



# Complaints Report No 80

October 2009 – December 2009



# The Commission

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(Chairman)

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Member of the Foundation, University of Essex

**Professor Ian Walden**

Professor of Information and Communications Law, Queen Mary, University of London

**Tina Weaver**

Editor, Sunday Mirror

**Peter Wright**

Editor, The Mail on Sunday

(There was a vacancy for a lay Commissioner during this period)

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## How to **complain**

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Complaints must be made in writing, addressed to:

**Press Complaints Commission, Halton House, 20/23 Holborn, London EC1N 2JD**

Alternatively, complaints can be made by email. Details are on page 57.

Complainants are asked to include a copy of the relevant article, the name and date of publication and to identify in what way they believe that the article has breached the Code of Practice. A full explanation of the Commission's procedure is given in its *How to Complain* leaflet, available free from the PCC. Information is also available in a range of languages other than English.

The Press Complaints Commission is an independent organisation set up in 1991 to ensure that British newspapers and magazines follow the letter and spirit of an ethical Code of Practice dealing with issues such as accuracy, privacy, misrepresentation and harassment.

A significant proportion of the complaints received by the PCC which raise a prima facie breach of the Code are resolved directly and swiftly by editors following the intervention of the Commission. The Commission adjudicates formally on the remainder. All critical adjudications are published in full and with due prominence by the publications involved.

# Complaints summary

## Complaints dealt with during October 2009 – December 2009

### Complaints made under the Code

Resolved or sufficient action offered to resolve <sup>1</sup>	194
Not pursued by complainant	59
Adjudicated	12
Upheld	5
Sufficient action offered	2
Not upheld	5
No breach of the Code	761

### Complaints not investigated under the Code

Outside remit <sup>2</sup>	314
Disallowed on grounds of unjustified delay	1
Third party complaints	390
Complaints not formalised <sup>3</sup>	387

**Total of all complaints** **2118**

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1. These are complaints resolved to the express satisfaction of those complaining or those in which the Commission judged that an offer of remedial action by the editor was sufficient to remedy any possible breach of the Code of Practice.
2. These complaints related to areas falling outside the Commission's terms of reference such as advertising material, contractual disputes and questions of taste.
3. This total includes cases in which initial contact with the PCC was made by complainants, but which were not pursued past an initial stage.

## 1 Bristol Evening Post

### Complaint

Mrs Hazel Cattermole of Weston-Super-Mare complained to the Press Complaints Commission that the Bristol Evening Post had intruded into her family's grief in the way it obtained and published information about the death of her son Mark. The complaint, under Clause 5 (Intrusion into grief or shock) of the Editors' Code of Practice, related to the behaviour of a photographer and to an article headlined "Farewell to our darling son", published on 26 February 2009.

The complaint was upheld.

The complainant's son had sadly taken his own life. On the day of the funeral, a photographer seen hiding in bushes outside the crematorium was asked to leave by the undertaker, on the instructions of the family. The published article was accompanied by photographs of the mourners, taken by the photographer, outside the crematorium. It also included details taken from the order of service and from messages left on flowers outside the crematorium, which the complainant found distressing.

The newspaper said that cremations were public events, and that the photographer had behaved in a sensitive manner. Out of respect, he had decided to remain between the main gate and the chapel, and was shielded from mourners by a hedge. He was not 'hiding' in the bushes. Once the undertaker signalled that he should stop taking pictures, the photographer had immediately left. The journalist had not attended the funeral itself, but had picked up an order of service at its conclusion to take down details. She had waited until mourners had left to note the messages on flowers.

The newspaper was not aware of the family's wish that no pictures should be published. Following the complaint, it was willing to publish an apology to the family for causing them distress.

### Adjudication

Newspapers have an important role to play in the reporting of tragic events, which the Commission did not wish unduly to restrict. For instance, some funerals are public celebrations of a person's life, at which the presence of reporters is welcome. However, given the age of the complainant's son - and the manner in which he died - the need for restraint and sensitivity on the part of the press was great, as this would inevitably have been a time of intense grief and shock for the boy's family.

In this context, it was incumbent on the newspaper to demonstrate that it had paid appropriate regard to the feelings of the family. It was not able to do so. In the Commission's view, the newspaper should have taken steps to establish the parents' wishes before sending a photographer and a journalist to the funeral. Once the photographer had been warned away from the funeral, it should have considered the likelihood that the family would object to the publication of his photographs.

The newspaper's behaviour was not appropriate in the context of this untimely and tragic death. Parents grieving for the loss of their child should not have to be concerned about the behaviour of journalists, or the likelihood that details of the funeral would be covered without their consent.

## 2 Daily Mail

### Complaint

Mr Iain Dale of Kent complained to the Press Complaints Commission that an item in the Ephraim Hardcastle diary column, published in the Daily Mail on 30 September 2009, contained discriminatory references to his sexual orientation in breach of Clause 12 (Discrimination) of the Editors' Code of Practice.

The complaint was not upheld.

The piece reported that the complainant was on the shortlist of people applying to be the Conservative candidate for the parliamentary constituency of Bracknell. It described him as 'overtly gay', and referred to an interview he had given to Pink News in which he encouraged its readers to attend the open primary, saying it was 'charming how homosexuals rally like-minded chaps to their cause'.

The complainant said that the article was pejorative and snide, and that his sexual orientation was irrelevant to his decision to stand as a parliamentary candidate. The implication of the word 'overtly' was that he flaunted his sexuality, which was not the case. Read in conjunction with the comment about homosexuals sticking together, the article was homophobic.

While the newspaper regretted that the item had upset the complainant, it did not accept that there had been any pejorative reference to his sexuality. The complainant did not hide his sexual orientation, so could justifiably be described as being overt - meaning 'open' - about it. Moreover, the complainant had chosen to speak to Pink News about his political ambitions.

### Adjudication

The Commission could understand why the complainant had found the comments about him to be snide and objectionable. But the fact that he had taken offence did not in itself mean that Clause 12 of the Code had been breached. The particular terms used, and the context of the item itself, were important here.

For instance, the newspaper had used no pejorative synonym

for the word 'homosexual' to describe the complainant: this would certainly have been a breach of the Code. Neither had the complainant been outed as gay by the column - which would also have been a breach - as he had frequently and publicly referred to his sexual orientation. Rather, the complaint seemed to be that describing him as 'overtly gay' at the same time as saying it was 'charming how homosexuals rally like-minded chaps to their cause' was spiteful to the point of homophobia. This was a more subtle and subjective charge against the newspaper.

In coming to a conclusion on the matter, the Commission had to have regard to the context in which the remarks were made. They appeared in a diary column which is well known for its mischievous - and sometimes self-consciously fusty - remarks that poke fun at the antics of public figures. The piece followed the complainant's own comments to Pink News - a news website aimed at gay people - about his attempt to secure the nomination in Bracknell. It may have been an uncharitable account of the complainant's position - and any intended humour may have been lost on some readers - but the item appeared to be relevant to the news, and to fit into the column's style, rather than constitute an arbitrary attack on him on the basis of his sexuality.

This might strike some as a fine distinction to make, but where it is debatable - as in this case - about whether remarks can be regarded solely as pejorative and gratuitous, the Commission should be slow to restrict the right to express an opinion, however snippy it might be. While people may occasionally be insulted or upset by what is said about them in newspapers, the right to freedom of expression that journalists enjoy also includes the right - within the law - to give offence. The Commission regretted that the item had upset the complainant, but the complaint was not upheld.

# Adjudicated complaints

## 3 Daily Mirror

### Complaint

Daniel Hannan MEP complained to the Press Complaints Commission that an article published in the Daily Mirror on 18 September headlined “Tory accused of ‘excusing racism’ after Barack rant” was inaccurate in breach of Clause 1 (Accuracy) of the Editors’ Code of Practice.

The complaint was not upheld.

The article reported that Mr Hannan, a Conservative member of the European Parliament, had been ‘dragged into the US race row’ after saying he ‘understood the anti-Barack Obama feelings’. It referred to a blog he had written for the Daily Telegraph website in which he had written: “Barack Obama has an exotic background and it would be odd if some people weren’t unsettled by it”.

Mr Hannan said the article was a gross distortion of his position. His blog had drawn attention to the fact that some of the discreditable attacks on President Obama were based on racism. But it had not sought to justify those attacks. Indeed, the complainant said he did not believe that people should be treated differently because of their ethnicity. He had supported Obama during the US election.

The complainant also said the article misleadingly implied that he supported Enoch Powell’s views on immigration. He had named Mr Powell as a political hero but did not share his stance on that subject. This had been made clear to the newspaper before publication.

The newspaper said that, regardless of Mr Hannan’s intention, some people (such as a Labour MP quoted in the piece) had taken offence at the choice of words in his blog, and had interpreted parts of it as empathising with those who were uneasy with President Obama’s background. The newspaper said it was entitled to comment on the complainant’s public pronouncements. It suggested that Mr Hannan submit a letter for publication in which he could clarify his position.

The complainant said he did not believe that people had taken offence at what he had written. He defied anyone to read his blog in full and interpret it as an expression of empathy with the bigots who criticised Obama on racial grounds. He rejected the offer to submit a letter.

### Adjudication

Clause 1 (Accuracy) of the Code of Practice makes clear that newspapers are entitled to be partisan. Editors may select and present material for publication accordingly.

The Commission first considered the complaint about how Mr Hannan’s comments on people’s views of President Obama’s ethnicity had been reported. Given the delicate subject matter, and the fact that the remarks were open to some interpretation, the Commission was satisfied that the newspaper’s reporting in this instance was well within the range of political partisanship permitted by the Code of Practice.

The reference to the complainant’s admiration for Enoch Powell was arguably slightly misleading, as the context of his regard for Powell - which was not to do with immigration - was unclear. However, the Commission considered that the proposal to publish a letter from the complainant was a suitable response to this part of the complaint. It would have allowed him to clarify both the nature of his comments about Enoch Powell and his views on those who criticise President Obama.

## **4** Daily Record

### **Complaint**

Nicola Shields of Strathmiglo complained to the Press Complaints Commission that the Daily Record had harassed her in breach of Clause 4 (Harassment), and published an intrusive photograph in breach of Clause 3 (Privacy), of the Editors' Code of Practice.

The complaint was upheld.

The newspaper was pursuing a story that the complainant was pregnant with a Scottish Premier League footballer's child. It had contacted her early in the pregnancy to discuss the matter. At this point, she refused to speak, and asked to be left alone during her pregnancy. Some time later, when the footballer denied being the father, the newspaper telephoned the complainant for a comment, and she confirmed that he was the father.

A story was published about the dispute between the two parties. This was illustrated by an image of the complainant taken outside her secluded house. The complainant made clear that she lived on a private road, which gave access only to a couple of houses.

During its inquiry, the complainant told the PCC that she did not want to speak further to the newspaper, and the managing editor said that this request had been passed on to the paper's journalists. Despite this she was approached on two further occasions by a journalist from the paper.

The newspaper accepted its undertakings had been breached - as a result of a breakdown in communication - and apologised. It said that would not be contacting the complainant again.

The newspaper also made clear that its photographer was not on Ms Shields' own property when he took the image. She was clearly visible to anyone passing at the time. The picture had been cropped so as not to identify which of the houses she lived in. However, the editor offered to remove the image from the newspaper's archive.

### **Adjudication**

The approaches to Ms Shields in breach of the newspaper's undertakings were a clear case of harassment under the Code. It should be a relatively simple matter for newspapers to communicate internally about an individual's request not to be approached. Indeed, it happens every day on most newspapers without such confusion arising. It was therefore disappointing that the procedures of a major newspaper such as the Daily Record should turn out to be so lacking. The Commission expects them to be tightened up immediately so that there is no repeat of this problem. The complaint under Clause 4 (Harassment) was upheld.

The Commission also agreed with the complainant that she was in a place where she had a reasonable expectation of privacy when she was photographed. Her home was very secluded, on a private road, and there would have been very few passers-by to see her at the time the photograph was taken. The newspaper had, therefore, also breached Clause 3 (Privacy) of the Code.

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Ms Shields also complained that an article published in the Daily Record on 18 August 2009, headlined "I am pregnant by Hibs star Sol Bamba, claims lap dancer", contained inaccuracies in breach of Clause 1 (Accuracy) of the Editors' Code of Practice.

The complainant said the article inaccurately claimed that she fell pregnant "around New Year", when in fact she conceived in December. It also wrongly called her a "lap dancer" when she was, in fact, the manager of a gentlemen's club.

The newspaper did not consider that the article contained any significant inaccuracies, as the quotations attributed to the complainant were made during her conversation with the journalist. In terms of her job, the newspaper pointed out that the article had identified her as the “manager of the Private Eyes Club”.

## **Adjudication**

The Commission did not consider that the article contained significant inaccuracies: the text of the article made clear the nature of the complainant’s employment (as a manager of a club), and the difference between December - when the complainant said she had conceived - and “New Year” was not important. The Commission was satisfied that there was no breach of Clause 1 of the Code.

## 5 Darlington & Stockport Times

### Complaint

Sean Little, ex-head of waste and street scene at Richmondshire District Council, complained to the Press Complaints Commission that an article headlined "Secret deal over departure of council waste official", published in the Darlington & Stockton Times on June 19 2009, contained confidential information about him in breach of Clause 3 (Privacy) of the Editors' Code of Practice.

The complaint was not upheld.

