CLAUSE 1

Accuracy

CLAUSE 1 goes to the heart of good practice. It is about getting the story right in the first place, putting it right if mistakes are made and – where appropriate – saying sorry.

More than 55 per cent of the complaints considered by IPSO involve Clause 1. That is not surprising: when you are writing the "first draft of history" it can be difficult to see clearly through the fog of breaking news. But that is no excuse for reckless or sloppy journalism. The Code takes a realistic view, setting high – but not impossibly high – standards. The Code does not demand infallibility but it does require that care should be taken and, when there is a significant inaccuracy, it expects prompt action to make amends.

There is no Public Interest defence under Clause 1.

Key questions an editor should ask about a story include:

- Can I demonstrate that the story is accurate?
- Can I demonstrate that we have taken care? For example, do we have notes to support the story?
- Have we put the key points of the story to the people mentioned in it? Do we need to? If we have, have we given proper consideration to how or whether the story should reflect what they have told us?
- Is the headline supported by the text of the story?

WHAT THE CODE SAYS

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.

- Are the pictures misleading?
- Have we distinguished between claims and facts?
- If we have made a significant error, how prominently should we run the correction?
- Should we apologise in addition to running a correction? Does our correction make clear what we got wrong and what the truth is (or that we don't know)?
- Are we acting promptly to resolve the problem?
- Should we offer a complainant an opportunity to reply if there is a significant inaccuracy?

Taking care

Sub Clause 1 (i) says the press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text. The emphasis is on taking care. That means doing a thorough job on a story, particularly when it is complex, involves statistics that could be interpreted in different ways or, in these troubled times, when the story is very sensitive.

It may also mean contacting the people involved for their side of the story. There is wide agreement that prior notification of the subjects of stories ahead of publication, while often desirable, could not – and should not – be obligatory. It would be impractical, often unnecessary, impossible to achieve, and could jeopardise legitimate investigations.

Yet, at the same time, a failure to include relevant sides of the story can lead to inaccuracy and breach the Code. That may be the case if your story has come from a confidential source. In those circumstances you may find that contacting the parties involved will strengthen your case as you prepare the story, or it will help you avoid making a serious error.

If you can demonstrate your story is true, then it is unlikely that you will breach the Code if you do not approach the parties involved for comment. And if individuals have not been approached and dispute the story after publication, it is wise to publish their denial as swiftly as possible – unless you can prove the story is true.

Taking care also means remembering that allegations are just that – not proven facts.

The Daily Telegraph faced a complaint under Clause 1 when it ran a story on a leaked government memorandum, which claimed to report details of a private meeting between Scotland's First Minister, Nicola Sturgeon, and the French Ambassador, Sylvie Bermann.

The memorandum had been written by a senior British civil servant immediately following a conversation with the French Consul-General. It claimed that Ms Sturgeon had said she would rather see David Cameron win the general election than Ed Miliband, because she believed Mr Miliband was not "prime minister material".

The Office of the First Minister, which brought the complaint, said the claims contained in the memorandum, and repeated by the newspaper, were categorically untrue. The newspaper said it had confirmed the authenticity of the

document with two well-placed sources before publication and had no reason to doubt its accuracy. It denied having any obligation to contact Ms Sturgeon for comment before publication: it was entitled to publish an accurate account of the document.

The complaint was upheld. IPSO said the memorandum did not represent a first-hand or contemporaneous account of the conversation between Ms Sturgeon and Ms Bermann. Rather, it contained – at best – a second-hand account given a week later. The newspaper had confirmed the authenticity of the document, but its sources were not in a position to comment on the accuracy of its contents.

The newspaper was entitled to report on the memorandum, but it was obliged to take care not to mislead readers in doing so, including regarding the status of the allegations it contained. The newspaper had published it as fact, without taking additional steps prior to publication – such as contacting the parties involved for their comment – to verify its accuracy.

Office of the First Minister v The Daily Telegraph:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=02572-15

Similarly, a Times columnist relied on a confidential source for a piece that was critical of the Parliamentary Assembly for the Organisation for Security and Co-operation in Europe and had the headline "Fifa isn't the only fiefdom to cast its shadow".

IPSO said the newspaper was entitled to make use of information provided by a confidential source. However, it had relied on this source without taking additional steps to investigate or corroborate the information on which the article's characterisation was based, which might include obtaining additional on-the-record information or contacting the complainant to obtain his comment before publication. As the newspaper considered itself prevented by Clause 14 (Confidential sources) from disclosing the information provided by its source, it was unable to demonstrate that it had taken care not to publish inaccurate information.

Solash v The Times:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=04036-15

However, when Tony Blair complained to IPSO about a Daily Mail story that said he had tried to wriggle out of an MPs' probe into IRA "comfort letters", the newspaper was able to show that, despite relying on a confidential source, it had "taken care" in compliance with Clause 1.

The article claimed that Mr Blair had been told by the Speaker that he was required to appear and characterised the call as an attempt by the complainant to "wriggle out" of giving evidence.

Mr Blair's complaint was not upheld. IPSO said the newspaper had relied on accounts of the conversation provided by a number of confidential sources, viewed in the context of the complainant's previous, documented, reluctance to give oral evidence to the committee. It had contacted the parties to the call – and three members of the committee – prior to publication to allow them an opportunity to comment on the claims and, in the complainant's case, had published his denial. It also made

clear that the complainant disputed the account the newspaper had been given.

