death certificate had been released and his cause of death was listed as Covid.

We said that widely published scientific data made clear that it was accurate to report that vaccines reduced transmission and led to fewer mutations of the virus, and that at the time of publication the vaccines had "significantly clamped down on" every mutation. We said that as vaccinations reduce the rate of transmission, and as mutations are more likely with increased transmission, it followed that vaccines reduced the risk of mutation.

We, did, however, offer to publish a clarification on page 2 of the newspaper.

After further questioning, which was delayed due to exceptional circumstances, which meant that it was no longer possible for the journalist to provide information to us regarding his sources for the article, we were able to establish that the government had published inaccurate data on its website. We provided an email from a named government source, which had stated that the information relating to Covid hospitalisations had been displayed incorrectly on the government website; the correct position was that 29 people were in hospital and 66 were in care homes, but the government had inverted these figures. Once we became aware of the error, we amended our offered correction to state this.

We said that, in relation to the claim that the risks of taking the coronavirus vaccine had comparable risks to crossing a road or taking paracetamol, the reporter was entitled to express this opinion based upon the well documented data, including the Yellow Card Reporting referred to by the complainant. We said that, whilst there were known to be risks associated with vaccination, these risks were known to be small, as was the case with crossing the road or taking paracetamol. We also noted that, as a newspaper, we were entitled to be biased, and that the article was clearly marked as an opinion piece.

We did not consider Clause 12 to be engaged.

In conclusion, the complaint was not upheld by IPSO.

On the remedial action required, IPSO said the correction which was offered clearly put the correct position on record, and was offered promptly and with due prominence, and should now be published.

Date complaint received: 12/08/2021.

Date complaint concluded by IPSO: 26/04/2022.

## Complaint 2

Duncan Cassidy complained to the Independent Press Standards Organisation that Jersey Evening Post breached Clause 1 (Accuracy) and Clause 12 (Discrimination) of the Editors' Code of Practice in an article headlined "Young people harassed by anti-vaxxers outside clinic", published on 10 August 2021.

The article reported on a group of “anti-vaccination protesters” at a Covid-19 drop-in vaccination clinic whom the “police were called to disperse” with “children as young as 16 claiming they were being intimidated as they went for their jab”. The article described a group of “15-20 protesters” who had “‘verbally harassed’ staff and Islanders” who had gone to get their first dose of the vaccine. It contained quotes and the account of a mother of a 16 yearold boy who said her son “had to leave through the back of the tent having been approached by the group” on the advice of staff members. The woman was quoted stating that a man with a placard had “shout[ed]” at her son and that it “was incessant” and when she asked he stop “this only made things worse”, and that her son had been “really intimidated at the thought of having to sit and be stared at” when sitting after receiving his vaccination. She praised the staff at the clinic “despite the trouble”. The article also included a quote from a police spokesperson: “Police were called on Saturday 7 August at 3.45pm regarding a group of approximately 15 to 20 protesters who had turned up at the Springfield pop-up vaccine centre. Some of these protesters were verbally harassing staff and some of the people attending to be vaccinated. Police attended and the group dispersed by 4pm. No offences took place and no arrests were made.”

The article also appeared online in substantially the same format.

The complainant said that the article was inaccurate in breach of Clause 1. He said that he had been present at the clinic when the police had arrived. He said that it was inaccurate to report that the police had been “called to disperse” the people at the clinic. Whilst he accepted the police had been called, he said that when they arrived they did not speak to any of the protesters and did not actively attempt to disperse them as they would have done if that had been the reason why they were called.

The complainant also said it was inaccurate to report that any of the people had harassed anyone, as he had only seen people speaking amongst themselves, or to staff who seemed willing to speak to them. The complainant said he had seen a person with information about the yellow card scheme shout twice about deaths and adverse reactions to Covid-19 vaccinations, possibly whilst someone was in the vaccination tent, but he did not consider that there was any evidence that this man was opposed to Covid vaccinations. He said it was inaccurate to report that the group were “anti-vaxxers” as this suggested that they were against all vaccines and not just the Covid-19 vaccine. Similarly, the complainant said it was inaccurate to describe the group as “protesters” and said that no one had been “verbally harassed”. The complainant also denied that there were 15-20 people there, and instead said he would have estimated it to be 12, and a maximum of 15.