The newspaper had obtained documents showing that the complainant had received a substantial termination payment from his former employer, Richmondshire District Council (RDC). This was allegedly paid on the basis that he would not take the council to an employment tribunal after his departure, which followed a period of sick leave. The complainant had overseen the introduction of fortnightly waste collections, something which had been a matter of local controversy.

The complainant's main concerns centred on the publication of the exact amount of money involved in the compromise agreement, and the private health reasons behind his sick leave. These were confidential details protected under an agreement between a public body and its employee, in accordance with employment legislation.

The newspaper argued that the payment of a sum of taxpayers' money in these circumstances was a matter of public interest. The departure of a senior officer who had been dealing with a controversial issue, the amount paid to him, and the nature of the illness which led to his departure were all important. The editor said that the complainant was not the first senior officer to leave the council after a period of sickness absence caused by stress, and argued that the article was relevant to the wider issue of effective governance at RDC.

### Adjudication

The Commission could understand the complainant's strength of feeling on this matter, given that he had entered into the agreement assuming it would remain confidential. However,

the newspaper was not party to the confidentiality agreement and, in terms of the PCC, it had to justify its article only under the Editors' Code of Practice. This requires disclosures of private information to be justified in the public interest.

The Commission considered that there were two details in the article that were private to some degree: the amount of money that the complainant had received, and the fact that he had been absent from work due to health reasons. Both required the public interest to justify their publication.

The Commission was satisfied that there was indeed an adequate justification for the inclusion of both details. In terms of the complainant's health, it noted that the reference was general: there were no details of the precise illness, symptoms or treatment. Any intrusion on this point would therefore have been slight, and was proportionate to the level of public interest in revealing further details about the complainant's departure from the council, which took place following a period of some local controversy over the waste collections policy.

Similarly, while the details of the financial settlement were more specific - and, therefore, more intrusive - the Commission was satisfied that their inclusion was proportionate to the public interest in the story, so as to explain to readers the manner in which the departure of a public servant had been handled by the council. There was the added justification here that the sum involved public money.

In the circumstances, the Commission did not consider that there was a breach of Clause 3 of the Code.

## **6** Kidderminster Shuttle

### **Complaint**

A woman complained to the Press Complaints Commission that an article published in the Kidderminster Shuttle on 3 September (and some days earlier on the newspaper's website) included information likely to identify her daughter as a victim of sexual assault, in breach of Clause 11 (Victims of sexual assault) of the Editors' Code of Practice.

The complaint was upheld.

Details in the article included: the age of the girl; the name and age of the defendant; the fact he had pleaded guilty to three counts of oral rape; that he considered the girl to be his girlfriend; and (in the internet version) that they had met at church. This last reference had subsequently been removed. But the complainant said that other references to an unnamed church would have made it clear how her daughter and the defendant knew each other.

The editor pointed out that the article had not included the name of the church or where it was situated. The court had given no directions about not referring to a church, and he did not think the piece would have been likely to identify the girl.

The complainant maintained that she had been approached by people after the article's appearance who said they realised the piece concerned her daughter.

### **Adjudication**

The Commission appreciates that it can sometimes be difficult for editors to decide precisely which information should be left out of such reports. On this occasion, the newspaper had clearly taken steps to avoid identifying the complainant's daughter. The Commission was satisfied that the fact that some people had correctly identified the girl following publication was not the result of recklessness on the part of the editor.

However, given the strong protection rightly afforded by the Code to such vulnerable people, it is always better for the press to err on the side of caution. In this case, given that the defendant had (rightly) been identified by his name and age, the Commission was concerned that the addition of both the age of the victim and the man's perception of his relationship with her - along with the general reference to the church - was likely to contribute to the girl's identification by those who knew both parties. The result was a breach of Clause 11 (Victims of sexual assault) of the Code.

### 7 News of the World (Scottish edition)

#### Complaint

A man from Aberdeen complained to the Press Complaints Commission that an article headlined "Terrorised by knife thug, 7", published in the Scottish News of the World on 10 August 2008, contained inaccuracies in breach of Clause 1 (Accuracy) and included a photograph of his son taken without consent in breach of Clause 6 (Children) of the Editors' Code of Practice.

The complaint was upheld.

The article said that the complainant's seven-year-old son had been 'terrorising' local residents in Aberdeen, including by stalking people with knives, drinking and smoking, and hitting a girl with a spade. It added that he had been expelled from several different schools. The complainant said these claims were inaccurate, and that publication of a pixellated photograph of his son would have identified him to people in the community. He provided: confirmation from the council that the boy had attended one school continuously; a letter from the child's Boys Brigade Minister; details of the child's medical condition; and a petition signed by over 100 residents in support of the complaint.

The newspaper said the piece was in the public interest. It had not named the child and taken care to obscure his identity. Its evidence included: a diary of the alleged behaviour written by a neighbour (the reliability of which was challenged by the complainant); letters from Aberdeen City Council and an MSP about the family's 'unacceptable' behaviour; affidavits from another neighbour, the reporter and the news agency photographer; and a statement from a local councillor. Grampian Police had also confirmed that the child had been involved in three anti-social incidents in the summer of 2008. Other sources had confirmed the thrust of the story. While the newspaper stood by its article, it did offer to publish a text in which the family's denial of the allegations could be made public.

#### Adjudication

There was a public interest in reporting anti-social behaviour in communities, and the newspaper clearly had some grounds for its story. However, the most serious claims about the boy's behaviour - the allegations of violence and the assertion he had been expelled from a string of schools - could not be substantiated. This was a significant matter under the Code, particularly given his age, and raised a breach of Clause 1. The Commission was also persuaded that there was sufficient information in the article and pixellated photograph to identify the complainant's son to those in the community. In the context of unsubstantiated assertions about his behaviour, the justification for publication of the photograph was insufficient. There was also a breach of Clause 6 (Children) of the Code.

## 8 Sunday Life

### Complaint

Ms Keira McCormack complained to the Press Complaints Commission that an article headlined “Tranny worked in rape centre”, published in the Sunday Life on 1 November 2009, was discriminatory in breach of Clause 12 (Discrimination) of the Editors’ Code of Practice.

The complaint was upheld.

The article reported concerns that the complainant, a male-to-female transsexual, had worked as a rape counsellor in Belfast. The article referred to the complainant as a ‘tranny’, both in the headline and the main text, in addition to describing her as ‘strapping’ and ‘burly’. The complainant said the term ‘tranny’ was deeply insulting.

The newspaper said that no offence had been intended in the use of the word ‘tranny’, which it considered to be widely used in articles about transsexuals and transvestites. Additionally, while the complainant may not have appreciated the adjectives to describe her build, these were relevant in the context of the story.

The complainant said that there was a significant difference between transvestites and transsexuals, arguing that the term tended to be used by the former and not the latter.

### Adjudication

While the newspaper was entitled to publish a story about people’s concerns over the suitability of the complainant’s employment, her gender identity should not have been open to ridicule. Taking into account the full context of the piece, the Commission considered that the use of the word ‘tranny’ - which was a needless abbreviation, held by many to be offensive - was pejorative. The complaint was upheld on this point.

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The complainant made a number of other complaints, both about this article and a follow-up piece headlined “Rape expert slams Keira appointment”, published on 8th November.

In particular, the complainant said that the coverage had ‘outed’ her as a transsexual, included a photograph of her in a private place, and generally represented an unjustified intrusion into her private life in breach of Clause 3 (Privacy). She further argued that publication of the articles breached Clause 4 (Harassment) of the Code.

In terms of Clause 1 (Accuracy), the complainant said that some statements made by her ex-wife were inaccurate, and that it was incorrect to state that she had legally changed her name in January 2008 (in fact, she had done so in 2005). The newspaper had not offered her an opportunity to reply to either article.

The newspaper said that the articles highlighted the concerns of experienced rape crisis experts about the suitability of employing a transsexual individual to counsel women who had suffered the trauma of rape or other sexual abuse. It argued that this was a matter of genuine public interest and, as such, it was justified in reporting the complainant’s gender reassignment. Moreover, the photograph of the complainant had been taken from the street while she was on the open driveway of a friend’s home in a large housing estate. She would have been visible to the public at the time.

The newspaper said that it had attempted to speak to the complainant at the time the photograph was taken. However, a friend of the complainant had physically blocked access to her, making clear that she did not wish to make any comment. The complainant disputed this, reiterating that she had not been approached by the newspaper. She had also been under the impression that the reporter had been from a separate Sunday newspaper.

In regard to the accuracy points, the newspaper said that the comments from the complainant’s

ex-wife had been reported accurately. It accepted, however, that the reference to the name change had been incorrect, and offered to publish a correction on the point.

The complainant did not accept that the article was in the public interest. She said she had worked for Rape Crisis Centres for almost a decade, and that clients could opt not to speak to her if they did not consider it to be appropriate.

## Adjudication

The Commission understood that the complainant considered the publicity about her gender reassignment to be unwelcome, but, as it has already noted, the newspaper was entitled to report people's concerns about her suitability as a rape counsellor. Accurate reporting of this story would necessarily have involved a reference to her gender, and the process behind the reassignment. The Commission considered that there was a public interest in the newspaper's scrutiny of this area, in light of her public role helping women who suffered trauma and the comments of some people in

response to it. There was no breach of Clause 3 of the Code as a result.

In terms of the photograph of the complainant, it appeared to have been taken in an outdoor location where she would have been visible and identifiable from the street. The Commission generally holds that people do not have a reasonable expectation of privacy - in the sense of the Code of Practice - in such places. Clause 4 relates to physical harassment by journalists as part of the newsgathering process, and not to a newspaper's decision to publish a series of articles on one topic.

Under Clause 1, the Commission considered that the alleged inaccuracies - such as whether the complainant was a quantity surveyor when she met her former wife - were not generally matters of significance. The newspaper had offered to correct the one point of greater significance - relating to when she had changed her name - and there were therefore no matters for the Commission to pursue under Clauses 1 or 2.

## **9** Sunday Sun

### **Complaint**

Mr Mark Thorburn of Northumberland complained to the Press Complaints Commission that an article headlined "Sex-emails DJ suspended", published in the Sunday Sun on 4 October 2009, intruded into his private life in breach of Clause 3 (Privacy) of the Editors' Code of Practice.

The complaint was not upheld.

The article reported that the complainant, a radio presenter, had been suspended after sending a number of suggestive emails to a female listener, who had contacted him to request a song. The transcript of the emails was published. The complainant was subsequently dismissed from his job.

The complainant said that the publication of the specific content of his private emails was unwarranted, and not in the public interest. The disclaimer on his emails made clear that they were for the intended recipient only. The exchange was between two willing parties, and publishing them was intrusive.

The newspaper said that it had been given the emails by the woman concerned. It was legitimate to publish them as he was a prominent local figure with a public platform. He had used his work email to send the messages. Yet he had also cultivated an image of himself as a caring family man, and had previously referred publicly to his 'inspirational wife and beautiful children'. Publication of the article led to another woman coming forward with allegations that the complainant had engaged in a similar exchange with her. There was a public interest in these stories.

### **Adjudication**

There were a number of reasons why the Commission found there was no breach of the Code in this case.

First, the emails had been provided by one of the parties to the exchange. They had not been hacked into, or provided by a third party.

Second, the emails had been sent while the complainant was on air, using his work address, to a stranger.

Third, the content of the emails illustrated the behaviour in the work place of someone of local prominence, whose job it was to interact with members of the public. Allegations about inappropriate behaviour in this context were in the public interest.

Fourth, sending such messages to someone in these circumstances was bound to involve an element of risk, given the complainant's position. The complainant must have been aware that the messages could easily have been forwarded, published on the internet or, as had happened, found their way into the press - and yet it was a risk that he himself chose to take.

The complaint was not upheld.

### 10 The Daily Telegraph / The Sunday Telegraph / telegraph.co.uk

Dr Julian Lewis MP complained to the Press Complaints Commission that coverage of his expenses claims in The Sunday Telegraph, The Daily Telegraph and on telegraph.co.uk - first published in The Sunday Telegraph on 17 May 2009 headlined "Cash secrets of MPs who tried to stop you seeing their expenses" - was inaccurate and misleading in breach of Clause 1 (Accuracy) of the Editors' Code of Practice.

Following an offer to publish a clarification by the newspaper, no further action was required.

The complainant said that - following the redecoration of his London flat in 2006 - he was aware that some, but not all, of the work would have been claimable on expenses as part of his Additional Costs Allowance. He therefore submitted the full estimate relating to about half a dozen items to the House of Commons Fees Office with a request for guidance, in accordance with recommended procedures. He was told that any claim for a wooden floor (£5,995 + VAT) would not be appropriate. He did not challenge this advice, and did not submit a claim for this item.

The article of 17 May said the complainant 'wanted to claim £6,000 for a floor', but that he had been told by officials that such a claim 'could be seen as extravagant'. On 20 May, in a list of Conservative MPs whose expenses had been investigated by the newspaper, telegraph.co.uk said that 'Julian Lewis attempted to claim £6,000 in expenses for a wooden floor at his second home'. And on 20 June, the Telegraph published a magazine with details of all MPs' expenses in which the complainant was grouped with other MPs under the headline: 'Making a mockery: 102 MPs who tried to stretch the rules'. The complainant complained that these references inaccurately implied that he had attempted to claim for the floor, when in fact he had not. Letters from senior Commons officials confirmed that this was the position.