The account was appropriately presented as a claim, or the newspaper's understanding of what had passed between the parties. IPSO was therefore satisfied that care had been taken to avoid misleading readers by suggesting that the newspaper had been in a position to establish that the claims published were true. While it was appropriate for the newspaper to have published the complainant's denial, the fact of his denial did not mean it was not entitled to publish the allegations. There was no failure to take care not to publish inaccurate, misleading or distorted information.

Blair v Daily Mail:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=03549-15

In some circumstances it may not be necessary to approach the subject of a story before publication.

An animal welfare campaigner complained that the Argus (Brighton) had not contacted her for comment on an article that claimed a charity had cancelled a fundraising event to be held at a greyhound stadium following a campaign by animal rights activists.

The newspaper said it had made repeated attempts to contact the complainant for comment – by phone, Facebook and by asking the campaign group for her number – but she did not respond.

Rejecting the complaint, IPSO said there is no specific requirement under the Code for publications to contact the subjects of coverage prior to publication, although it might be necessary in some instances to ensure that care is taken to comply with Clause 1 (i).

In this instance, the claims in the article about the complainant related to comments she had left on social media. The complainant did not dispute having made these comments, and they were available in the public domain. The fact that the newspaper had not successfully contacted the complainant prior to publication in relation to these claims did not amount to a failure to take care not to publish inaccurate, misleading or distorted information.

Slade v The Argus (Brighton):
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=06088-15

In contrast, the Daily Record was censured for not independently corroborating a story that alleged that "mob rule" by Glasgow Rangers fans prevented police entering the football stadium.

The newspaper published a number of allegations of serious wrongdoing by Rangers supporters on the basis of an account provided by an individual who approached the newspaper, by email, claiming to be a police officer. The newspaper said it had attempted to verify the account provided in the email with three further police contacts.

IPSO said the newspaper had not contacted anyone able to provide a first-hand account of what occurred after the match. Further, it had been unable to demonstrate that any of the sources it had relied on could reasonably be described as "independent", as the article had claimed.

In circumstances where Rangers supporters were accused of violence towards police, and other anti-social behaviour,

the newspaper's attempts to support the account of an unidentified source it had been unable to verify were not sufficient to demonstrate that care had been taken over the accuracy of the article. The complaint was upheld as a breach of Clause 1(i).

A man v Daily Record:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=03188-16

Publishing directly online poses a question for journalists: if you are seeking a comment, how long should you wait for it? It is clearly a matter of judgment and will take into account the circumstances of the story. When adjudicating a complaint involving allegations that homeless people had been turned away from a hotel, IPSO took the view that the urgency of the story was a key factor.

A press office had been contacted an hour and a half before publication but a comment was not forthcoming until three hours and 20 minutes later, and the story subsequently proved to be inaccurate.

IPSO said: "The complainant's press office was given inadequate time to respond to the approach for comment, prior to publication; the publication's reporting of the issue was not time-sensitive so as to justify providing a short response time, such as in a rapidly changing or breaking news story."

Premier Inn v Mail Online:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=02283-18

Publishing instantly online demands care and attention to detail, as one newspaper found when it prepared two stories about a court case in advance – and posted one of them online before the jury returned a verdict. The published report said a man had been convicted of supplying drugs. The jury later returned a not guilty verdict.

IPSO may insist on seeing evidence that a publication has taken care, particularly when the subject of the story is also the source and it is told in his or her own words.

The newspaper told IPSO that a "holding piece" written ahead of the jury's verdict had been accidentally published on to the site in a very unfortunate human error.

IPSO accepted that the article had been published online by accident. It added: "This did not reduce the seriousness of the breach, indeed it underlined the critical importance of establishing and implementing systems that acknowledge and address the risk of such an event."

Bramwell v Express & Star:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=17394-17

Relying on a police press release for coverage of a court case led to a newspaper breaching the Code.

The article stated that the complainant, who pleaded guilty

to controlling prostitutes, had "used blackmail to avoid justice and stop his prostitutes leaving".

The complainant said the article was inaccurate because, while the claim that he had blackmailed one of the escorts had been referred to in court, the charge had been dropped and he had not been found guilty of it.

The publication accepted that it had published inaccurate information, but it did not accept that it had breached the Code. It said the article was based on a press release issued by North Yorkshire Police.

IPSO said the press release was contradictory and the newspaper had not checked it. It had reported, as fact, that the complainant had blackmailed his victim, even though blackmail was not among the charges listed elsewhere in the press release (and quoted elsewhere in the article).

IPSO said: "Given the seriousness of the claim, this represented a failure to take care not to report inaccurate information about the offence committed by the complainant."

Enticknap v The Gazette (North East, Middlesbrough & Teesside):
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=00665-20

It may not be a breach of the Code to rely on information in a previously published story that had not been challenged or changed – even if it subsequently proves to be inaccurate. Of course, once a significant inaccuracy which has originated in this way comes to light, the Code still demands that it should be corrected, and failure to do so could be a breach.

A publisher had relied on such information when it ran a story about the location of Dyson Technology's global headquarters.

IPSO said: "The claim that 'the company's move to Asia will mean that Dyson is no longer a British-registered firm and Singapore will become its main tax base' had appeared verbatim in articles by other publications during 2019 and originated in a wire report from a respected international press agency. In the context of this claim, which remained unchanged or unchallenged in the public domain on the websites of a large number of publications, it was reasonable to rely on this; especially as this phrase appeared to be a publicly available statement of fact."

The report was therefore not a breach of Clause 1(i) but the publisher breached 1(ii) by not offering to correct a significant inaccuracy.

Dyson Technology Limited v Mail Online
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=09335-19

IPSO may insist on seeing evidence that a publication has taken care, particularly when the subject of the story is also the source and it is told in his or her own words.