The complainant also said that it was inaccurate to call the 16 year-olds having their vaccination “children” as they were old enough to consent to the vaccine. He also disputed that they had been intimidated by anyone outside of the practice. The complainant disputed the mother’s account of the event. He said he had not seen the child leave through the back of the tent, or be approached by the people at the clinic, which the complainant accepted was possible but that he had not witnessed the events as described in the article. He said the mother’s account was exaggerated as she had only been shouted at twice, and therefore saying speaking to the man “made things worse” and that the staff had acted well “despite the trouble” was inaccurate as he had not seen any trouble or behaviour that could be made “worse”.

The complainant considered it contradictory to report firstly that children as young as 16 had claimed to have been intimidated and then later in the article that staff and Islanders had been verbally harassed. He said this was contradictory as it started out as a claim, and then reported as if it was fact. He reiterated he had seen no such behaviour.

Finally, the complainant said that the article breached Clause 12 as it discriminated against people who were against the Covid-19 vaccine. He said that the term “anti-vaxxer” meant to be opposed to all vaccines, rather than just the Covid-19 vaccines, and that the article had been written to deliberately incite division and tension and vilify those who chose not to have the Covid-19 vaccine.



We (the publication) generally defended the accuracy of our report, which we said had been based upon a press statement issued to the local media by the States of Jersey Police, which was reported within the article in full. We accepted that the police statement did not say that the police had been “called to disperse” the group, but that the group had dispersed, and that the journalist had made a mistake on this point. We offered to clarify this point within our first substantial response after the matter was referred by IPSO in direct correspondence with the complainant. We then clarified our proposed wording within our first substantial response to IPSO’s investigation when we offered to publish a correction on page 2 and online as a footnote to the article.

We said that we had spoken to a woman present at the incident who had told us that her child felt intimidated, and that we were entitled to report and accurately paraphrase her statement, including that her child left via the back of the tent and that speaking to the man to the placard made the situation “worse” in her opinion. We said that the complainant was not in a position to dispute the mother’s account for the events or how her son felt.

We noted that a woman had claimed that her 16 year-old son had been intimidated, and that, separately, the police had stated that staff members and people present had been “verbally harassed”. We therefore said it was not contradictory to include both references within the article.

We did not accept that Clause 12 was engaged. We said that the freedom to report on the divisive issue of vaccination could not be intruded on solely because it could cause offense to some people.

In conclusion, the complaint was not upheld by IPSO and there was no remedial action required.

Date complaint received: 07/09/2021.

Date complaint concluded by IPSO: 26/04/2022.

### **Attachments**

- Complaints form
- How to make a complaint
- Training exercises
- Training questions and answers

## COMPLAINTS FORM

<b>DATE COMPLAINT RECEIVED</b>	
<b>COMPLAINANT NAME &amp; CONTACT DETAILS</b>	
<b>VIA</b>	PHONE <input type="checkbox"/> EMAIL <input type="checkbox"/> LETTER <input type="checkbox"/> SOCIAL MEDIA <input type="checkbox"/> IN PERSON <input type="checkbox"/>
<b>REPORTED TO (name of staff member)</b>	
<b>ACKNOWLEDGEMENT DATE (if applicable)</b>	
<b>DATE OF PUBLICATION</b>	
<b>DETAILS OF COMPLAINT</b>	
<b>ACTION TAKEN</b>	
<b>OUTCOME</b>	
<b>DATE RESOLVED</b>	
<b>SIGNED</b>	

Please complete and return to Editor's PA for logging into complaints register for IPSO reporting

Office use only	
<b>Ref No</b>	
<b>Entered into register</b>	

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## Making a complaint

The Jersey Evening Post takes complaints about editorial content seriously.

We are committed to abiding by the [Independent Press Standards Organisation](http://www.ipso.co.uk) (<http://www.ipso.co.uk>) ("IPSO") rules and regulations and the Editors' Code of Practice that Ipsos enforces.