The Consulting Editor replied on behalf of all titles. He said that the complainant had submitted an itemised estimate for the proposed works for guidance, with the £6,000 cost of the flooring included on the list. Evidently his intention was to claim for whichever items the Fees Office said he

was able to. It was not relevant, or significant under the Code, that the intention to claim for the floor was blocked before he got to the stage of submitting an actual claim. The contention that he neither wished nor sought to claim for the floor was disingenuous.

He added that - in the context of its coverage - the act of 'making a claim' could not be construed so tightly as to exclude the sort of preliminary discussion the complainant had with the Fees Office. These discussions, together with the actual claim form he submitted, were part of a single process.

Nonetheless, the newspaper did propose the publication of a clarification on the matter, the wording of which was as follows:

*Further to our MPs' expenses coverage (June 2009) we are happy to make clear that Dr Julian Lewis never submitted a £6,000 claim for a wooden floor. Dr Lewis asked the Fees Office whether he could make such a claim and was told it would be 'extravagant'. He accepted that advice and no claim was made.*

The complainant said that, when he submitted the estimate to the Fees Office, he had not resolved to claim for every item he was given clearance for: indeed, he did not habitually claim for many things for which he was eligible. The newspaper's offer was unacceptable.

### Adjudication

It was common ground between the parties that the complainant had asked the Fees Office for advice about what he was entitled to claim in relation to the redecoration, and had been told that a claim for a £6,000

wooden floor would not be likely to be accepted. As a result, the complainant had not submitted a formal claim for the floor.

The view of the newspapers was that, even if this was not a formal claim, it amounted to an attempted claim. The view of the complainant was the opposite. To some extent, whether or not it could be construed as an 'attempted claim' was a matter of interpretation, which readers would have been able to judge for themselves providing they were in possession of the facts.

In this context, the Commission noted that the original article made the complainant's position clear, quoting him at length, and the later one-line reference to the complainant 'attempting' to claim for the floor on the website was linked to this piece. It was unlikely that readers would be materially misled by these references. On the

other hand, the newspaper had also included the complainant in a list of MPs accused of 'making a mockery' by trying to 'stretch the rules' of the expenses system. Although the text of the complainant's short entry in this section seemed to be accurate, the general presentation of this item was more explicit in suggesting to readers that wrongdoing had occurred by those included in the list.

To avoid any confusion arising from this, it was therefore appropriate for the newspaper to clarify what had actually occurred, and the Commission welcomed its offer to do so. It hoped that the publication of the clarification by the newspaper, together with the publication by the Commission of this ruling, would advertise the full circumstances more widely. In the Commission's view, this was a proportionate response, and no further action was therefore necessary.

## 11 The People

### Complaint

Phyllis Goble complained to the Press Complaints Commission, on behalf and with the signed authorisation of her son-in-law, John Hayter, that an article published in *The People* on 26 April 2009 headlined “‘My lot have murdered someone again. S\*\*\* happens’” invaded Mr Hayter’s privacy in breach of Clause 3 (Privacy) of the Editors’ Code of Practice.

The complaint was not upheld.

The article reported that a serving police officer, John Hayter, had posted a message on Facebook about the death of Ian Tomlinson during the London G20 protest in April 2009. His message said: “I see my lot have murdered someone again. Oh well, shit happens.” The complainant said that publication of this comment, along with two others from Mr Hayter’s profiles on social networking sites, showed a lack of respect for his privacy. The profiles on Facebook and Friends Reunited, from which the comments were taken, were not publicly accessible. Mrs Goble also complained that the newspaper had also intruded into Mr Hayter’s privacy by taking and publishing a picture of him on his private driveway, and by publishing a picture taken from his sister’s Friends Reunited profile showing him in uniform.

The newspaper said that Mr Hayter’s comments had been brought to its attention by a third party with whom he was acquainted. The third party had legitimate access to Mr Hayter’s online profiles. In addition, Mr Hayter had accepted the newspaper’s journalist as an online ‘friend’ for a period of around an hour, before deleting her. She also, therefore, had legitimate access to the information. The newspaper argued that it was reasonable to publish the comments in question because there was a public interest in showing how serving police officers regarded incidents such as the death of Ian Tomlinson.

In terms of the photographs, the newspaper said that the first picture was taken from a public road where Mr Hayter did not have a reasonable expectation of privacy. The other image had not been taken by the paper but been passed to it by a source whose identity could not be revealed.

### Adjudication

The Commission has recently made clear that it can be acceptable in some circumstances for the press to publish information taken from social networking websites, even when the material is originally intended for a small group of acquaintances and not publicly accessible. However, this will generally be only in cases where the public interest overrides the individual’s right to privacy.

The Commission was persuaded that this was such a case. The individual in question was a serving police officer, commenting on a matter that was the subject of considerable media and public scrutiny. He had done so in a way that made light of a person’s death and the role apparently played by the police. There was a clear public interest in knowing about police attitudes (whether publicly or privately expressed) towards the incident. In any case, posting such controversial comments to people who were not obliged to keep the information secret was likely to involve an element of risk on Mr Hayter’s part, given his job. The Commission considered that any intrusion into privacy was justified by the public interest, and there was therefore no breach of Clause 3 of the Code. Additionally, the Commission considered it reasonable for the newspaper to have published two further comments also relating to his work, since they provided additional context to his remarks about Mr Tomlinson.

Complaints about the pictures of Mr Hayter were also rejected. The main image showed him standing in his drive and was taken from a public road. He was not in a place where he had a reasonable expectation of privacy, and the picture did not show him engaged in any private activity. The second image, which had been obtained from a

confidential source, simply showed Mr Hayter in his uniform.

\*\*\*\*\*

Mrs Goble had further complained that the material from the social networking sites had been obtained by subterfuge. However, there was no evidence that this was the case. Rather, it seemed that the newspaper had been informed about the comments by a person who had access to the material because they were acquainted with Mr Hayter. The journalist also had legitimate access to the material for a short period. There was, therefore, no issue to pursue under Clause 10 (Clandestine devices and subterfuge).

A further complaint had been made under Clause 1 (Accuracy) that the article gave a misleading impression of Mr Hayter's character. However, the story concerned his remarks on Facebook rather than his personality and life in general, and there was no reason under the Code why other information should have been included in order to present him in a more agreeable light. There was no breach of Clause 1.

*Relevant rulings - Mullan, Weir & Campbell v Scottish Sunday Express (Report 79), Sheridan v Scottish Sun (Report 75)*

## 12 The Sunday Telegraph

### Complaint

Mr Bob Ward of the LSE's Grantham Research Institute on Climate Change and the Environment complained to the Press Complaints Commission that an article headlined "Rise of sea levels is 'the greatest lie ever told'" published in The Sunday Telegraph on 29 March 2009 was inaccurate and misleading in breach of Clause 1 (Accuracy) of the Editors' Code of Practice.

Following an offer of sufficient remedial action, no further action was required.

The article was a column by Christopher Booker on the subject of climate change. The complainant said that this piece - which was primarily an account of the views of Dr Nils-Axel Mörner - contained a number of inaccurate and misleading statements, including that sea levels had dropped around Tuvalu in recent decades, when the scientific evidence indicated that they had, in fact, risen (this was repeated in a second article published on 25 July 2009).

The complainant argued that Dr Mörner's visits to the Maldives 'to confirm' the position had subsequently been disproved by other scientists. The article had also inaccurately stated that the satellite-based evidence of the IPCC (the Intergovernmental Panel on Climate Change) had been altered to show a global sea-level rise based on the findings of a single tidal gauge in Hong Kong. In fact, this alteration had been scientifically justified, and the final conclusion on the global sea-level rise was based on multiple measurements from satellite altimetry and tidal gauges based around the world.

Dr Mörner had also been quoted as claiming that 'not one' of the IPCC's contributing authors on sea level had been sea level specialists, when many of those contributing to the Fourth Assessment Report could lay claim to being experts on the subject. The article then referred to 'rigged computer models' - which was misleading as such models had no role in determining sea level - and 'deliberate ignorance', which appeared to be an allegation of deliberate scientific dishonesty on the part of the IPCC's scientists.

Finally, the article had misleadingly suggested that Al Gore, in the film *An Inconvenient Truth*, 'went much further' than the IPCC in suggesting there might be a sea level rise of 20 feet by the year 2100. In addition, it had implied that an accompanying image had come from Mr Gore's film, rather than the BBC's docu-drama *Flood*.

The complainant had submitted a letter for publication after these articles appeared, which the newspaper had declined to publish.

The newspaper said its article was intended to convey Dr Mörner's strongly-held views on a controversial field of scientific study. Dr Mörner's challenges to the view that sea level had been rising globally and around the Maldives had been published extensively. The newspaper cited a separate 2001 study by Cabanes et al., which confirmed that sea level had fallen around Tuvalu between 1993 and 1998. It was important to note that Dr Mörner's quoted surprise 'when he was appointed' at the lack of sea level specialists on the IPCC report review related to his appointment as a reviewer of the 2001 report, rather than more recent reports. Dr Mörner did now acknowledge that one or two of the authors could be described as specialists.

While it was true that the IPCC had acknowledged the possibility of a 7 metre rise in sea levels within millennia if Greenland and Antarctic ice were to melt, *An Inconvenient Truth* did not give any timescale for this process, and strongly implied that it would take place over a much shorter period.

The paper also stated that the article carried no claim or implication that the illustration used related to the film. At

a late stage, it offered to publish a letter from the complainant, and to mark its cuttings with it in relation to the Tuvalu issue.

The complainant did not wish to take up this offer. He also provided the Commission with a further paper from Cabanes et al from 2006, which contained updated data that showed sea levels around Tuvalu had risen overall between 1993 and 2003.

## Adjudication

Newspapers are obliged, under the terms of Clause 1, to take care not to publish inaccurate information, and this applies as much to scientific matters as any other. Indeed, the PCC often considers, resolves and adjudicates on complaints about science reporting.

In this particular case, the Commission started from the position that a complex issue such as climate change will inevitably lead to robust and ongoing debate. It is not of course for the PCC to make findings of fact on where the truth about climate change lies, but to consider whether newspapers have abided by the terms of the Code when presenting information to their readers. For instance, they have the right to publish controversial or minority opinions, but they are obliged to distinguish between comment, conjecture and fact.

On this occasion, it was clear from the way in which the article was presented that it was a comment piece primarily concerned with highlighting Dr Mörner's views. The newspaper was entitled to do this under the Code, and its responsibility was for publishing his views accurately rather than for the accuracy of his views. Moreover, implicit in the coverage was the fact that Dr Mörner was a minority voice

- and this in itself would have made clear to readers that there were other serious scientific positions on the subject.

Against this background, the Commission considered that most of the matters that the complainant had complained about were examples of clearly distinguished comment, representing either the columnist's or Dr Mörner's view of matters such as the sea levels, the Al Gore film *An Inconvenient Truth*, and the IPCC. However, the Commission accepted that the article did not make clear the basis for the statement that sea levels been falling around Tuvalu in recent years. It appeared to be the case that the claim relied upon a particular piece of research from 2001, which has since been updated (to suggest that sea levels were, in fact, rising between 1993 and 2003).

This matter could have been clarified in a published letter, which the Commission considered was the most appropriate way of resolving this dispute and which could also have challenged Dr Mörner's or Christopher Booker's positions in general. Indeed, it seemed to the Commission that newspapers' letters pages generally are a highly suitable forum for debating such ongoing, complex, and divisive issues as climate change.

In that context, the Commission regretted that the newspaper had not published the complainant's original letter, or made an earlier offer during the PCC investigation to publish an alternative text - particularly given the fact that the Tuvalu claim had been clearly challenged. That said, the lateness of the offer did not mean it was no longer an appropriate response. Given the nature of the complaint and the article under dispute, it still represented a proportionate means of addressing the complainant's concerns.

# Resolved **Complaints**

The primary aim of the Press Complaints Commission is to seek to resolve disputes between complainants and newspapers. Set out below is a summary of those settled to the express satisfaction of the complainant following some remedial action by the editor. The Clause of the Code of Practice to which each complaint refers is shown in brackets.

## **The Baptist Times**

### **Complaint**

Andrew Drapper of Bridport complained that a review of a television programme about his daughter, Deborah, ('Deborah 13: Servant of God', shown on BBC3 on 10 March) had inaccurately reported the programme's content.