Leanne Owens complained to IPSO over a first person account in the magazine That's Life of the serious illness she had experienced while pregnant with her fourth child. It reported that she had risked her own life to give birth to a baby girl, and by extension had risked leaving her other children without a mother. The complainant said that she had not risked her life by continuing with her pregnancy:

she had been told that, with treatment and monitoring, she would survive, but her baby might not.

That's Life said the article had been read back to the complainant but the magazine did not have a recording of the read-back, and while it said that it had a text version of it, the journalist had not signed or dated it, and no changes had been recorded.

IPSO said a read-back is a way of complying with the requirements of Clause 1 (i) for first-person stories, but only if there is a proper record of it having been completed satisfactorily. In this instance, the complainant disputed the magazine's position that she had agreed the accuracy of the material. In the absence of any record that she was content with the copy, which was being attributed to her, the Complaints Committee was not able to place any reliance on the read-back.

The Committee did not find that the magazine had taken appropriate care over the accuracy of the article and it upheld the complaint under Clause 1 (i).

Owens v That's Life:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=00580-15

Science stories can be complex and difficult to report. The Science Media Centre has produced helpful guidelines, which are not binding but give useful pointers to getting stories right: www.sciencemediacentre.org/wp-content/uploads/2012/09/10-best-practice-guidelines-for-science-and-health-reporting.pdf

Helping readers to gain a deeper understanding of stories can also be achieved on some occasions by providing online links to original reports or court judgments.

Eye-catching headlines won't necessarily summarise everything in the story beneath, but Clause 1 (i) requires any claim made in the headline to be supported by the text of the article.

Editors may be well advised to approach crimes committed by people identified as members of religious or racial communities with caution – and to be aware that their reporting may, in turn, prompt concern in other communities. British Sikh and Hindu groups have objected to the use of the word "Asian" to describe those convicted in sexual grooming gang cases. While accurate, it is better to avoid such general descriptions but this may not always be possible.

The Code's preamble states that the fundamental right to freedom of expression includes being satirical and entertaining – but Clause 1 requires care not to publish misleading information when doing so. A newspaper breached Clause 1(i) when it ran what was intended to be

a light-hearted video aimed at debunking Scottish independence "myths" contained in tweets.

Neither the video nor the accompanying article noted that the tweets and the accounts to which they were attributed had been drafted by the publication for the purpose of illustrating "myths" that it wished to debunk.IPSO said failing to make clear the tweets featured within the video were created by the publication for the purpose of the video constituted a failure to take care not to publish misleading information, in breach of Clause 1 (i).

Lovatt v The National
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=04302-21

Pictures

Pictures – and that includes both stills and video – can be misleading, so should be handled with care. If a picture has been significantly digitally altered or has been staged – perhaps a model has been used to illustrate a story – the caption should say so to avoid misleading readers. Sometimes pictures obtained from sources may not tell the whole story.

The Herne Bay Gazette received a complaint when it published a picture obtained from social media of a teenager holding up a wine glass in advance of being sentenced to prison for causing death by dangerous driving and drink-driving. The headline read: "Boozy trip just days before teen locked up." The teenager's mother, who made the complaint, said that in the photograph in question, her daughter had been drinking Coca-Cola from a plastic wine glass.

IPSO upheld the complaint, saying the photograph did not show whether or not the teenager had drunk alcohol on the trip to London. Nevertheless, the juxtaposition of this photograph – from which that inference could easily be drawn – with the headline, clearly suggested that she had drunk alcohol.

The newspaper had not sought the comments of the teenager or her family before publishing the photograph, and the decision to accompany the front page headline with the photograph demonstrated a failure to take care not to publish misleading information in breach of Clause 1 (i) of the Code.

Hogbin v Herne Bay Gazette:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=03139-14

A picture taken from Facebook of a man celebrating a night out gave a misleading impression when he went missing in Morocco – because a date in the story was wrong. Express.co.uk said the teenager had last written on social media "on Saturday" when he posted a photograph of himself in Marrakech with a young woman, with the words "multiple Jagerbombs into the Bank Holiday weekend…" In fact, the picture had been taken in Bristol on an earlier bank holiday weekend.

The newspaper said the reporter had assumed that the reference to the "bank holiday" related to the recent weekend when the teenager disappeared. The newspaper

amended the article and appended a correction and apology.

IPSO said the newspaper had failed to check the dates of the Facebook post and this represented a breach of Clause 1 (i). It considered that the newspaper's prompt action to address the complaint was sufficient to meet the requirement of Clause 1 (ii).

Jarvis v Express.co.uk:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=05719-16

Social media can be a useful source of information for journalists but it can also be the cause of complaints on a range of subjects, including accuracy. IPSO has issued helpful guidelines on social media, which can be found here: www.ipso.co.uk/media/2173/ipso-social-media-guidance-final.pdf

Headlines

Eye-catching headlines won't necessarily summarise everything in the story beneath, but Clause 1 (i) requires any claim made in the headline to be supported by the text of the article.

Buckingham Palace complained to IPSO over a Sun front page headline which declared: "Queen Backs Brexit."

The headline appeared beneath the strapline "Exclusive: bombshell claim over Europe vote", and above the sub-headline "EU going in wrong direction, she says". Accompanying the headline was an official photograph of the Queen in ceremonial dress. The article continued on page two, beneath the strapline "Monarch backs Brexit". It was accompanied by a comment piece by the newspaper's political editor, which argued that if the Queen has a view on "Brexit", voters should have the right to know what it is.