### Complaints details

If you would like to make a complaint under the terms of the Editors' Code administered by IPSO please email [editorial@jerseyeveningpost.com](mailto:editorial@jerseyeveningpost.com) (<mailto:editorial@jerseyeveningpost.com>). If you wish to make your complaint by post, please write to: **The Editor, P.O. Box 582, Five Oaks, St Saviour, Jersey, JE4 8XQ**

If you would like to make a complaint about the Jersey Evening Post on an editorial issue not covered by IPSO and the Editors' Code, please email [news@jerseyeveningpost.com](mailto:news@jerseyeveningpost.com). (<mailto:news@jerseyeveningpost.com>)

### Complaints policy

- 1) The Jersey Evening Post aims to handle all complaints as efficiently and effectively as possible.
- 2) All complaints will be acknowledged on receipt.
- 3) If we receive multiple complaints about the same issue we may make one response to all.
- 4) We may request further information from you to enable us to investigate your complaint.
- 5) We will deal promptly with complaints. Once full details have been established, we aim to resolve within 28 days any complaint brought under the IPSO Editors' Code. If we fail to resolve such a complaint to your satisfaction within this time, you may refer the matter to IPSO. If we believe that no breach of the Editors' Code is involved, we will tell you.
- 6) You can see a copy of the Editors' Code [here](http://www.editorscode.org.uk/the_code.php). ([http://www.editorscode.org.uk/the\\_code.php](http://www.editorscode.org.uk/the_code.php))
- 7) If at any stage of your complaint we do not hear back from you within 28 working days, we will consider your complaint resolved.

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## TRAINING EXERCISES

1. A married couple complained that an article headlined "Sweet result for Mica's charity stall", published in the Camberley News and, had intruded into their teenage daughter's privacy in breach of Clauses 3 (Privacy) and 6 (Children).

The article reported that a 13-year old girl was selling cakes at a farmers' market to raise funds for ME Research UK because her friend - the complainants' daughter - had the condition. The article named the complainants' daughter, included a photograph of her, and made clear that she had ME (myalgic encephalomyelitis). The complainants said that they had been happy for their daughter to be photographed but had not consented to the publication of her name and photograph in connection with details of her medical condition. Publication of the article had caused their daughter great distress as the family had tried to avoid labelling her as having ME, and had therefore informed people of her condition only when necessary.

The newspaper said it had intended to support the fundraising initiative, and it sincerely apologised to the complainants for the distress caused and offered to make a financial contribution to an ME charity of the complainants' choice. It had been contacted by the organisers of the market seeking publicity for the event. The photographer had taken a picture of the complainants' daughter and her friend at the stall; the friend had provided information about the complainants' daughter's medical condition. The newspaper said the complainants' daughter had been present when this information was disclosed. The photographer had then spoken briefly to a woman he took to be the girl's mother, who had commented that she would soon be taken home as she tired easily. A number of other people had been present, and the photographer had received no impression that the child's condition was considered to be confidential.

The complainants denied that the photographer had spoken to them or that their daughter had been present when the information regarding her medical condition was disclosed to the photographer. The newspaper's apology and offer of a charitable contribution were not sufficient in the complainants' opinion in light of the distress caused by the article.

2. Mrs Rebecca Louise Elder, acting on behalf of the parents of a pupil at Fernhurst Pre-School, complained that an article headlined "Pre-school child porn web shock", published in the Midhurst and Petworth Observer, had included a photograph of the pupil in breach of Clause 6 (Children).

The front-page article reported pornographic messages and links to websites showing indecent images of children had been posted in the comments section of the pre-school's website. The piece had been accompanied by an image of the website's homepage, which contained a photograph showing part of the face of a current pupil.

The child's parents considered that the use of the image had endangered the child in breach of Clause 6. The complainant noted that child protection agencies warn that using photos of children in stories of a sexual nature can make them vulnerable to "grooming"; in addition there is a risk that such photos may be used inappropriately by others. Local people had recognised the child from the image, but her parents did all they could to shield her from the consequences of its publication. The child's face should have been obscured and permission to use the image obtained.

The newspaper said that it was impossible for people to identify the child from the image, unless they had previously been made aware of it; only her nose and mouth were partially visible, and her gender was not obvious. The child was in no more danger as a result of

the article than other pupils pictured on the pre-school's website. Although the newspaper was confident that the child was not identifiable, it had decided to blur her visible features when the story was published online.

3. Rebecca Morris complained that an article headlined "Model pix cop has quit force", published in the Halesowen News breach of Clauses 1 and 3 (Privacy).