### **Resolution**

The complaint was resolved when the newspaper published an article written by Deborah Drapper and her mother, Ruth, under the heading 'A passion for the Gospel':

*With her August and September diary fully booked with trips abroad and speaking engagements, you would be forgiven if you thought that Deborah Drapper was an international Christian Conference speaker. Deborah, however, is an ordinary, fourteen year old, Bible believing, Christian, whom God is using in an extra-ordinary way.*

*Back in March, this year, BBC 3 aired an hour long documentary about this young girl's family, life, and faith, called "Deborah 13: Servant of God. Now fourteen she has a testimony of how God has used this film and her witness that is quite amazing.*

*When the Drapper family agreed to the film being made they had no idea that God would use this documentary to share the gospel in every continent, across the world. Through Deborah's blog [www.deborahdrapper.com](http://www.deborahdrapper.com) thousands of people have contacted her since the film. "I have had emails from all sorts of people: Christians encouraging me, angry atheists, professionals, mums and dads, people from most world religions and faiths, and even university students asking me deep theological and philosophical questions!" Deborah reports. "It has surprised me how this documentary has inspired so many people from so many different types of life."*

*A lot of people, having heard the gospel for the first time via the film, have been brought to a point of repentance and salvation and have been put in contact with their local churches. Many more have been stirred in their hearts to obey the great commission that Jesus gave to every true believer, and have been directed to The Way Of The Master*

*evangelism training materials, which Deborah has used to gain her confidence in evangelism, and was shown on the film. Teams of Christians, in places such as Canada, China, Romania, America, as well as here in the UK are now going out onto the streets too, to share their faith with others. There has been such a response across Europe that The Way Of The Master team, who run four day evangelism training events called The Ambassador's Academy in America, are considering whether to run a European Ambassador's Academy here in the UK.*

*Through numerous radio interviews, TV shows, newspaper articles, school visits, and events,*

*Deborah has been able to continue motivating and encouraging groups around the world. Deborah says, "Technology is brilliant and with my webcam and Skype I have been able to answer questions asked live by students from a school in Canada. Since the film I have also been to talk at a school Christian Union and done some evangelism training for students at a Christian school in the UK."*

*She continues, "In September I will be leading evangelism training sessions for young people at the ACE's Home Schooler's Convention, and then a week after that I'll be flying to Cannes, France, where my dad and I will be leading two days of training in evangelism and Raising Godly Children, and then some days of practical experience as we take teams out onto the streets of Cannes for some outreach."*

*But the highlight for Deborah, this August, is the trip of a life time to America where she will meet with some of the very people from whom she has learned so much herself. "First, I have been invited to meet with Ray Comfort and to be trained at their Ambassador's Academy Evangelism Training School in Los Angeles, then I fly across to Florida where I meet with Eric Hovind from Creation Science Evangelism ministry, and then down to Rick Wiles from TruNews where I have been invited to speak at America's Hope, 1000 seater, mission tent."*

*"It is so humbling, yet also exciting that God should want to use me to motivate and inspire so many Christians through my life and witness. I'm just fourteen, there is nothing special about me. If I can get out onto the streets and share the gospel then I want to inspire you to too. Get*

*trained and then tell others about God while we still have time and freedom to do so."*

The newspaper also published the following editorial note, at the end of the article:

*This article has been written by Deborah Drapper and her mother Ruth. A review of the TV programme in which Deborah appeared, which we published on 19th March, contained a number of inaccurate or misattributed quotes from the film. We regret those errors. (CI 1)*

## Bootle Times

### Complaint

Christina Cox complained that the newspaper had claimed that she and her daughter were labour party "bosses" who were directly responsible for the de-selection of four local councillors when this was not the case.

### Resolution

The complainant maintained that certain claims within the article were unsubstantiated but accepted the following published correction and apology as a resolution to her complaint:

*'On June 18, we published a report about the de-selection and defection of two Labour councillors in Derby Ward under the headline, "Party bosses blamed as two councillors go". The ward secretary, Anne Thompson, and another member, Chris Cox, were named in the report. It was incorrect to describe them as party bosses as Ms Cox holds no office in the ward and Mrs Thompson, as secretary, is a servant to the ward's bidding. They have asked us to make clear that Cllrs Peter Dowd and Paul Larkin left the ward of their own volition, Cllrs Mark Dowd and James McGinnity were deselected and Cllr John Rice did not stand for re-election. In the article, an un-named ward member blamed Ms Cox and Mrs Thompson for the most recent de-selection of a councillor. We wish to clarify that this was his personal view, which is disputed by other ward members. We apologise for the embarrassment caused.'* (CI 1)

## Bury Times

### Complaint

Mr Tim Cowen, on behalf of NSL, complained that the newspaper had claimed that the company's traffic wardens in Bury made mistakes with one in every four parking tickets issued to motorists, when the actual figure was less than one percent.

## Resolution

The complaint was resolved when the newspaper published a correction and, following the inadvertent publication in the same issue of a letter criticising the company on the basis of the original article, when it published a further letter from the complainant. The correction read:

*A report in last week's Bury Times wrongly suggested that traffic wardens in the town make mistakes with more than one in four of the parking tickets they issue.*

*In fact, NSL, the company which employs traffic wardens on behalf of Bury Council, says they have an error rate of less than one per cent, and accurately issue more than 99.25 per cent of all tickets.*

*The company says that most tickets which are subsequently cancelled are done so at the local authority's discretion because of mitigating circumstances, and not because the ticket was wrongly issued.*

*We apologise for the error. (CI 1)*

## Cambridge News

### Complaint

Mrs B Ingham complained that the newspaper had wrongly published a still from a CCTV recording that showed her standing at a shop counter. The newspaper had identified her as a woman wanted by the police for theft when this was not the case.

### Resolution

The complaint was resolved when the newspaper republished the CCTV image accompanied by the following correction and apology:

*Police have apologised to a woman whose CCTV image was mistakenly released to the press. Officers wrongly used a photograph of Mrs B Ingham as part of an investigation into a theft from One Stop in Ditton Lane, Cambridge on June 7. Cambridgeshire police issued the image to the press, including the News, saying that they wanted to speak to the woman pictured, which was Mrs Ingham. But the image should have been of another person in the store, whom officers were attempting to identify. Police have clarified that Mrs Ingham is not wanted for theft and officers are still looking for the person responsible. A Cambridgeshire police spokesman said: "CCTV images are released in good faith but on this occasion an error was made and we apologise to Mrs Ingham for any distress or inconvenience caused." The News would also like to apologise to Mrs Ingram for the distress caused by the publication of the photograph on July 22.*

*(CI 1)*

## Chester Chronicle

### Complaint:

Police officer Gareth Cooper complained that the newspaper had published his full address.

### Resolution

The newspaper explained that it did not publish full addresses of serving police officers unless there was an overriding reason, and apologised that it had failed to adhere to its policy. The Editor in Chief wrote a letter of apology to the complainant confirming this position, and the complaint was resolved on that basis. (CI 3)

## Chester Chronicle

### Complaint

Dr Arthur Ruston complained that the newspaper had inaccurately stated that Chester County Hall had been sold to the University of Chester for £28.75million when, in fact, it sold for £10.5million.

### Resolution

The complaint was resolved when the newspaper informed the complainant, via the PCC, that the mistake had been noticed on the day of publication and was corrected in the next edition of the newspaper. (CI 1)

## The Citizen

### Complaint

Mr Robin Evans complained that the newspaper had inaccurately referred to him as a former friend of the man who was charged with assaulting him, and had also misquoted the claims that man had made in court regarding the circumstances of the assault.

### Resolution

The complaint was resolved when the newspaper agreed to publish the following statement:

*In a report about the conviction of Nicholas Dyson on 29 August 2009, we incorrectly stated that Dyson told the court that things had turned sour between him and his assault victim, Robin Evans, when Mr Evans thought "something was going on" between Dyson and Dyson's ex-girlfriend, Sasha Jones.*

*In fact, Dyson said things had turned sour when Mr Evans thought "something was going on" between Dyson and*

*another woman, not Ms Jones.*

*We also suggested that Mr Evans and Dyson had been former friends.*

*In fact, Mr Evans told the Court that although he had known of Dyson for many years, he denied that they had ever been friends, a claim made by Dyson.*

*We are happy to make the position clear. (CI 1)*

## Daily Express

### Complaint

Mr Mike Croker of West Sussex complained that the newspaper had inaccurately suggested that the introduction of a mooted law of "stricter liability" would result in cyclists being considered the innocent party in all accidents, whether with cars or with pedestrians. The complainant said that, in fact, "stricter liability" referred only to the initial presumption of responsibility, subject to contrary evidence being provided, and that, in the case of accidents involving cyclists and pedestrians, it would favour pedestrians.

### Resolution

The complaint was resolved when the newspaper agreed to mark its cuttings so that any future journalists covering the issue would explain the stricter liability rule more fully. (CI 1)

## Daily Express

### Complaint

Reverend Archie Coates complained, through Swan Turton solicitors, that an article inaccurately stated that he had "branded" Brighton as the "most godless city in Britain".

### Resolution

The complaint was resolved when the newspaper published the following apology:

*Our article of October 17 headed "Priest brands resort 'most godless in UK' incorrectly attributed the quote to Rev. Archie Coates, vicar of St Peter's, Brighton. In fact he said that it had been dubbed that by others. The report that he had been reprimanded for the comment was therefore unfounded. We apologise to Rev. Coates for any embarrassment our article may have caused him. (CI 1)*

## Daily Express

### Complaint

Mr Joseph Pestell of the Institute of Home Inspection complained that an article was misleading in stating that there were many opportunities for employment within the Home and Energy Assessment industry. In fact, this was far from the case.

### Resolution

The matter was resolved directly when the newspaper, which had been contacted soon after publication by the complainant, published the following correction under the headline "Energy Assessors & Home Inspectors":

*We wish to clarify information given in our October 15 "expresscareers" article headed "Assess your options".*

*The Institute of Home Inspection (IHI) [www.ihl.org.uk](http://www.ihl.org.uk) and the Institute of Energy Assessors (IDEA) point out that the article incorrectly implies that there remain many opportunities within the industry for new entrants. The government states that 3,000 Energy Assessors are required for a normal housing market. There are already more than 13,000. The situation is broadly similar in the commercial sector, which is oversubscribed by a factor of 5. Numerous businesses in the sector, particularly HIP providers, have already failed. Further, HIP stands for Home Information Pack and not Home Improvement Pack as the article incorrectly stated.*

*When considering a career as an energy assessor or home inspector regard should be had to the current and future demand in an already oversubscribed profession. (CI 1)*

## Daily Mail

### Complaint

The England Manager Fabio Capello complained, through the FA, that the newspaper had republished intrusive images of him and his wife on holiday (which had originally appeared in another title). This was despite the fact that he had previously circulated his concerns about the presence of photographers via the PCC and had warned the newspaper of his complaint about earlier publication.

### Resolution

The complaint was resolved when the newspaper accepted that internal procedures - warning of Mr Capello's concerns - had failed and that the pictures were published in error. It apologised to the Capellos, gave undertakings for the future, and - at the request of the Capellos - made a substantial donation to the Sir Bobby Robson Foundation. (CI 3)

## Daily Mail

### Complaint

A man complained that a Richard Littlejohn article was inaccurate when it claimed - after the Mayfair jewellery heist - that "most of the robberies in this country have been carried out by Eastern European gangs".

### Resolution

The complaint was resolved when the newspaper - which removed the article from its website and marked its cuttings accordingly - published the following correction in the same column:

*A couple of months ago, after a Mayfair jewellery heist, I joked that it was heartening to see good old British blaggers making a comeback against Eastern European rivals who I claimed carried out "most of the robberies in this country". Of course, home grown villains are responsible for the overwhelming majority of robberies in Britain. If I have offended any Balkan gangster, or local blagger come to that, as well as the vigilant reader who complained, I apologise unreservedly for any confusion which may have been caused. (CI 1)*

## Daily Mail

### Complaint

Mr & Mrs Nicholas Levene complained, through Needleman Treon solicitors of London, that an article about Mr Levene had included a photograph of the complainants together with their daughter.

### Resolution

The complaint was resolved when the newspaper edited the online version of the article to remove the complainants' daughter from the photograph, in addition to making a note of the complaint on its cuttings file for future reference. (CI 6)

## Daily Mail

### Complaint

Mr Ian Bros of Brighton complained that an article about migrant gangs in Calais had contained the claim that police had issued a warning to British motorists to keep their windows closed and doors locked until they were inside the ferry terminal. In fact, the Deputy Commissioner of Police had been quoted elsewhere as claiming that no statement had been released by the police force.

## Resolution

The complaint was resolved when the newspaper published the following clarification:

*Further to our article of 21 July (Calais migrants ambush Britons at knifepoint in terrifying 'highway robberies'), we would like to make clear that the warning to motorists was issued by a Calais police spokesman when speaking to our journalist. The article has been amended to reflect this position. (CI 1)*

## Daily Mail

### Complaint

Ms Karen Machin complained that a report of a suicide contained excessive detail about the method used, as it included the type of poisonous substance that the individual had consumed, in addition to pointing out that the individual concerned had written an advanced directive. The complainant was also concerned that the coverage had not provided information about organisations such as the Samaritans.

### Resolution

The complaint was resolved when the newspaper removed its online article and undertook to take into account the complainant's points when considering future coverage of similar stories. (CI 5)

## Daily Mail

### Complaint

Mr Evan Williams of Preston complained that an article about Great Train Robber Ronnie Biggs had stated misleadingly that train driver Jack Mills had died after being savagely beaten during the robbery. The complainant pointed out that the injuries sustained by Mr Mills were not connected to his death some years later.

### Resolution

The complaint was resolved when the newspaper published the following letter from the complainant:

*Further to the article about Ronnie Biggs' compassionate release (Mail), I'd like to point out that the injuries sustained by Jack Mills during the Great Train robbery of 1963 were in no way connected to his death in February 1970.*

*The West Cheshire Coroner ruled that Mills' death was of natural causes. Chronic lymphatic leukaemia and bronchial pneumonia were cited on the death certificate. (CI 1)*

## Daily Mail

### Complaint

Ms Jacqui Smith MP complained that the newspaper inaccurately claimed that she was "haggling" over £500 of expenses that Sir Thomas Legg had requested that she repaid.