The article reported that two unnamed sources claimed the Queen made critical comments about the EU at two private functions: a lunch for Privy Counsellors at Windsor Castle in 2011, and a reception for Members of Parliament at Buckingham Palace said to have taken place "a few years ago".

The complainant said the headline meant the Queen was a supporter of the Leave campaign in the forthcoming referendum, and wanted to see Britain leave the EU. This was supported by the use of an official photograph. The headline was misleading, distorted, and unsupported by the text.

The complainant noted that, on January 1 2016, IPSO adopted a revision to Clause 1 of the Editors' Code of Practice, which makes specific reference to "headlines not supported by the text" as an example of inaccurate, misleading or distorted information, which the press must take care not to publish.

The complainant argued that this required the text of the article to both clearly identify the factual basis for the headline, and provide clear evidence of its accuracy. Allegations about comments made at a lunch taking place long before the decision to hold a referendum on EU membership could not be relied upon as evidence of the Queen's views in relation to that referendum. The article therefore breached Clause 1.

The newspaper said that readers would have seen the prominent strapline and sub-headline which accompanied the headline, and would have known from these that the headline referred only to a claim that the Queen backs Brexit. The text of the article set out the basis for that claim: the accounts of apparently Eurosceptic views said to have been expressed by the Queen on two previous occasions.

IPSO said the newspaper had highlighted its history of publishing playful, hyperbolic headlines, which were not intended to be read literally. Such headlines are a powerful tool, used to convey the heart of a story, or as part of campaigning journalism in the public interest.

IPSO recognised their importance as a feature of tabloid journalism, and emphasised that the revision to the Code did not prohibit editorialising or the celebrated headlines sometimes used by the Sun.

However, the print headline went much further than referring to a claim about what the Queen might think. It was a factual assertion that the Queen had expressed a position in the referendum debate. This was supported by the sub-headline, which gave the misleading impression that she had made a contemporaneous statement that the EU was "going in the wrong direction". The same assertion was made by the online headline, which was not capable of being construed as a claim.

In contrast to the examples the newspaper had given, there was nothing in the headline, or the manner in which it was presented on the newspaper's front page, to suggest that this was the newspaper's conjecture, hyperbole, or not to be read literally.

The headline – both in print and online – was not supported by the text and was significantly misleading. The headline contained a serious and unsupported allegation that the Queen had fundamentally breached her constitutional obligations in the context of a vitally important national debate.

Furthermore, it did not follow from the comments the article reported that the Queen wanted the UK to leave the EU as a result of the referendum: that suggestion was conjecture and the Committee noted that none of those quoted in the story were reported as making such a claim. Publication of the headline represented a failure to take care not to publish inaccurate, misleading or distorted information in breach of Clause 1 (i). The complaint under Clause 1 was upheld.

Buckingham Palace v The Sun:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=01584-16

The Sunday Express received a complaint over a story that some prisoners had keys to "privacy locks" on their cells and a sub-headline stated that "Ian Huntley and Rose West [are] 'virtually roaming at will'".

The complainant said the headlines implied that prisoners had been provided with keys that enabled them to enter or leave their cells at any time. This was misleading and inaccurate, given that prison officers' keys overrode the privacy locks. IPSO said the sub-headline wrongly suggested that the privacy keys gave prisoners greater

freedom of movement, a claim that was not supported by the information in the article and was a breach of the Code.

Black v Sunday Express: www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=00498-15

It is a common practice to use single quotes in a headline to encapsulate the facts of a story, but care must be taken to ensure that the text of the article supports any claim made.

IPSO found against the Daily Telegraph for a headline that read "Gipsy camp stress 'drove couple to suicide pact'".

IPSO said: "The Committee noted the newspaper's position that the use of single quotation marks was a journalistic convention, to denote the paraphrasing of an allegation, and accepted that the meaning of quotation marks can vary according to context, and is therefore open to interpretation.

"However, the headline was not supported by evidence heard at the inquest, in whole or by any individual."

Doherty v Daily Telegraph: www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=04968-15

Court reports

Claims and counter claims are made in court but accurate reporting of court cases will not normally be a breach of the code and is covered by legal privilege.

It is, of course, essential that allegations are not reported as facts, that the defence is fairly reported as well as the prosecution, and that headlines likewise accurately reflect what the court has been told. Comments made outside court may breach the Code if they are found to be inaccurate.

Readers now access stories through a variety of channels, so it is best practice for corrections to be carried on all the media platforms that carried the story originally.

IPSO has produced guidance on court reporting. It says: "It is a fundamental principle of open justice that legal proceedings ordinarily take place in public and that the media are entitled to report on proceedings in an open and transparent way.

"The public has the right to know what happens in courts and tribunals, and public confidence in the justice system relies on transparency."

www.ipso.co.uk/media/2168/ipso-court-reporting-guidance.pdf

Cases reported will include those involving domestic abuse and in a pamphlet on this IPSO says: "If a case ends up in court, journalists are allowed to go and can report anything which is said or given as evidence in open court. This

means that the judge has not put in place any restrictions on what can be reported.

"Journalists are generally allowed to identify people who give evidence. This may include their address and a photo of them which may be taken outside court.

"Journalists are allowed to choose what information they report and do not have to report everything which has been said, but the information they report must be accurate and not misleading."

www.ipso.co.uk/media/2185/ipso-domestic-abuse-public.pdf

Women's Aid has produced non-binding advice for reporting domestic abuse: www.ipso.co.uk/media/2432/reporting-domestic-abuse-in-the-media-updated-june-23-003.pdf

The Eastwood & Kimberley Advertiser received a complaint from a defendant who disputed a story's headline, some aspects of the evidence reported in the newspaper and the fact that his mother's address, where he was living, was given in the report.