Accuracy: The article reported that the complainant had left her employment as a Police Community Support Officer following press reports about photographs of her modelling that had been published online.

The complainant denied the newspaper's claim she was "carving out a second career as a motor show promotions model"; she had not been paid for the photographs posted online, which had been taken as part of a hobby. She also considered that the article suggested, inaccurately, that she had left her job because of the publicity surrounding the photographs.

The newspaper took 45 days to provide an initial response to the complaint. While it noted that the article had been based on an agency report and stated that it therefore could not provide any details about the journalist's newsgathering methods, it denied having published any inaccuracies. It did not accept that its article had suggested that the complainant had left her job because of the previous press coverage of the photographs. It maintained that the complainant had promoted herself as a model seeking paid employment in that field.

Privacy: The complainant said that the newspaper's publication of her name, age and area of residence was intrusive. She argued that this was a security issue, as she had previously received death threats when people had learnt that she worked for the police. The complainant also objected to approaches made to her neighbours by a journalist in an effort to obtain comment on the story.

The newspaper denied that its coverage had intruded into the complainant's privacy; it said that the photographs of the complainant had been freely available online at the time of publication, and that its article was based on information in the public domain.

4. Nicki McLellan complained that an article headlined "Saleswoman who targeted doctor's patients and poor is exposed", published by the Kent and Sussex Courier on 3 August 2012, contained information which had been obtained using subterfuge and clandestine devices in breach of Clause 10 (Clandestine devices and subterfuge) and also breached Clause 1 and 4 (Harassment).

After reading an article about a woman experiencing financial hardship, a representative of the complainant had contacted the newspaper in order to offer her an opportunity to make extra money. The woman had agreed to meet the complainant but had been accompanied by a reporter from the newspaper posing as her partner.

The complainant suggested that the woman might wish to join her in working in the "multi-level marketing sector" selling "wellness products" and gave a presentation about the company. She suggested that the woman and her "partner" should attend a further presentation on the scheme, and described how she used her role as a receptionist in a doctor's surgery to meet potential customers.

The newspaper's coverage focused on the complainant's admission that she had recommended the products to patients at the surgery. It referred to the complainant's

comments at the meeting, which had been recorded without her knowledge, and was illustrated with still images of her.

The complainant said the newspaper's use of subterfuge had been wholly unjustified: she had acted with good intentions to help the woman find a new source of income. The reporter had not taken steps to investigate the matter before resorting to subterfuge.

The newspaper said it had been concerned that the complainant intended to involve the "vulnerable" woman in a direct-selling scheme that required a significant initial financial outlay. Its research had shown that reputable sources had raised concerns about the practice of direct selling, and it had been keen to learn whether the complainant was "targeting" vulnerable individuals. It had decided the only way of investigating further was to employ subterfuge.

Following the meeting, it had decided that publication of the material was justified by a sufficient public interest, particularly in light of the revelation that the complainant had used her position as a receptionist at a doctor's surgery to make sales for her business.

Harassment: The complainant said that after the meeting the reporter - who had informed her of the subterfuge - had been "pushy" and had emailed her a list of questions about the incident, despite her having made clear in a telephone conversation that she did not wish to comment. Later the same week she had been told not to come to work at the surgery because the reporter was present in the car park. The complainant said that, contrary to a suggestion in the article, the surgery had been fully aware of her involvement in the "multi-level marketing sector".

The newspaper said its reporter had been happy to end the call when the complainant made clear that she did not wish to comment. The purpose of the email, which acknowledged her desire not to comment, was to make the complainant aware of the questions he had intended to ask; it had not requested a response. The reporter had attended the surgery in order to photograph the site and speak to patients; he had no intention of talking to the complainant or photographing her. The Primary Care Trust had provided the newspaper with a statement that, while the surgery knew the complainant was involved in direct selling, it was unaware of her approaching patients about the products.

Accuracy: The article had reported that the complainant's comments about selling products to patients had prompted the practice to investigate the matter. While the complainant maintained that the practice had been aware of her activities, the relevant PCT had told the newspaper that the surgery had been unaware the complainant was selling products to patients. It had issued a statement, included in the article, that it was investigating the matter. The complainant chose not to comment before.

5. A man complained that an article published in The Bolton News had breached Clauses 1, 3, 12 (Discrimination) and Clause 14 (Confidential sources).