### Resolution

The complaint was resolved when the newspaper published the following apology:

*Following a story on Channel 4 News alleging Jacqui Smith was challenging Sir Thomas Legg's request for repayment of £1,500 expenses, we ran a story saying she was haggling over £500. We accept that this was incorrect and that she has repaid all the sum asked except £39.99 for a barbeque she had never claimed for. We are sorry we got this wrong and are happy to clarify the facts. (CI 1)*

## Daily Mail

### Complaint

Mr Stephen Nutt complained that the newspaper had followed up a story in an earlier newspaper, publishing photographs of him taken from his Facebook page, and repeating the inaccurate allegation that they showed him smoking cannabis. He was concerned that the story was published merely due to the position of his father, Professor David Nutt (the former Government drugs advisor).

### Resolution

The complaint was resolved when the newspaper removed the article from its website, and made clear it had no intention of republishing the text or the pictures. (CI 1)

## Daily Mail

### Complaint

Ms Julia Reid - the aunt of Tom Reid, who had died during a freshers' week party - complained that the headline to an article contained the inaccurate claim that the cause of his death was alcohol poisoning. The complainant said that the headline had contributed to the family's grief.

### Resolution

The complaint was resolved when - following the outcome of the inquest, which found that Tom Reid had no alcohol in his blood - the newspaper published an apology for the

distress caused by its headline. It also made a donation to charity. (CI 1, 5)

## Daily Mail

### Complaint

Mr Tom Potheary of Gloucestershire complained that the newspaper had inaccurately identified his home, and a nearby field, as being the property of a Mr and Mrs Gooch, and had omitted relevant information concerning a dispute between the Gooches and the local council.

### Resolution

The complaint was resolved when the newspaper apologised to the complainant and removed the online version of the article. (CI 1)

## Daily Mail

### Complaint

Mr Jonathan Hogg complained that the newspaper had published a digitally manipulated image of David Beckham confronting a fan at an LA Galaxy match.

### Resolution

The complaint was resolved when the complainant indicated that he was satisfied with the newspaper's explanation that the image was authentic and only appeared to have been manipulated due to an optical illusion resulting from the clothing and positions of the individuals pictured. (CI 1)

## Daily Mail

### Complaint

Ms Sarah Wolf complained on behalf of Nikki Symes that an article about the LighterLife diet had stated inaccurately that she had been speaking about this matter to the Daily Mail, when in fact her comments had been made to another publication.

### Resolution

The complaint was resolved when the newspaper made removed the references to the complainant from the article and made an ex gratia payment to her. (CI 1)

## Daily Mail

### Complaint

Zak Golombeck complained that the newspaper reported that a teenager was successful in her appeal to wear traditional Muslim dress to school when this was not the case.

### Resolution

The complaint was resolved when the newspaper informed the complainant, via the PCC, that it had already addressed a direct complaint from the school involved. The newspaper had: written to the school to apologise for the error; corrected the online story; annotated its cuttings; and published a prominent correction. (CI 1)

## Daily Mail

### Complaint

Mr Chris Arnsby complained about a photograph of a document said to have been handed out to Question Time audience members which had been used to accompany an article about Nick Griffin's appearance on the programme. The complainant said that the image was misleading as it had been edited to ensure that the BNP leader's biography appeared directly below instructions to the audience (which asked them to be "provocative").

### Resolution

The complaint was resolved when the newspaper - which said that the error was not a deliberate attempt to mislead but rather the result of a simple misunderstanding, something which the BBC had accepted - amended the online article to reflect the situation accurately in addition to marking its cuttings for future reference. (CI 1)

## Daily Mail

### Complaint

Mr Tom Murphy of Cambridge complained that an article about his late father's appearance at a GMC hearing was inaccurate and intrusive.

### Resolution

Although the newspaper argued that the article (which had first been published in 2007) did not breach the Code, it agreed to remove the piece from its online archive. (CI 1, 3, 5)

## Daily Mail

### Complaint

Ms Shay Clipson of the UK Association of Gypsy Women complained that an article about an attack on a police helicopter had attributed the blame for the damage to Gypsies, despite the fact that the official police position - quoted later in the coverage - made clear that the identity of those responsible was unknown.

### Resolution

The complaint was resolved when the newspaper published the following apology:

*"Surrey Police have not blamed gypsies for an attack on their force's helicopter, no staff in their operations rooms were threatened by gypsies and no gypsy site was being targeted for a raid as we reported on May 14.*

*We apologise for the mistakes and are happy to set the record straight." (CI 1)*

## Daily Mail / Sunday Express

### Complaint

Professor Diane Harper of Montana, USA, complained that the newspapers had selectively quoted her comments in a misleading manner, such that it appeared that she opposed routine vaccination against Human Papilloma Virus as a means to reduce the incidence of cervical cancer, when she actually supported it. They had also associated comments she had made regarding the Gardasil pharmaceutical product with the unrelated Cervarix product used in the UK.

### Resolution

The complaint was resolved when the Daily Mail suspended the article from its website, and when the Sunday Express re-titled its existing correction to the article to include mention of the complainant, and agreed to publish the following letter from her:

*Cervarix protects against the five most common cancer causing HPV types including those types that cause the cervical cancer that is not easily detected by Pap screening, called adenocarcinoma.*

*Cervarix is proven to last longer than Gardasil and has a better antibody response in the blood and in the mucous than Gardasil meaning that Cervarix is the wisest choice for vaccinating young girls, because a long lasting vaccine is necessary if any cervical cancer reduction is to occur.*

*Pap screening must continue in women whether or not they are vaccinated because if there is only vaccination, the rate of cervical cancer will increase above what Pap testing has accomplished. If women cease attending Pap screenings, the rate of cervical cancer will rapidly increase. To prevent cervical cancer, women have a choice of actions. They may choose to continue Pap screening as they are currently doing, or choose to continue Pap screening and be vaccinated, thereby increasing their chances of a normal Pap screen. (CI 1)*

## Daily Mail

### Complaint

The Aga Khan complained, through Allen & Overy solicitors, that a diary item contained inaccuracies.

### Resolution

The complaint was resolved when the newspaper published the following apology:

*In an item on May 4, I reported that two boats owned by the Aga Khan, including the Destriero, which broke the transatlantic speed record, had been moved from Plymouth to a German boatyard for anticipated multi-million-pound refits. I am now told there are no current plans or contracts for the refit of Destriero and that the other vessel has been decommissioned and no longer exists. I apologise for creating any incorrect impression. (CI 1)*

## Daily Mail

### Complaint

Dr Laurence Buckman, Chairman of the British Medical Association's GPs Committee, and Dr Nicholas Down, of Oxshott Medical Practice, complained that an article about GPs' incomes was inaccurate and misleading.

### Resolution

The complaint was resolved when the newspaper published an agreed letter from the complainants, the text of which was as follows:

*Your article (4 August) stated that GPs were "earning up to £380,000 a year" and added that they are earning £200 an hour for work "they used to do for free".*

*While there is a single GP in North East Essex with a pensionable income amounting to this figure, this is an extreme case and the vast majority of GPs do not earn anywhere near this figure.*

*In addition, GPs used to be paid night visit fees under the*

*terms of the Old Contract so these services were never provided for free. That system left many GPs exhausted because they would be seeing patients literally day and night. Under the new contract many GPs do shifts for so-called 'out-of-hours' organisations which means they can plan their working hours so that patients aren't being treated by dangerously over-tired doctors. (CI 1)*

## Daily Mirror

### Complaint

Mr Edward Stannard of Brighton complained that an online article was inaccurate and misleading when it stated that the price of an adult ticket to see Watford play Barnsley in the 2009-10 season had more than doubled since the previous season, and criticised the club as a result. The complainant pointed out that the corresponding fixture in 2008-09 had been a special Fan Appreciation Day in which normal ticket prices had been halved.

### Resolution

The complaint was resolved when the newspaper - which pointed out that the readers' comments posted after the article made the position quite clear in very strong terms - removed the article from its website. (CI 1)

## Daily Mirror

### Complaint

Ms Annika Thunborg, Spokesperson of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), complained that the newspaper had inaccurately reported that a member of the CTBTO's staff, whose death was under investigation, was connected to talks about Iran hosted by the International Atomic Energy Agency (IAEA). In fact, the individual in question was a processing engineer who had no role whatsoever in the Iran negotiations held by the IAEA.

### Resolution

The newspaper accepted that the report was erroneous and published the following correction:

*On October 22 we incorrectly stated that Timothy Hampton, who tragically died after a fall at a UN building in Austria, was about to take part in disarmament talks with Iran. Mr Hampton had no role in Iran negotiations hosted by the International Atomic Energy Agency. (CI 1)*

## Daily Post

### Complaint

Ben Chapman, MP for Wirral South, complained that coverage by the Daily Post and the Liverpool Echo of issues relating to parliamentary expenses had been misleading. Mr Chapman was caught up in the row about MPs' expenses claims when it emerged that he had claimed for interest payments on a portion of his mortgage that had already been paid off. He said that articles in the Liverpool newspapers erroneously accused him of dishonesty and had failed sufficiently to take account of the fact that he had made his claims on the advice of the parliamentary Fees Office, which had subsequently made a public apology to him for advising him incorrectly. He also said that articles had failed to make clear that he had not benefitted financially since he did not receive any more money than he could have legitimately claimed for other items under the rules of the House of Commons.

Mr Chapman complained about a number of other specific points, including suggestions that he faced disciplinary action by the Labour Party and an investigation by the police. Neither suggestion was correct and a statement made by the police gave no indication that he was to be the subject of enquiry.

### Resolution

The complaints were resolved when both newspapers agreed to publish statements of clarification under the heading 'Ben Chapman MP'. The statement published by the Daily Post read as follows:

*Since the middle of May there has been considerable reporting about MPs' expenses. Ben Chapman, MP for Wirral South, was found to have claimed for interest payments on a portion of his mortgage that had already been paid off. However, as previously reported, these claims were made on the advice of the House of Commons Fees Office, which has admitted its error and has apologised for it. Once it became clear to him that the claims were not legitimate under Commons' rules, Mr Chapman amended the arrangement.*

*We are happy to clarify that, despite the mistaken claims, Mr Chapman did not receive any more money than he could have legitimately claimed for other items under Commons rules. He has been told by the Fees Office that he could have claimed for items such as food, utility bills and council tax, which would have more than covered the amount he received in respect of the paid-off mortgage. As previously reported, Mr Chapman, who is standing down at the next election, neither faces nor has faced disciplinary action from the Labour Party.*

*Nor has he been the subject of any investigation by the police. We are happy to make this clear. (CI 1)*

## Daily Sport

### Complaint

The actress Helen Flanagan complained, through the Coronation Street press office, that the newspaper had published mocked-up pictures of her which appeared to show her topless (by photo-shopping her head onto a glamour model's body).

### Resolution

The complaint was resolved when the newspaper apologised to the complainant and undertook not to publish any more mocked-up topless photographs of her.

## Daily Star

### Complaint

Katie Price complained, through Sheridans solicitors, that the newspaper had inaccurately suggested that she had had three positive pregnancy results and was pregnant.

### Resolution

The complaint was resolved when the newspaper published the following apology:

*On 25th August 2009, we published a story "Jordan's New Baby Shock", stating that a source had claimed that three positive pregnancy tests had been found in Katie Price's home. We also pointed out that Jordan's spokesperson denied she was pregnant. We are happy to set the record straight and clarify that Katie Price was not pregnant at the time our source claimed the tests were found and apologise to Katie Price. (CI 1)*

## The Daily Telegraph

### Complaint

Mr Martin Davis complained on behalf of his daughter Chloe Davis that an article about the death of Holly Grogan had attributed a number of comments to her which she had not made. While Ms Davis had spoken to a news agency reporter at the time, she had made clear that she had not known the deceased personally and only made one comment about the tragedy.

## Resolution

The complaint was resolved when the newspaper - taking into account Ms Davis' age - removed her name from the online version of the report. (CI 1)

## The Daily Telegraph

### Complaint

Ms Avril Russell complained on behalf of her husband, George Anton, that a report of the court case in which he was involved was inaccurate and misleading. Her husband had subsequently been cleared of all charges.

### Resolution

The complaint was resolved after the newspaper's publication of a report of the outcome of the case. (CI 1)

## The Daily Telegraph

### Complaint

Paul Golding of the BNP complained that an article was inaccurate in quoting a party spokesman as saying, in relation to whether Nick Griffin had visited General Franco's grave while on a trip to Spain: "He may also have made a private visit to Franco's tomb...".

### Resolution

The matter was resolved when the newspaper published a clarification, setting out what the BNP's spokesman asserted he had said to the journalist responsible for the story. The clarification, which was published under the headline British National Party, appeared in the newspaper and on the telegraph.co.uk website (<http://www.telegraph.co.uk/news/worldnews/6826573/British-National-Party.html>) in the following terms:

*In 'Violence at Madrid rally attended by BNP leader' (23 Nov), we reported that a British National Party spokesman had told our correspondent that Nick Griffin, the MEP and BNP leader, may have made a visit to the tomb of General Franco on the anniversary of his death.*

*The BNP has asked us to make it clear that the spokesman said that he had no definitive information about whether such a visit had been made, but that if Mr Griffin did visit the tomb, he did so in a private capacity. (CI 1)*

## The Daily Telegraph

### Complaint

Mrs Pamela Reynolds complained that an article which profiled top Christmas gifts had inaccurately labelled the "Dalek electronic voice changer mask" as costing £14.50 from Amazon. In fact, it cost £26.80.