IPSO rejected the complaint, saying that newspapers are not responsible for the accuracy of information given in court. They have an obligation to accurately report proceedings. All of the points disputed by the complainant were corroborated by the reporter's notes and the newspaper was entitled to publish the address given in court.

Tomlin v Eastwood and Kimberley Advertiser:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=00546-15

If court reports contain material that was not stated in court and which proves to be inaccurate, you are in danger of breaching the Code.

Mirror.co.uk, Metro.co.uk and the Daily Mail received complaints after reporting that a court had been told a woman funded cosmetic surgery by selling fake hair straighteners. The allegation had not been made in court. The story was filed by an agency but that did not absolve the newspapers of responsibility.

In the Metro.co.uk adjudication, IPSO said of the hair straighteners allegation: "After publication, the newspaper accepted that it was unable to substantiate this aspect of the article. It had purchased the story from an agency, which had provided inaccurate copy. However, this did not absolve the newspaper of its obligations under the Code. The newspaper failed to take care not to publish inaccurate information, resulting in the publication of a significant inaccuracy."

Hawk v Metro.co.uk:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=01568-14

Hawk v Mirror.co.uk:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=01319-14

Hawk v Daily Mail:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=01571-14

Significant inaccuracy

It is impossible to be perfect, and some mistakes may be annoying but not alter the overall accuracy of a story.

The Code recognises this in sub-clause 1 (ii) when it sets

the test of whether an inaccuracy is significant. If the inaccuracy is not significant, there is no breach of the Code but if it is significant it must be corrected.

If a correction is offered promptly, then the significant inaccuracy will not be a breach of the Code. It is a question of judgment – getting a name wrong may not alter the thrust of a story. On the other hand, it might make the story very damaging.

How this works in practice can be seen in two IPSO adjudications on stories involving guns. The Daily Express ran a story revealing that 670 young people under the age of 14 had been given shotgun certificates – but the story was illustrated online by a picture of a child reaching for a handgun. IPSO said the image showing a child reaching for a handgun and the accompanying caption gave the misleading impression that the police were granting gun licences to children for handguns.

The selection of an image of a handgun, rather than a shotgun with which the article was concerned, represented a failure to take care not to publish inaccurate information in breach of Clause 1 (i). The suggestion that children were being granted handgun licences represented a significant inaccuracy requiring correction under the terms of Clause 1 (ii).

Boyd v Daily Express:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=01509-15

In contrast, an Express.co.uk story warning about the possibility of gun massacres because of fears over firearms laws was wrongly illustrated with a picture of illegal machine guns.

On this occasion IPSO did not find the error significant. Any misleading impression the image gave was not significant: it did not support any claim subsequently made in the article, and served simply to illustrate that the article was about guns. There was therefore no breach of Clause 1.

Boyd v Express.co.uk:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=05726-15

Corrections and due prominence

When a mistake has been made, Clause 1 (ii) of the Code requires it to be corrected with due prominence and in cases involving IPSO it will be as required by the regulator. Due prominence does not mean equal prominence when it comes to the placement of corrections. It is a question of judgment on the part of editors, who must take into account the seriousness of the inaccuracy and the spirit of the Code. If a complaint is pursued, IPSO may endorse their judgment, or disagree if it is felt that a correction has not been published with sufficient prominence.

Readers now access stories through a variety of channels, so it is best practice for corrections to be carried on all the media platforms that carried the story originally.

IPSO made clear that tweets are covered by Clause 1 when it rejected a complaint against Mail Online. IPSO said that a tweet from a social media account of a regulated publication could give rise to a breach of Clause 1 (i), in

circumstances where insufficient care had been taken over the accuracy of the tweet; where the tweet gave a misleading impression; or where the linked article did not support the content of the tweet.

It added that if a significant inaccuracy was posted on Twitter, it may be appropriate for a publication to tweet any correction with sufficient prominence and promptness, in line with its obligations under Clause 1 ii).

Dickinson v Mail Online:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=18875-17

Many newspapers and websites have established corrections columns, which appear in the same position every day, and IPSO supports this approach. IPSO has said of the columns: "It signifies a commitment to accuracy; it provides information to readers about how to make complaints; and if it appears consistently, it contributes to the prominence of corrections by ensuring that readers know where to find them."

IPSO has issued guidance on due prominence in print publications, which can be found here: www.ipso.co.uk/media/2288/due-prominence-journalist-guidance.pdf

IPSO says that decisions about due prominence are highly specific to the individual circumstances of each case.

IPSO may consider the following factors when considering on the prominence of a correction or adjudication:

- The seriousness of the breach of the Code.
- The position of the breach of the Code within the publication.
- The prominence of the breach of the Code within the article.
- The extent of the breach of the Code within the article.
- The public interest in remedying the breach of the Code.
- The consequences of the breach of the Code.
- Any actions taken by the publisher to address the breach of the Code.

The Sunday Express promptly corrected the story about prisoners' cell keys on the letters page on Page 30, which it had newly designated as its corrections column, but IPSO was not satisfied.

The newspaper said that when it became a member of IPSO, it designated its letters page as the appropriate location for the publication of corrections and clarifications, and that details of the newspaper's membership of IPSO were also published in this position.