The complainant had contacted the newspaper to alert it to his concerns about the misuse of the blue badge system in Bolton's car parks. The article reported his account of an incident of alleged misuse, along with his name, age and partial address. It noted that both he and his wife (who was not named) were disabled and identified their medical conditions. While the complainant acknowledged that he had initiated the contact with the newspaper, he said no consent had been sought for the publication of the couple's personal information. He considered that it could lead to reprisals and suggested that his wish for anonymity should have been evident to the newspaper when he cancelled an

appointment to be photographed for the story; he had made clear at this point that the publication of a picture of him was not a good idea "as [he] didn't want to be identified", due to his wife's profession. The complainant said he had recordings of his calls with the reporter but declined to provide them to the Commission.

The complainant also said that the headline's suggestion that he had expressed "anger" about the blue badge abuse was inaccurate; he only felt "disappointment". He expressed concern about the description of the local council's abrogation of duties regarding blue badges as a "legal loophole", and what he considered as an inaccurate suggestion in the article that his wife had been present when he witnessed the alleged infraction. He considered that his and his wife's disabilities were irrelevant to the story and said that he had only provided details of their conditions following a question from the reporter.

The newspaper said that the information had been freely provided by the complainant, who had approached the newspaper about his concerns; it noted that this was not the first occasion on which he had brought local issues to its attention in this way and that in addition he maintained a blog on which he commented about local issues. During the telephone conversation in which the complainant had identified his and his wife's medical conditions, he had referred to his wife being present in the room, and the newspaper had understood from this that she consented to the publication of the information. While it accepted that the complainant had changed his mind about being photographed, it denied that he had asked to be treated as a confidential source or requested that any detail be withheld from its report.

Confidential sources: states that "journalists have a moral obligation to protect confidential sources of information". Where an individual initiates contact with a newspaper with the aim of providing information for publication, there is a basic expectation that this information will be attributable. Clause 14 is generally engaged only in instances where an agreement, of some form, has been reached that the individual will be treated as a confidential source. On this occasion, while the complainant suggested that the newspaper should have inferred his position, he had not sought to argue that he had initiated a conversation about the issue or reached such an agreement with the newspaper. There was no breach of Clause 14.

Privacy: The complainant had contacted the newspaper and provided it with information about the incident. He had also disclosed information about his medical condition without stating that this was to be treated confidentially.

The situation with regard to the complainant's wife was less clear cut. The Commission has made clear, on a number of occasions, that medical information poses a significant potential for intrusion and should be treated with caution, particularly where it has been provided by a third party. Does the fact that the woman was in the room when the complainant was talking to the newspaper have any bearing?

Accuracy: Clause 1 states that newspapers must take care not to publish inaccurate or misleading information and requires that significant inaccuracies, once recognised, must be corrected. The complainant said the headline and the reference to the "loophole".

Discrimination: Clause 12 (ii) states that details of an individual's physical or mental illness or disability must be avoided unless genuinely relevant to the story. What do you think?

6. The mother of Hannah Sharp, on behalf of her family, complained that coverage in the Chester Chronicle of an accident involving her daughter breaches Clauses 1, 3, 4, 5 (Intrusion into grief or shock) and 8 (Hospitals).

In October 2008 the complainant's daughter had been seriously injured following a road traffic accident in which the driver was killed. The incident and the aftermath were covered by the newspaper.

Privacy and hospitals: Hannah spent five months in hospital, and the complainant was concerned that the newspaper had made a number of 'condition checks' with the hospital following the accident. She said that the hospital had breached her daughter's confidentiality by releasing information about her medical condition without the family's consent.

The complainant was also concerned about the newspaper publishing private information about her daughter's health. One article had given the complainant's daughter's first name, in addition to quoting a spokesman for the hospital who said that 'the patient sustained serious head injuries and as a result will require long-term care'. By not checking explicitly that the family was happy for this information to be released by the hospital, the newspaper had failed to show respect for her daughter's privacy at a time when she was seriously ill. This also represented a breach of Clause 8 (ii).

In February 2009, the family asked Cheshire Police to make clear to the newspaper that the family did not wish for it to make further enquiries with the hospital. The hospital's Chief Executive wrote formally to the newspaper in June 2009 to ask it not to 'use our briefing on the current/future medical situation of [the complainant's daughter] in any future articles'.