### Resolution

The newspaper said the mistake was inadvertent and indicated that the online version of the piece had been amended. The complainant said she was entirely satisfied that the matter had been righted. (CI 1)

## The Daily Telegraph

### Complaint

Mrs Valia Hedley complained that an article was inaccurate in describing her late cousin, Rosalind Winfield, as 'reclusive' and 'secretive' and in presenting her as an eccentric hoarder. The article reported that antiques belonging to Miss Winfield, who died earlier in the year (not two years ago as the article said), had been sold at an auction held at her home (which had not been in the family for over 100 years as stated). However, it failed to make clear that most of the items in the sale had not belonged to her - they had been brought in by the auctioneers. The online version of the article was also inaccurate in reporting that Miss Winfield had died of liver disease.

### Resolution

The newspaper explained that copy for the article had been provided by a reputable, local agency, which had in turn used information from a press release issued by the auctioneers and given in a phone interview by the owner of the auction house. The newspaper regretted that the resulting reports had added to the family's distress, especially when Miss Winfield had died much more recently than the newspaper had been led to believe. It hoped that the complainant and other family members would accept its apologies and made clear that the article would be removed from its website. The complaint was resolved in light of the newspaper's response. (CI 1)

## Derby Evening Telegraph

### Complaint

Ms Kirsten Howard of Littleover complained that the newspaper had inaccurately stated that her brother-in-law lived at her address with his partner, and had threatened his partner at the same location. In fact, she had allowed him to use her address on a temporary basis but the incident itself had taken place at the previous address where he and his partner had resided.

### Resolution

The complaint was resolved when the newspaper published the following statement:

*On November 4 we reported that Mark Miller had been found guilty of affray in Cricketers Court, Littleover. We are happy to clarify that the incident, in fact, took place at an address in Spondon. (CI 1)*

## Ealing Gazette

### Complaint

A man complained that an article about his concerns about drug dealing on the estate where he lived had identified him and included his street address against his wishes. He and his family felt vulnerable as a result.

### Resolution

While the newspaper did not accept that it was aware of the complainant's concerns about identification prior to publication, it sent a private letter to the complainant, apologising for the distress caused and making clear that the article had been removed from its website and archives. The complaint was resolved on that basis. (CI 6)

## Ealing Gazette

### Complaint

Mrs Linda Wealleans of London complained that the newspapers had inaccurately reported her late husband's name and the details of his admission to hospital and subsequent cardiac arrest, in addition to inaccurately suggesting that he had still been a heavy smoker and had still been working at the time of his death. The complainant also believed that the newspaper had approached a member of her family at the inquest in an insensitive manner.

## Resolution

The complaint was resolved when the newspapers acknowledged that the approach made at the inquest had clearly been upsetting to the complainant and her family, and when they agreed to publish a clarification on the points of inaccuracy. (CI 1)

## Ealing Leader Complaint

Mrs Linda Wealleans of London complained that the newspapers had inaccurately reported her late husband's name and the details of his admission to hospital and subsequent cardiac arrest, in addition to inaccurately suggesting that he had still been a heavy smoker and had still been working at the time of his death. The complainant also believed that the newspaper had approached a member of her family at the inquest in an insensitive manner.

## Resolution

The complaint was resolved when the newspapers acknowledged that the approach made at the inquest had clearly been upsetting to the complainant and her family, and when they agreed to publish a clarification on the points of inaccuracy. (CI 1)

## Eastbourne Herald Complaint

Mr William J Furney of Bali complained that the newspaper had published an article - reporting on the conflict between himself and his ex-wife over the custody of their children - which had been misleading through the omission of relevant information.

## Resolution

The complaint was resolved when the newspaper published the following statement:

*In our articles "Mother facing child separation" (28/08/09) and "Mum gets visa relief to stay with children" (02/09/09), we reported Sara Oxley's attempts to bring her children to the UK. The children's father, William Furney, has asked us to make it clear that, as he has lodged an appeal, legal proceedings in Indonesia regarding custody of the children are ongoing, and that it is for this reason that exit permits for the children have not been issued. Mr Furney also wishes to emphasise that, whilst they have now been*

*issued with British passports, the children hold Irish passports on which they legally reside in Indonesia, and that they were born and raised in Indonesia. (CI 1)*

## The Echo Complaint

Mr Ian Kell complained that the newspaper had inaccurately reported that an individual who had been convicted of sex offences lived in his road, Laverock Hill in Cumbria.

## Resolution

The complaint was resolved when the newspaper published the following statement:

*WE have been asked to point out that former Southend drama school boss Daniel Holt, who was jailed earlier this year for sex offences, was not living at Laverock Hill, Kendal, at the time of his sentencing at Basildon Crown Court.*

*This address was supplied by the court at a hearing in December 2007, but it was not his address when he was convicted and sentenced in July this year. (CI 1)*

## Evening Standard Complaint

Mr Ian Bolton complained that the newspaper had published an article about his children that was inaccurate, as it referred to a situation involving them that had been resolved several months before.

## Resolution

The complaint was resolved when the newspaper removed the article and photograph from its internal archives and website, made an ex-gratia payment to the complainant's children and published the following apology:

*In an article on 2 November, it was reported that the sons of Ann Connolly were attending different schools in Hertfordshire because of the school allocation process. In fact, the issue had been resolved in April and the comments attributed to Dr Connolly were made before this time. We apologise for the misunderstanding. (CI 1)*

## Fabulous (News of the World magazine)

### Complaint

Mr James Broad of Bristol complained about an article that discussed his interest in keeping himself in good physical condition, and his use of steroids. He said that the article was inaccurate in stating that his use of steroids had robbed him of his sex drive and was misleading in suggesting that he was more interested in body-building than in his girlfriend.

### Resolution

The matter was resolved when the News of the World published the following letter from the complainant (it also appeared on the newspaper's website and on the separate Fabulous magazine website):

*You recently ran a piece in Fabulous magazine about steroids that featured me and my partner. I want to make clear that steroids and training do not mean more to me than my partner does - as the article might have suggested. And although I have suffered exhaustion as a result of working out hard for shows, I don't think that steroids have given me a low sex-drive. (CI 1)*

## Financial Times

### Complaint

Mr David Wolstencroft complained, through Swan Turton solicitors, that the newspaper had inaccurately said that he was the co-creator of the television series Spooks.

### Resolution

The complaint was resolved directly between the parties when the newspaper published the following correction:

*An article on October 17 entitled "The appeal of Spooks" should have referred to David Wolstencroft - who developed the idea, the characters and the basic plot of the television series - as the show's sole creator. We are happy to make this correction. (CI 1)*

## The Firm

### Complaint

Ms Elish Angiolini, the Lord Advocate of Scotland, complained through Levy & McRae Solicitors of Glasgow that an online article relating to comments made by the mother of Hollie Greig was inaccurate and misleading.

## Resolution

The complaint was resolved when the magazine published the following text online:

*An article of 17 November reported that Anne Greig, mother of Hollie Greig - reportedly abused by an alleged paedophile ring said to include a serving Sheriff and a now deceased police officer - had called for an investigation into the role played by Lord Advocate Elish Angiolini, then a Regional Procurator Fiscal, in the decision not to prosecute. We have been asked by the Lord Advocate to make clear the following: there was no allegation of a paedophile ring contained in the police report to the Procurator Fiscal at that time; that there was no allegation about a Sheriff or a policeman in the report; that the decision not to prosecute was made before the Lord Advocate took up post as Regional Procurator Fiscal and on the basis that there was insufficient evidence in law; and that she was unaware of the claim at the time and has never had any involvement in the case. We are happy to make the position clear and did not intend to suggest that she had acted in any way improperly.*

*At the time of publication, the specific details regarding the timeline of the decision not to prosecute, although requested, were not provided by the Crown Office. This information was supplied after publication. Having been furnished with the relevant information, we would like to apologise to the Lord Advocate for any distress that may have been caused. (CI 1)*

## The Guardian

### Complaint

David Poole complained that an article was misleading because it reported that a woman was a first-time buyer when this was not the case.

### Resolution

The complaint was resolved when the newspaper explained that the woman, a relative of the journalist, was previously a sleeping partner in a buy-to-let investment and published the following in its "Corrections and clarifications" column: *An article headlined "New homeowners: 'Falling market helped us', should have made clear, in accordance with the Guardian's editorial code, that the journalist who wrote it was related to one of the home-buyers featured (26 August, page 7). (CI 1)*

## The Guardian

### Complaint

Mr Bengt Saelensminde complained that an article had appeared wrongly to attribute a quotation from Gordon Brown to Barack Obama.

### Resolution

The complaint was resolved when the newspaper, which accepted that the report had erroneously said "Obama" instead of "Brown", amended the online article. (CI 1)

## The Guardian

### Complaint

Mr Carl Darnanin, Managing Director of Hotbeams Ltd., complained that the newspaper had inaccurately stated that the company charged a £25 registration fee in case customers needed its services in future, when registration also gave access to a free 24-hour engineering helpline, a free manufacturing liaison service, and to preferential rates on maintenance, repairs and upgrades.

### Resolution

The complaint was resolved when the newspaper agreed to publish the following statement:

*In Capital Letters (Money, page 8, June 27) we said a solar energy company, Hotbeams, asked prospective customers to pay £25 to register in case they needed its services in future. The company has asked us to point out that the fee also gives access to a 24-hour helpline and preferential rates on certain products and repairs. (CI 1)*

## The Guardian

### Complaint

Mr Roland Baker of Luton complained that the newspaper had inaccurately stated that organisations assisting suicide in Switzerland were required to provide better documentation in order to avoid anyone profiting from their deaths, when the documentation was actually required in order to assist the authorities in any future investigations.

### Resolution

The complaint was resolved when the newspaper made it clear that the online version of the article had been amended following the complainant's initial complaint to the newspaper. (CI 1)

## Guernsey Press

### Complaint

Mr Stuart Ayres, on behalf of Channel Islands Data Services Ltd., complained that the newspaper had published letters and an article that made inaccurate allegations against the company; that the company had not been given an opportunity to respond to the letters before publication; that the newspaper had not adequately verified the identity of the letter writer; and that the company's letter requesting a correction had been published as a letter without prior permission.

### Resolution

The matter was resolved when the newspaper gave an undertaking to contact the company for comment in future in all appropriate circumstances. (CI 1)

## The Herald

### Complaint

Ms Louisa Harry Thomas of Gower complained that the newspaper had given the impression that the Kingscliff Sporting Lodge, Aberdeenshire, had gone into receivership whilst in the hands of her and her husband, when they had actually sold the business several weeks beforehand.

### Resolution

The complaint was resolved when the newspaper published the following clarification:

*In The Herald of August 15, we described Chris and Louisa Harry Thomas as owners of Kingscliff Sporting Lodge, which had gone into administration. The business went into receivership while under the ownership of Tony Loftus, who bought it two-and-a-half weeks before the receiver was appointed. We apologise for the error. (CI 1)*

## The Independent

### Complaint

The Rt Hon Jacqui Smith MP complained that the newspaper had published the suggestion that a petition calling for her to resign had accrued 6,500 signatures. She made clear that there was no corroboration for this figure.

### Resolution

The complaint was resolved when the newspaper removed the reference from its online article. (CI 1)

## **Inverness Courier**

### **Complaint**

Mr Steven MacGregor, owner of MacGregor Protection Services, complained that the newspaper had inaccurately stated that the company was actually owned by a Mr Neil MacGregor.

### **Resolution**

The complaint was resolved when the newspaper, as a goodwill gesture, removed the online version of the article. (CI 1)

## **Irish News**

### **Complaint**

A man complained, via Sullivans Solicitors & Advocates, that the newspaper reported that his home was owned by a UDA leader when this was not the case.

### **Resolution**

The complaint was resolved when the newspaper published the following clarification with due prominence:

*Our coverage on May 13 of legal proceedings involving Andre Shoukri accurately reported that a house at Clare Heights, in Belfast, which was purchased illegally by Mr Shoukri, had been seized as part of the criminal recovery process. We have been asked to make clear that the new owner of the property has no connections with Mr Shoukri.* (CI 1, 3)

## **Jersey Evening Post**

### **Complaint**

Julian Rogers, Chairman of the States Members Remuneration Review Body, complained that the newspaper had published an editorial piece which inaccurately claimed that politicians in Jersey were "in line" to get a £1000 pay increase.

### **Resolution**

The newspaper wrote to the complainant directly explaining why there had been some delay in responding to his complaint and informing him that it had published his comprehensive letter which set out the correct salary figures. The complainant maintained that there were some outstanding issues with the length of time the editor had taken to act on his concerns. However, he was satisfied that

the publication of his letter represented a resolution to his complaint. (CI 1)

## **Jewish Chronicle**

### **Complaint**

Dr Colin L Leci of London complained that the newspaper had inaccurately stated that there was still an active British Consulate in West Jerusalem, when this was not the case.

### **Resolution**

The complaint was resolved when the newspaper published the following statement:

*It has been pointed out to us that, contrary to a statement in Geoffrey Alderman's column of August 14, there is currently no British consulate in West Jerusalem.* (CI 1)

## **Lancashire Evening Post**

### **Complaint**

Mr Wayne Smart complained through Olswang solicitors of London that an article about a court case in which he had been involved contained inaccuracies, particularly when it claimed that he had AIDS, rather than being HIV positive. The complainant also said that the reference had intruded into his privacy and discriminated against him.