IPSO said there was no information published on the page which might indicate to readers that this was the place where corrections would appear. Neither would readers have become aware of the policy as a consequence of the frequent publication of corrections there, as this was the first correction published under the policy. As such, the newspaper's approach did not amount to an established corrections column. The correction was not published in an established column, and page 30 was not otherwise a sufficiently prominent location in which to correct the accepted inaccuracy. The newspaper had failed to meet its obligations under Clause 1 (ii). In order to remedy the

breach of the Code, the newspaper should now publish the adjudication on page 2.

The Press & Journal offered to correct a story about a Highland clan on page 5 or 6 of its print edition – a note on its letters page, which appeared daily, made clear that its corrections and apologies were published on those pages.

IPSO said the newspaper had recognised its error promptly, and offered the complainant a letter for publication, and then a clarification, prior to IPSO's involvement in the complaint. The wording of the correction offered was sufficient to address and correct the initial error.

The Committee was concerned, however, about the newspaper's proposal to publish the correction on page 5 or 6, when the original article had appeared on page 3. IPSO said an established corrections column should, except in exceptional circumstances, appear in the same place in every edition of the publication and include information about the publication's complaints policy.

The regular placement of corrections on page 5 or 6 as standalone items did not amount to an established corrections column. In the absence of an established column, the publication of a correction two or three pages further back in the publication than the original error did not constitute due prominence.

Following the case the newspaper established page 2 as the home of the corrections column.

Wilson v Press & Journal:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=00120-14

IPSO said there are circumstances in which a front-page correction may be required by the Editors' Code, regardless of the existence of an established Corrections and Clarifications column.

IPSO can require a very prominent position for publication of an adjudication, or a cross-reference to it.

In the case of the Daily Telegraph's story about Nicola Sturgeon, IPSO ruled that the adjudication should be published on page 2 of the print edition of the newspaper and a reference to the adjudication should be published on the front page, directing readers to page 2. It should also be published on the newspaper's website, with a link to the full adjudication appearing on the homepage for 48 hours.

When errors were identified in an article in The Times about the alleged tax burden that Labour would place on families, it published a correction in its Corrections & Clarifications column on the Letters page, which was page 24 in the relevant edition. The complainant was satisfied with the text of the correction, but not with its prominence.

He said that the appropriate placement was the same as the original, inaccurate article.

The newspaper said it had established its Corrections and Clarifications column in 2013 on one of the most important and most-read pages of the newspaper, the Letters page.

It listed a number of benefits of the column: it demonstrates the newspaper's firm commitment to correcting errors; makes corrections easy to find in a place which readers will go to; allows readers to see what has been corrected from day to day; makes it easy for staff to check daily for published corrections and so avoid repeating errors; helps to ensure that corrections, once agreed, will appear in the newspaper in the approved form; and is accompanied daily by the newspaper's complaints policy and procedures. For these reasons, this position gave corrections more prominence than they might otherwise have on a page further forward in the newspaper, the exact position of which could be variable depending on each day's layout.

IPSO said there are circumstances in which a front-page correction may be required by the Editors' Code, regardless of the existence of an established Corrections and Clarifications column. In deciding whether to require such a correction, the Committee must act proportionately: front-page corrections are generally reserved for the most serious cases.

The Committee acknowledged that the newspaper had acted in good faith, attempting to remedy the inaccuracy in a way which it believed complied with the terms of the Code, and ensuring publication prior to the imminent general election. However, the Committee determined that this correction was not duly prominent. The correction should now be republished in the Corrections and Clarifications column, with a reference to the correction on the front page.

Portes v The Times:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=03125-15

Another approach, which may enable an editor to correct an inaccuracy promptly, is to amend the online version of an article. Where the inaccuracy was significant it will be necessary also to add a correction to the article, normally as a footnote, making clear that it had originally contained an inaccuracy and detailing how it had been corrected.

In other cases, particularly if privacy issues are also involved, an editor may offer to remove an article or picture from online publication altogether. This is not something IPSO has powers to require as a sanction, but it may help secure resolution of a complaint. Editors will, of course, be concerned to ensure that they do not continue to publish material in a form found by IPSO to be in breach of the Code.

IPSO may rule that a proposed correction does not fully address the inaccuracy in a story and require a change to the text to be published. It took this approach in a ruling about a story which stated "the Government is proposing laws which risk making criticism of Islam a hate crime".

IPSO said the newspaper had offered a correction that did not make clear that no legislation had been proposed. This was not sufficient to correct the misleading impression

created by the original article, and was a breach of Clause 1(ii).

Versi v The Sun:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=04225-19

Apologies

If an inaccuracy is serious, it might merit an apology as well as a correction. Deciding whether an apology is required and what form it should take is again a matter for the editor's judgment, taking into account the spirit of the Code. If a story has caused significant personal hurt or embarrassment, or it has been the basis of criticism, then an apology may well be the appropriate response.

Sometimes a published apology might be the last thing that a complainant wants because it could highlight the error and cause renewed embarrassment. In such cases a personal letter or phone call may be more suitable. An apologetic note from a genuinely regretful editor, accompanied by a bouquet of flowers, is by no means uncommon and the complainant may consider the matter closed. It could be seen as an example of the spirit of the Code in action.

Sometimes such gestures are neither appropriate nor enough, and the demand for a published apology becomes an issue. IPSO does not have the power to order publication of apologies, but a failure to offer one when appropriate can lead to an upheld adjudication. IPSO made its views clear when it handled two complaints about the same story.

The Courier published an inaccurate story about a libel action between a dentist and a patient. The newspaper published a correction and an apology. IPSO said: "On this occasion, where the error had been very personal to the complainant, an apology was required. The correction clearly identified the original inaccuracy and the correct position, and was published promptly in a duly prominent position in the newspaper. There was no breach of Clause 1 (ii) of the Code."