In response, the newspaper said it understood that it would have been a traumatic time for the families of both young women, and it was not its intention to add to their distress. The reporter's calls to the Intensive Care Unit at the hospital were routine journalistic practice to ensure that any published information was up-to-date, and it assumed that the hospital had followed the correct procedures in releasing information, including consulting the family. The newspaper had only used the victim's first name until her surname had been revealed at the inquest, together with the name of the road where she lived.

Harassment and Intrusion into grief or shock: The inquest into the death of the driver was held on 9 July 2009 and - given the fact that there would be press interest - the family had reluctantly released a statement, although this did not contain any undisclosed medical information. Aside from this, a representative of the family made clear orally that they did not wish to speak to the press.

Notwithstanding this request for privacy, the newspaper's reporter visited the family home on 13 July to ask for further information about the daughter's condition, and spoke to her aunt for 10 minutes on the doorstep. The complainant felt that the enquiries had not been conducted with sympathy and discretion, as the reporter persisted in asking intrusive questions such as whether her daughter was conscious. He also asked whether a photograph could be provided. The newspaper had also pursued the story with the family's solicitors, repeatedly contacting them after the inquest. The solicitors confirmed that the family had nothing to add to the press statement.

The complainant added that - at the time of the accident - the reporter had approached a family friend for information and was informed that the family did not wish to be contacted.



The newspaper said that its reporter had decided against approaching the family at the time of the accident. After the inquest, he had been given the statement by the family's representative, but was certain that she did not say that an approach should not be made to the family. Given the family's comments in the statement he wondered whether the family may wish to speak further - nine months after the accident - and therefore visited the complainant's home. The aunt declined to comment on the case, and was insistent that nothing relating to the conversation should be published, which the newspaper respected. It did not agree that the reporter had acted insensitively.

The reporter only called the complainant's legal representative twice, leaving an answerphone message once.

Accuracy: The complainant said that a report of the inquest in Chronicle Xtra (13 July) was inaccurate when it claimed that her daughter had been left 'permanently brain-damaged'. Not only was this supposition - as the nature of brain injuries was unpredictable - but the complainant was concerned about the source of this information, given the efforts she had made to stop the newspaper from making further enquiries with the hospital. Her daughter's medical condition had not been mentioned at the inquest. This article also inaccurately described one witness as a 'neighbour and school friend' of her daughter, and said that her daughter and partner had been 'dating for about three months', rather than one.

The complainant said that a further article of 16 July was inaccurate when it stated that 'Hannah's family regard it as something of a miracle that she is still alive'. This inaccurately paraphrased the family's statement.

The newspaper was willing to publish a correction and apology in regard to the inaccuracies in the piece. The description of the injuries as 'permanent' and 'long-term' were not based on any form of family or official statement, and the newspaper accepted that the earlier hospital statement may have confirmed the position in the reporter's mind. It agreed that this was insensitive and inappropriate, and apologised to the family, offering to do so in public too.

7. Paul Kirkland complained that an article headlined "Road closed after accident", published on the website of the Wiltshire Gazette & Herald on 13 February 2008, and an article in the Wiltshire Gazette & Herald on 14 February 2008 headlined "Driver trapped", intruded into his mother-in-law's privacy and into the shock of the family in breach of Clauses 3 and 5. He also raised concerns under Clauses 1 and.

The complainant's elderly mother-in-law had been injured in a road accident. The newspaper's online report of the crash the same day included a photograph of the victim being treated by the emergency services, which the complainant considered to be extremely graphic.

The complainant said that the article had been published when not all members of the family had been informed of the accident or had known the extent of the injuries. Given that the article had (incorrectly) stated that the police officers "fear for her life", the newspaper's reporting of what it understood to have been a potentially fatal accident was intrusive and insensitive. While the photograph which appeared in the newspaper the following day had obscured the victim's face, the complainant maintained that it was still intrusive.

The newspaper said that the accident had occurred in the daytime on a public road and had caused long tailbacks. The images had been removed from its website as soon as a

complaint from the family was received via Wiltshire Police, even though this was out-of-hours. The paper also carried a critical letter from the complainant in its next edition – which included an editorial footnote of apology – and had sent a private letter of apology to the family.