### **Resolution**

The complaint was resolved privately between the parties, including the publication of an apology. (CI 1, 3, 12)

## **Liverpool Echo**

### **Complaint**

Ben Chapman, MP for Wirral South, complained that coverage by the Liverpool Echo and the Daily Post of issues relating to parliamentary expenses had been misleading. Mr Chapman was caught up in the row about MPs' expenses claims when it emerged that he had claimed for interest payments on a portion of his mortgage that had already been paid off. He said that articles in the Liverpool newspapers erroneously accused him of dishonesty and had failed sufficiently to take account of the fact that he had made his claims on the advice of the parliamentary Fees Office, which had subsequently made a public apology to him for advising him incorrectly. He also said that articles had failed to make clear that he had not benefitted financially since he did not receive

any more money than he could have legitimately claimed for other items under the rules of the House of Commons. Mr Chapman complained about a number of other specific points, including suggestions that he faced disciplinary action by the Labour Party and an investigation by the police. Neither suggestion was correct and a statement made by the police gave no indication that he was to be the subject of enquiry.

## Resolution

The complaints were resolved when both newspapers agreed to publish statements of clarification under the heading 'Ben Chapman MP'. The statement published by the Liverpool Echo read as follows:

*Since the middle of May there has been considerable reporting about MPs' expenses. Ben Chapman, MP for Wirral South, was found to have claimed for interest payments on a portion of his mortgage that had already been paid off. However, as previously reported, these claims were made on the advice of the House of Commons Fees Office, which has admitted its error and has apologised for it. Once it became clear to him that the claims were not legitimate under Commons' rules, Mr Chapman amended the arrangement.*

*We are happy to clarify that, despite the mistaken claims, Mr Chapman did not receive any more money than he could have legitimately claimed for other items under Commons rules. He has been told by the Fees Office that he could have claimed for items such as food, utility bills and council tax, which would have more than covered the amount he received in respect of the paid-off mortgage. Mr Chapman, who is standing down at the next election, neither faces (nor has faced) disciplinary action from the Labour Party or any investigation by the police. We are happy to make this clear and we regret that an article of June 20 gave the contrary impression on the latter point. (CI 1)*

## Liverpool Echo

### Complaint

A man complained that an article was inaccurate in describing a police seizure of "genetically engineered super skunk". He said that there was no such thing as genetically engineered cannabis.

### Resolution

The matter was resolved when the newspaper published a clarification in its regular *It's Your Echo* column, which read: *On September 17, we reported that a huge cannabis farm of more than 1,500 plants was uncovered on Rainford*

*industrial estate, St Helens. The report speculated that the drugs were likely to be "genetically engineered super skunk". A reader has complained that there is no such thing. We are happy to bow to his superior knowledge. (CI 1)*

## Look

### Complaint

The singer Leona Lewis complained that an article about her, in particular her state of mind, contained inaccuracies.

### Resolution

The complaint was resolved when the magazine published the following apology:

*Further to our article on Leona Lewis (14th September), we have been asked to make clear that our description of Leona's state of mind, suggesting that she was battling inner demons and was in therapy, was incorrect. She is confident about her career and her new album, and has not been making "emotional calls" to her mum, as we reported. We acknowledge that she is supportive of other X Factor acts, especially JLS and Alexandra Burke, who she rates highly. We apologise to Leona for the errors. (CI 1)*

## The Mail on Sunday

### Complaint

Mr Martin Davis complained on behalf of his daughter Chloe Davis that an article about the death of Holly Grogan had attributed a number of comments to her which she had not made. While Ms Davis had spoken to a news agency reporter at the time, she had made clear that she had not known the deceased personally and only made one comment about the tragedy.

### Resolution

The complaint was resolved when the newspaper agreed to remove the paragraphs containing the comments from its online article, and gave an assurance that the remarks would not be republished. (CI 1)

## The Mail on Sunday

### Complaint

Ms Sara Keene of Premier PR complained on behalf of Mr Jude Law that an article about his relationship with Samantha Burke contained a number of inaccuracies.

## Resolution

The newspaper indicated that the material in the article had been supplied by sources. However, it removed the article from its website, and gave an assurance that it would generally contact Ms Keene for her comment prior to publication of any future allegations about Mr Law. It also suggested a meeting between the parties. The complaint was resolved on that basis. (CI 1)

## The Mail on Sunday

### Complaint

Ms Heather Mills complained that the newspaper had published an article that referred unfairly and misleadingly to her disability.

### Resolution

The complaint was resolved when the newspaper published the following apology:

*On July 5 we pictured Heather Mills climbing a ladder at the opening of her vegan cafe in Hove with the heading "What a difference a divorce makes!" We are happy to make clear Ms Mills did not attend at her divorce case in 2007 with walking aids to compound an image of disability. She was in pain from an operation and says amputees often suffer from changes in their residual limbs caused by weather variations or weight fluctuations. We apologise for any misunderstanding. (CI 1, 12)*

## The Mail on Sunday

### Complaint

The Rt Hon Jacqui Smith complained that the newspaper had inaccurately suggested that she had "spent three months trying to stop" the Parliamentary Commissioner for Standards from accessing police files.

### Resolution

The complaint was resolved when the newspaper removed the reference from its online article, annotated its records and published the following letter from the complainant:

*Your article about me on Sunday 18 October suggested that I had tried to prevent the Parliamentary Commissioner accessing information about my police protection as Home Secretary. This is completely wrong.*

*The Parliamentary Commissioner had unprecedented access to my personal and Ministerial diaries. We spent several hours over several days going through every night for the previous four years. I provided photographic evidence that your original charge that I had not spent the*

*previous Christmas at my London home was wrong.*

*I agreed to the Commissioner approaching the Police and waived my rights under the Data Protection Act so that personal information about me could be shared with the Commissioner.*

*The result of all this information was the table that the Commissioner prepared which can be found at para 72 of his report. This actually shows that I spent more nights in London than in Redditch over the period of the complaint. (CI 1)*

## The Mail on Sunday

### Complaint

Ms Lisa Jepson, Deputy Head of Park View Academy, complained that two articles about the suspension and subsequent reinstatement of teacher Kwabena Peat had stated inaccurately that he had written letters to the organisers of a training day on homophobic bullying, when in fact he had addressed gay colleagues, only one of whom was an organiser.

### Resolution

The complaint was resolved by the publication of the following clarification:

*Park View Academy*

*On April 26 and August 2 we reported on the disciplining of Kwabena Peat, a Christian teacher at Park View Academy, north London, accused of harassing colleagues with angry letters after walking out of a training day on homophobic bullying. We have been asked to make clear that the letters were addressed to gay colleagues and not to the organisers of the event as stated. (CI 1)*

## Manchester Evening News

### Complaint

Tom Chiverton complained that the newspaper had published a photograph showing a woman holding a specimen ID card which was wrongly captioned with a line that read "Angela brandishes her new identity card after being first in line to sign up".

### Resolution

The complaint was resolved when the newspaper published the following correction under the headline "Identity card picture caption":

*A caption which appeared on page 8 of the MEN on December 3 stated a picture showed columnist Angela Epstein holding her new identity card after becoming the first member of the public to sign*

up for the national scheme. The picture used was actually taken at an earlier event and showed Angela holding a specimen card. We apologise if this error caused any confusion. (CI 1)

## **Metro**

### **Complaint**

Mr Martin Davis complained on behalf of his daughter Chloe Davis that an article about the death of Holly Grogan had attributed a number of comments to her which she had not made. While Ms Davis had spoken to a news agency reporter at the time, she had made clear that she had not known the deceased personally and only made one comment about the tragedy.

### **Resolution**

The complaint was resolved when the newspaper - which made clear that the information had stemmed from the news agency concerned and had been published in good faith - removed the article from its website. (CI 1)

## **Metro**

### **Complaint**

Ms Annika Thunborg, Spokesperson of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), complained that the newspaper had inaccurately reported that a member of the CTBTO's staff, whose death was under investigation, was connected to talks about Iran hosted by the International Atomic Energy Agency (IAEA). In fact, the individual in question was a processing engineer who had no role whatsoever in the Iran negotiations held by the IAEA.

### **Resolution**

The newspaper explained that it had updated the story online when contacted directly by the CTBTO. It agreed to make a further change to the article, after the complainant said that another individual who had died at the UN complex, was American (not British as reported) and had fallen from a different building (<http://www.metro.co.uk/news/756162-death-fall-of-nuclear-expert-may-be-murder>). (CI 1)

## **New! Magazine**

### **Complaint**

Katie Price complained, through Sheridans solicitors, that the magazine had inaccurately suggested that she had had three positive pregnancy results and was pregnant.

### **Resolution**

The complaint was resolved when the magazine published the following apology:

*In Issue 330 (31 August 2009) new! magazine published a story 'Is Jordan pregnant?' stating that a source had claimed that three positive pregnancy tests had been found in Katie Price's home. We also pointed out that Jordan's spokesperson denied she was pregnant. We are happy to set the record straight and clarify that Katie Price was not pregnant at the time our source claimed the tests were found and apologise to Katie Price. (CI 1)*

## **The News (Portsmouth)**

### **Complaint**

Ms Lisa Chamberlain and Mr Michael Pedace complained that the newspaper had inaccurately stated that their conjoined twins had been born with two heads but only one body, in breach of Clause 1 (Accuracy), and that the subsequent article correcting this error had not been prominent enough, in breach of Clause 2 (Opportunity to reply).

### **Resolution**

The complaint was resolved when the newspaper agreed to work with the couple to produce a further article on the matter that would be satisfactory to both sides. (CI 1, 2)

## **News & Star**

### **Complaint**

Kathleen Rowley of the Carlisle United Supporters Club complained that the newspaper had inaccurately reported the situation regarding the transport of fans to and from Carlisle United's away games. The newspaper had published one clarification on the subject but the complainant felt there were outstanding issues.

### **Resolution**

The complaint was resolved when the newspaper published a correction and apology with due prominence in the

following terms:

*A story in the News & Star of Wednesday, September 16, reported that a new coach service had been launched to take Carlisle United fans to away games because of the boycott of buses organised by the Fans' Trust group. We have since corrected this information as the Carlisle Supporters' Trust has never been involved in the organisation of away travel for supporters. We apologise for the error and any embarrassment caused from the original article and for the fact that no-one from the Fans' trust or the Supporters' Away Travel group were contacted at the time. (CI 1)*

## News of the World

### Complaint

The England Manager Fabio Capello complained, through the FA, that the newspaper had published intrusive images of him and his wife on holiday. This was despite the fact that he had previously circulated his concerns about the presence of photographers via the PCC.

### Resolution

The complaint was resolved when the newspaper accepted that internal procedures - warning of Mr Capello's concerns - had failed and that the pictures were published in error. It apologised to the Capellos, gave undertakings for the future, and - at the request of the Capellos - made a substantial donation to the Sir Bobby Robson Foundation. (CI 3)

## News of the World

### Complaint

A woman complained that the newspaper had published an article - which named her and included her photograph - reporting that she had been in a relationship with an X Factor contestant. She said the piece had been published without her permission, and after she had made clear that she did not wish to speak on the subject.

### Resolution

The complaint was resolved when the newspaper removed the article from its website and made an undertaking as to future publication. It also made a payment to the complainant for the use of her photograph. (CI 3, 4)

## News of the World

### Complaint

A man complained that a comment piece was inaccurate when it claimed that illegal immigrants received "free cars".

### Resolution

The complaint was resolved when the newspaper - which removed the article from its website - published the following correction and apology:

*On July 26, our columnist Carole Malone claimed illegal immigrants receive "free cars". We now accept illegal immigrants do not receive such a benefit and apologise for the error. (CI 1)*

## News Post Leader

### Complaint

Michael Nicholson, secretary of the Blyth branch of the National Market Traders' Federation, complained that the newspaper had inaccurately reported that 17 stallholders had moved from Blyth market to use free stalls at Morpeth when this was not the case.

### Resolution

The complaint was resolved when the newspaper published a prominent correction and apology in the following terms: *In an article headlined "Market row brings fears of creating a 'ghost town'" (8 October) News Post Leader reported that 17 market traders had taken up the option to leave Blyth Market to trade on Fridays at Morpeth when this was not the case. We would like to make clear that no traders have left in this manner. We are also happy to clarify that stallholders at Morpeth will be paying normal rental rates. We apologise for the error and for the delay in correcting matters. (CI 1)*

## Now

### Complaint

Miss Roxanne Pallett, the actress, complained that an online article was inaccurate when it claimed that she had said that she loved "stripping down to her smalls" and that her mother encouraged her to do so.

## Resolution

The complaint was resolved when the magazine - which had taken the quotes from another publication and used them in good faith - removed the article from its website and published the following apology:

*On 9 October 2009, we published an article on the Now website about Roxanne Pallett which claimed that she loves "stripping down to her smalls" and that her mother encourages her to do so. We accept that, although used in good faith, the quotes attributed to Miss Pallett were inaccurate and apologise for any embarrassment. (CI 1)*

## The Observer

### Complaint

Ms Claire Harman complained that an article had reported Professor Kathryn Sutherland's inaccurate and misleading accusations that the complainant's new book on Jane Austen - "Jane's Fame: how Jane Austen Conquered the World" - had copied her own radical ideas about the novelist. The complainant made clear that she had cited Professor Sutherland's work several times in her book, but had not used it without attribution. She was also concerned that a letter she had submitted to the newspaper in response to the article had not been published.