McIntosh v The Courier (Dundee):
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=00993-15

The Herald published the same story and ran a correction citing freelance copy as the source – but did not include an apology. IPSO said: "The newspaper had not included an apology in the correction. Clause 1 (ii) of the Code makes clear that there are circumstances in which an apology may be called for. On this occasion, where the error had been personal to the complainant and had the potential to be seriously damaging to him, an apology was required.

Where it is reasonable – as in cases of significant inaccuracy – an opportunity to reply may offer a remedy beyond a simple correction.

The Committee was further concerned that the newspaper had sought to use the correction to distance itself from the error. The newspaper had not properly complied with its obligations to correct the inaccuracy; this represented a further breach of the Code."

McIntosh v The Herald (Glasgow):
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=00991-15

Repeating previous inaccuracies is never a good idea – particularly as simply repeating an earlier correction may not be judged by IPSO as a sufficient remedy in the new circumstances. In December 2016 the Daily Telegraph ran an archive image of a front page featuring Gordon Brown in connection with a story that referred to the MPs' expenses scandal – but the newspaper had published a clarification about Mr Brown in 2009.

IPSO said that as it had been accepted in 2009 that the complainant had not been guilty of any wrongdoing in relation to the payment to his brother for cleaning expenses, the repeated use of his image in this context represented a serious failure to take care over the accuracy of the article in breach of Clause 1 (i). A correction was required to avoid a breach of Clause 1 (ii).

IPSO said that two days after the complainant contacted the newspaper to express his concerns, it had offered to publish a correction in print, 16 pages further forward than the original article had appeared, and the online article had been amended. While the newspaper had acted promptly, the wording merely repeated the clarification published in 2009 and failed to acknowledge that it had effectively made a fresh allegation of "abuse" against the complainant.

This was a serious, unjustified, allegation, and an apology was required under the terms of Clause 1 (ii). The newspaper's refusal to apologise constituted a further breach of the Code.

Brown v The Daily Telegraph:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=00294-17

Acting promptly

The Code requires prompt action by the press to correct a significant inaccuracy, misleading statement or distorted information. Not doing so is a breach of the Code.

The Daily Star acted promptly to make amends when its coverage of the Manchester Arena bomb in May 2017 included a picture of a child who had not been involved with a caption suggesting that she was "missing". The newspaper had relied on information provided by an agency, which sourced the claim from what turned out to be a hoax Twitter account.

While IPSO acknowledged that there was no reason to doubt that the newspaper had acted in good faith, it was ultimately responsible for the inaccuracy.

IPSO noted favourably that, in the following day's edition, the newspaper published a front-page reference to an apology on page 2. This had identified the inaccuracy and been illustrated with the photograph of the complainant's daughter to make readers aware of the correct position. It

was satisfied that the publication met the requirements of Clause 1 (ii) by publishing a prompt and prominent apology.

Gorman v Daily Star:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=12629-17

The Sun was judged by IPSO not to have acted promptly in correcting a story about Jeremy Corbyn's membership of the Privy Council.

A front page story in The Sun reported that Mr Corbyn had agreed to join the Privy Council following his election as Labour leader. It stated this was "so he can get his hands on £6.2 million of state cash", in the form of "Short money", which is funding allocated to opposition parties for parliamentary duties. It also reported that Mr Corbyn was a "hypocrite" because he would "kiss Queen's hand to grab £6.2m".

After an investigation, IPSO said the coverage was significantly misleading and the newspaper's offer to publish a correction was appropriate.

However, it had made the offer of a correction only at a late stage in the complaints process, more than a month after being notified of the complaint, and only after IPSO had notified both parties that the matter would be passed to the complaints committee for a ruling. Given the nature of the misleading statements, the newspaper had failed to make the offer sufficiently promptly, and this represented a breach of Clause 1 (ii).

IPSO required that a reference to the adjudication be published on the front page, directing readers to the full adjudication, which should appear on page four or further forward.

Brocklehurst v The Sun:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=05814-15

Readers' comments play an important role in allowing the public to express views on stories but newspapers must act promptly if there is a complaint about them.

Readers' comments fall within IPSO's remit if they have been subject to editorial control, either through pre- or post-moderation, by the publication. That includes a decision to continue to publish material that is the subject of a complaint under the Editors' Code.

A newspaper was alerted three times by a reader that a comment on a story about the killing of three people in a park in Reading was in breach of Clause 1 but it waited more than two months to take action and eventually did so only when IPSO said it was opening an investigation.

The newspaper said the comment had slipped through the net and had not been dealt with as promptly as it usually would have, due to staffing pressures brought about by the Covid-19 pandemic.

IPSO said the requirement for the publication to take care did not begin from the date of first publication of the comment – it was when the publication was made aware of the alleged breach and was given the opportunity to post-moderate the comment.

The newspaper's delay in dealing with the reader's comment was a breach of Clause 1. In addition, the

removal of the comment and the banning of the user did not represent a correction of the significantly inaccurate information as readers were not informed of the reasons why the comment had been removed, so there was also a breach of Clause 1 through a failure to correct.

Wadeson V oxfordmail.co.uk
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=12118-20

Opportunity to reply

Clause 1 (iii) requires the press to provide a fair opportunity to reply to significant inaccuracies when reasonably called for. It means that where it is reasonable – as in cases of significant inaccuracy – an opportunity to reply may offer a remedy beyond a simple correction. How the opportunity to reply is put into practice and the prominence it is given is a matter for editorial judgment.