In considering the complaint under Clauses 1 and 2, the Commission noted that the newspaper said that the police at the scene had indicated that they were concerned that the injuries were life-threatening. It was not possible for the Commission to determine precisely what police, in the moments following the accident, had said. No representative of the police force had complained about the accuracy of the claim about their initial fears.

8. Edward Clark complained that an article headlined "Storm over 'drug addict' accusation", published in the Whitstable Times, was inaccurate and misleading in breach of Clause 1.

The articles reported an allegation, sent in an anonymous email to the newspaper, that the complainant - who had been awarded the lead role in his local operatic society's latest production - was an "ex-heroin user". The complainant said that this was incorrect: he had never used heroin in his life. He had made clear his absolute denial of the claim to the newspaper before publication and this had been included in the article. He said that the newspaper should not have published the story based on the unsubstantiated claims of a single anonymous source.

The newspaper said that deciding to run the article was "a difficult call". However, the anonymous email contained a serious allegation about the complainant and it had decided to investigate by contacting the complainant and the chairman of the operatic society for their comments. The article gave the complainant the opportunity to deny the allegation. Following the complaint, the newspaper: removed the online version of the article; published letters of rebuttal from the complainant's mother and the chairman of the operatic society; and published an apology to the complainant for any distress caused.



- 8) You receive an early tip-off that a senior politician may have been involved in a fatal crash. Police have not confirmed who has been killed but you only live a few minutes from where the politician lives. What should you consider before deciding if you should go to her house to seek confirmation that she was the person who was killed?
- a) This is likely to intrude of the family's grief and shock, especially as it is not clear if they know of the politician's involvement
  - b) Breaking bad news is just one of the things that journalists have to do
  - c) As long as I'm sensitive there is nothing to worry about
- 9) IPSO upheld a complaint by the Duke of York against the Daily Mail after the newspaper chartered a helicopter to fly over the Royal's home when his daughter threw a birthday party. Was the complaint made, and upheld, under:
- a) Clause 6 (children)
  - b) Clause 2 (privacy)
  - c) Clause 1 (accuracy)
- 10) The Bristol Post ran a story about drunken passengers being escorted off an Ibiza plane. It contained a picture, taken by someone on the plane, of the incident and showing the captain and cabin crew watching the police deal with the situation. Captain Phillip Howell complained under Privacy Clause. He argued he could be targeted by the accused men. Was the complaint upheld?
- a) yes
  - b) no
- 11) A couple ask you to interview their innocent son who is in hospital having been beaten up by thugs who police want to trace. What course of action should you take?
- a) Ask the sister on the ward if she has any objection to you interviewing him
  - b) Go in with the parents and starting interviewing the boy
  - c) Tell a senior manager that you have been invited by the parents and is there any objection to you being there
- 12) Which of the following statements are correct?
- a) There is no reason to stop you reporting about a person's sexual orientation
  - b) Just because someone is not openly gay is no reason not to report the fact
  - c) Details of an individual's sexual orientation must be avoided unless genuinely relevant to the story
- 13) You telephone the sister of a man who has been killed in a road accident while working overseas. His company has supplied details of the accident and personal information about the man. If his sister tells you she has not seen her brother for many years and has nothing to say and puts down the phone, do you:
- a) Call her back immediately, telling her there is public interest in knowing more about the man

- b) Wait 24 hours and call her back to see if she has changed her mind
  - c) Tell your news editor that the woman has made it clear that she does not want to be contacted
- 14) Some of the clauses of the Editors' Code have a public interest exception. Do any of these apply? (Choose as many as you think correct.)
- a) A free press demands freedom for it to write what it likes providing it does not break the law
  - b) Disclosing a miscarriage of justice
  - c) Protecting public health or safety

### Answers

- 1) a - True
- 2) a - £1m
- 3) b - headlines
- 4) a – excessive detail
- 5) c – gender identity
- 6) c - Clause 6 (children)
- 7) b - Clause 14 (confidential sources)
- 8) a - Clause 4 (intrusion into grief and shock)
- 9) b – Clause 2 (privacy)
- 10) b - No
- 11) c - Clause 8 (hospitals)
- 12) c - Clause 12 (discrimination)
- 13) c - Clause 3 (harassment)
- 14) b and c (public interest over-ride)