The Times gave an opportunity to reply to Migration Watch after publishing a leader about immigration figures. It published a letter from the organisation. Full Fact complained to IPSO, maintaining that a letter was an inadequate response and a correction should have been made to the story.

The Times said it was long accepted that a reader's letter was an appropriate way of remedying an inaccuracy, and provided a number of examples of cases in which letters had been published in The Times correcting factual inaccuracies.

IPSO said this was an occasion on which an opportunity to reply was reasonably called for and promptly supplied. The newspaper had met its obligations, the letter appropriately addressed the inaccuracy and it was appropriate for it to have appended the letter to the online article to ensure that any future readers would be aware of the position. The complaint was not upheld.

Full Fact v The Times:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=01755-14

The opportunity to reply need only be extended when a story contains a significant inaccuracy. The Sunday Telegraph faced a complaint over two reports on Islamic extremism and antisemitism. The complaint was not upheld. As there were no inaccuracies in the stories, there was no requirement for an opportunity to reply.

Hussain v The Sunday Telegraph:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=00870-15

Comment, conjecture and fact

Clause 1 (iv) protects the press's freedom to editorialise and campaign, but it also demands that the press must distinguish between comment, conjecture and fact. That may lead to opinionated columnists being asked to justify the factual basis for cases they are arguing. In the news columns it might result in a complaint because a claim has been presented as a fact.

IPSO took into account a columnist's writing style when it received a complaint about a description of "the Islamic

Republic of Tower Hamlets, a virtual Muslim monoculture, right next to the City of London".

IPSO rejected the complaint, saying that it was clear from the presentation and tone of the article that it was a comment piece in which the author made "numerous exaggerated and hyperbolic descriptions which are typical of an opinion column".

One such example was the comparison made between modern Tower Hamlets, which the author described as a "virtual Muslim monoculture", and the "Old East End" of "pearly kings, knees-up down the rub-a-dub, and gentlemen gangsters who only ever killed their own kind".

IPSO said: "The reference to a 'virtual Muslim monoculture' was, therefore, employed to illustrate the author's view – albeit in exaggerated terms – that the population of the borough had changed significantly over time and now had a significant Muslim population; in the context, it was not a claim of fact about the precise demographics of the area."

Luby v Daily Mail:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=01507-19

The Rutherglen Reformer reported that residents were concerned about leaflets that had been circulated locally, which claimed to reveal the "frightening truth about Jehovah's Witnesses". The author of the leaflet complained and said it was a breach of the Code for the newspaper to state as a fact that the leaflet made "several false and offensive claims about the religion". The newspaper told IPSO it accepted that the report's description of the leaflets should have been more clearly attributed to local people.

IPSO said the newspaper was obliged to distinguish the claims of the leaflet's critics clearly as their own opinions. As the newspaper accepted, it had not established that the leaflet contained false claims – this was merely the position of critics of the leaflet. This statement failed to distinguish between comment, conjecture and fact in a manner that would mislead readers.

James v Rutherglen Reformer:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=01595-14

The Kentish Gazette ran an article that reported concerns in the Kent area that unaccompanied male asylum seekers were "lying" about their ages and were "being placed in schools" with 11-year-old children. The complainant said there was no proof that asylum seekers had been lying about their age. IPSO said the newspaper did not subsequently provide any material to corroborate the story's prominent assertion and that aspect of the complaint was upheld.

Perkins v Kentish Gazette:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=01457-14

However, when the Sunday Telegraph received a complaint about an article on the controversial topic of climate change, IPSO ruled that a columnist was entitled to set out his position, even if his interpretation of data was disputed by others.

The article, headlined "How we are being tricked with flawed data on global warming", presented the columnist's

criticism of the use of techniques to adjust raw data from weather stations by scientists studying long-term climate patterns, which he described as "wholesale corruption".

The complainant acknowledged that the columnist was entitled to his opinion, but said that on this occasion he had supported his argument with inaccuracies.

The newspaper said climate change was a controversial subject in which all claims were contestable by reference to opposing studies and opinions.

IPSO said the article was an opinion piece in which the columnist sought to challenge established scientific views on global warming. There was still dispute about the interpretation of historical temperature data, and the columnist was entitled to select evidence to support his position.

The complainant raised a number of objections to the newspaper's commentary on the processing techniques commonly used by climate scientists. This, however, was a comment piece and the columnist was entitled to set out his position on the topic and the complaint was not upheld.

Sloan v The Sunday Telegraph:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=00766-15

Reporting the outcome of defamation actions

Clause 1 (v) requires a publication to report fairly and accurately on the outcome of an action for defamation unless an agreed settlement states otherwise or an agreed statement is published. This is intended to ensure that newspapers set the record straight in their own pages.

It covers only the outcome of the case – ongoing coverage during the hearing is left to the discretion of editors. And if an agreed statement is published, there is no further requirement for the newspaper to also carry a report of the outcome.

In an adjudication, IPSO clarified when proceedings could be considered to be completed.

The Daily Mail reported losing both a libel action and the appeal but it did not report that it had been refused leave to take the case to the Supreme Court.

The Committee did not accept that refusal of leave to appeal represented the "outcome" of the proceedings. Rather, the decision meant that the newspaper was denied the opportunity to challenge the outcome of the case which was determined in the complainant's favour in 2014, which had been fairly and accurately reported by the newspaper at that stage. No further obligation under Clause 1 arose from this, particularly in light of the fact that the newspaper had not reported on its application, which might otherwise have suggested to readers that it regarded the proceedings as ongoing.

Miller v Daily Mail:
www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=01533-15