### Resolution

The complaint was resolved when the newspaper published, on its website, the following edited version of the letter the complainant had initially submitted in response to the article:

*Last Sunday, the Observer gave an uncritical home to a number of imputations by Professor Kathryn Sutherland that I had used her published work on Jane Austen inappropriately in my own yet to be published Jane's Fame: How Jane Austen Conquered the World. When my book does appear next month, readers will see the groundlessness of these accusations. My own subject-the growth of Jane Austen's fame over two centuries-draws on several occasions from Professor Sutherland's scholarship, with full acknowledgement in each case.*

*Apparently motivated by her concern that the appearance of my book would curtail her own intentions for a carry-on project, she has sought preemptively, and without broaching her suspicions either to me or my publisher, to create a negative climate of reception for my work. My publisher has requested that she specify the concerns to which she ominously alludes, in a form to which we can reply, and this request has gone unanswered.*

*Professor Sutherland's scattergun complaints and innuendos are too numerous and unspecific to allow response at this time, but I do wish to correct one particular assertion that has prompted headlines on blogs such as 'Former Student Helps Herself to Teacher's Work'. Professor Sutherland says that we 'met in her home' where she 'let me read' her own 2005 study of Austen. I have never been to Professor Sutherland's home and have never been given or sought access to any of her unpublished research. I did meet with her, by her invitation, at her college in 2006, at which time she sold me a copy of her volume, published the previous year. No particular permission, by her or anyone else, was required as a condition of my access to this work of scholarship, issued by a university press with, one assumes-the aim of promulgating its views and stimulating the work of fellow scholars.*

*Among the many accusations in the Observer article was her suggestion that this is a case of 'identity theft'. As a former student of Professor Sutherland's, I must regretfully say that this is not a matter of identity theft at all, but rather professional jealousy of a patent and most unattractive sort. (CI 1)*

## The People

### Complaint

Ms Fabia Cerra, who had appeared on Britain's Got Talent, complained that an article in Take It Easy magazine had inaccurately stated that she was due to appear in an episode of Hollyoaks.

### Resolution

The complaint was resolved by the publication of the following statement:

*On August 23, we reported that Fabia Cerra of Britain's Got Talent was to make a cameo appearance in a September episode of Hollyoaks. In fact, Fabia has no such plans and we are happy to put the record straight. (CI 1)*

## The People

### Complaint

Mr Martin Davis complained on behalf of his daughter Chloe Davis that an article about the death of Holly Grogan had attributed a number of comments to her which she had not made. While Ms Davis had spoken to a news agency reporter at the time, she had made clear that she had not known the deceased personally and only made one comment about the tragedy.

## Resolution

The complaint was resolved when the newspaper - which provided a copy of the news agency reporter's notes of the conversation - removed the paragraph which contained the comments from the online version of the article as a gesture of goodwill. (CI 1)

## The People

### Complaint

Miss Roxanne Pallett, the actress, complained that an article which claimed that she had been "embarrassed" by security guards in an attempt to meet Zac Efron at the London premiere of *17 Again* in March 2009 was inaccurate and misleading. The complainant categorically denied, in October 2009, that the incident had occurred.

### Resolution

Given the length of time which had elapsed since publication, the complaint was resolved through the permanent removal of the article from the newspaper's website. (CI 1)

## Press & Journal

### Complaint

A man complained that the newspaper had published a series of articles reporting on his trial for posting false messages on an internet site, but had failed to cover his acquittal.

### Resolution

The newspaper published a follow up article making clear that the complainant had been cleared of all charges and had instructed solicitors to initiate a claim against Northern Constabulary. The editor also wrote to the complainant, apologising that the newspaper had not previously published the outcome of his trial. The complaint was resolved on that basis. (CI 1)

## Press & Journal

### Complaint

Ms Louisa Harry Thomas of Gower complained that the newspaper had given the impression that the Kingscliff Sporting Lodge, Aberdeenshire, had gone into receivership whilst in the hands of her and her husband, when they had actually sold the business several weeks beforehand.

## Resolution

The complaint was resolved when the newspaper agreed to publish a follow-up article which included the following passage:

*Mrs Louisa Harry Thomas sold her shares and controlling interest to Mr Tony Loftus, of the Miller's, Midmar, Aberdeenshire, and then moved with her husband to Wales. However, when Kingscliff was placed into administration several weeks later, the sale had not yet been ratified and Mrs Harry Thomas was still listed as the sole director and a shareholder. (CI 1)*

## Scotland on Sunday

### Complaint

Mr Simon Lowe, Managing Director of Know the Score Books Ltd, complained that an article based on the autobiography of former footballer John Wark had presented the information contained within the book in an inaccurate and misleading manner.

### Resolution

The complaint was resolved when the newspaper published the following correction:

*On 15 March 2009 the Scotland on Sunday published an article about Wark On, the autobiography of former Scotland footballer John Wark. We would like to make clear that Mr Wark does not consider the entire current Liverpool FC squad to be "a massive waste of money", as stated in the article. In fact, Mr Wark was referring in name to four specific Liverpool players, rather than the squad as a whole. In addition, Mr Wark has asked us to point out that - when he sold his allocation of FA Cup final tickets in 1978 - this practice was both lawful and within Football Association rules. We are happy to set the record straight. (CI 1)*

## The Scottish Sun

### Complaint

Mr Andrew Britton, on behalf of West Lothian Archers, complained that the newspaper had inaccurately stated that Mrs Pauline Ashall was the club's Child Protection Officer.

### Resolution

The matter was resolved when it was established that the incorrect information had originally been stated on West Lothian Council's website, and when the newspaper agreed to remove the online article. (CI 1)

## The Scottish Sun

### Complaint

Kenny Richey complained that the newspaper had published an article which was wholly inaccurate when it claimed that he was "trawling the internet for new lovers" and had "joined a string of adult websites".

### Resolution

The complaint was resolved when the newspaper published a letter from the complainant. The wording was as follows: *Your recent article headlined "Sleazy Kenny Richey in sex site secrets" (24 September) claimed that I am member of several adult websites. Having spent 21 hellish years on Death Row, I am new to computers and certainly do not use them to view pornography or date online. Adjusting to life outside of prison is full of challenges my family and I can be working hard to return to normal. Kenny Richey, Minnesota. (CI 1)*

## The Sentinel

### Complaint

Lawrence Colton, owner of LTR Recovery, complained - via Whiteheads Solicitors - that the newspaper had published an opinion piece featuring a photograph of one of his recovery vehicles towing a car and claiming that his company was the sole private contractor used by police to tow away and impound cars when this was not the case. He also said that the article wrongly implied that the company had made a large amount of money from the operation.

### Resolution

The complaint was resolved when the newspaper published the following clarification and apology with equal prominence to the original article:

*Mike Wolfe's column of 1 April included a photograph of a tow-truck owned by contractor LTR Recovery. We have been asked to point out that LTR was one of three contractors used in a police operation which resulted in 22 vehicles being seized by police. Of these, seven vehicles were impounded by LTR, for which the contractor was paid a total of £750. This fee is in accordance with the terms of the Road Traffic Act of 1988. We are happy to clarify these points and apologise for omitting these facts from our original piece. (CI 1)*

## Southern Reporter

### Complaint:

Mr John Patrick of Scotland for Animals complained that the newspaper had published inaccurate statements regarding a number of signatories to pro-forma letters - provided by his charity - objecting to a planning application for a large chicken farm. He said that, contrary to these statements, only 6 of the 483 complaints had been found to be inadmissible, rather than 12, and that the signatories had had full knowledge of the application to which they were objecting.

### Resolution

The complaint was resolved when it was established that the newspaper had published a letter the complainant had submitted to it in response to his concerns. (CI 1)

## Southport Visitor

### Complaint

A man from Southport complained that the newspaper had suggested that a charge of assault against him had been dropped only due to lack of evidence, and had not made it clear that evidence supporting his case had been heard in court, and that the judge had ordered that a not guilty verdict be entered on the records.

### Resolution

The complaint was resolved when the newspaper published the following statement:

*On Friday, November 6 the Southport Visitor published an article about the decision of the Crown Prosecution Service not to proceed with a case in which a man, who was not named, was accused of assaulting Katie Toner. In the article, Miss Toner's family expressed their concern that the case was not going to go before a jury.*

*The CPS stated that the decision was taken on a view that the evidence available was insufficient to secure a conviction.*

*However, we have been asked by the defendant in the case - who denied the assault throughout - to make it clear that the judge presiding over the proceedings then ruled that a formal verdict of not guilty be entered on the records. We are happy to do this. (CI 1)*

## The Sun Complaint

Mr Philip Woods of Bristol complained that the newspaper had inaccurately identified him as a striking postal worker in the caption to a photograph, when he was actually a coach driver. He was concerned about the potential impact of this on his work and personal life.

### Resolution

The complaint was resolved when the newspaper sent the complainant a private letter of apology and ex gratia payment. (CI 1)

## The Sun Complaint

Ms Avril Russell complained on behalf of her husband, George Anton, that a report of the court case in which he was involved had misleadingly presented certain allegations as fact. Her husband had subsequently been cleared of all charges.

### Resolution

The complaint was resolved when the newspaper - which took the view that the claims had been clearly presented as such - provided a copy of its published report of the outcome of the case, in addition to arranging for this to appear online.

## The Sun Complaint

Paul Golding of the BNP complained that an article was inaccurate in claiming that a dinner organised by the Trafalgar Club (a BNP fundraising organisation) had failed because it did not raise £250,000, as intended. In fact, said the complainant, the dinner was simply a 'thank you' for members of the club, which hoped to raise £250,000 during the course of 12 months.

### Resolution

The newspaper said the story had come from sources within the BNP, who had claimed that the dinner was the Trafalgar Club's main fundraising event towards achieving its hoped-for annual total. However, the newspaper agreed to amend the online version of the article to include the official BNP position that: "the Trafalgar Club we hope, will

raise £250k annually. This Trafalgar Club dinner was a way to say thank you to TC members for their support over the previous year. The dinner was a success. TC members arrived, enjoyed a dinner and speeches, then left. This was not a fundraising meeting". The newspaper also placed a note on its internal files for future reference. The matter was resolved in light of these steps. (CI 1)

## The Sun Complaint

Paul Golding of the BNP complained that an article was inaccurate in stating that a British soldier, who had been photographed giving a Nazi salute, was a member of the party.

### Resolution

The matter was resolved when the newspaper published a letter from the complainant in the following terms:  
*The soldier pictured in The Sun on October 28 giving a Nazi salute has never been a member of the BNP.* (CI 1)

## The Sun Complaint

Mr Stephen Nutt complained that the newspaper had published photographs of him taken from his Facebook page, and wrongly suggested that they showed him smoking cannabis. He was concerned that the story was published merely due to the position of his father, Professor David Nutt (the former Government drugs advisor).

### Resolution

The complaint was resolved when the newspaper removed the article from the website, undertook not to repeat the story and published the following letter:

*FURTHER to your article about photographs of me on my Facebook site, (November 14) I would like to make clear the pictures were not posted by me and while I had been drinking I was smoking a rolled-up cigarette which did not contain cannabis as the article insinuated. My younger sister Lydia was not intoxicated, so was not drinking under age. My older brother lives in Sweden where it is custom to use a sauna followed by a 'romp' in the snow in winter. He was neither drunk nor under the influence of intoxicants. Innocuous photographs were taken out of context in an attempt to discredit my father's work.* (CI 1, 3)

## The Sun Complaint

Ms Annika Thunborg, Spokesperson of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), complained that the newspaper had inaccurately reported that a member of the CTBTO's staff, whose death was under investigation, was connected to talks about Iran hosted by the International Atomic Energy Agency (IAEA). In fact, the individual in question was a processing engineer who had no role whatsoever in the Iran negotiations held by the IAEA.

### Resolution

The newspaper accepted that the report was erroneous and published the following letter from the complainant:

*Further to your article on October 22 about the death of one of our staff members, we would like to underline there is no connection between the death and the Iran talks at the International Atomic Energy Agency (IAEA). The staff member was employed by the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) which is a separate organisation and has never had any role in the Iran negotiations. (CI 1)*

## The Sun Complaint

Ms Sarah Higgens of Manchester complained that the newspaper had published a photograph of her as part of an article on problems surrounding binge drinking. She explained that - at the time she was photographed - she had been walking with her friend who had sore feet, and was not "staggering" or drunk. She said that she should not have been associated with binge drinking.

### Resolution

The complaint was resolved when the newspaper removed the image from its website (and said it would not be republished), sent a private letter of apology to the complainant and published the following letter from her:

*Your article 'One for the Road' (Sun, October 26) about binge drinking included a photograph of several women, including myself, at the end of a rare night out in Manchester. I had not been binge-drinking or drinking to excess which is an activity I do not associate myself with. I behaved responsibly that night but by including my picture with the article I was associated with binge-drinking which was wrong. (CI 1)*

## The Sun Complaint

A woman complained that an online article from 2006 about an alleged former relationship - which was accompanied by a nude photograph of her - was inaccurate and intruded into her privacy.

### Resolution

The complaint was resolved when the newspaper removed the article from its website. (CI 1, 3)

## The Sun Complaint

Mr Paul Nightingale complained that an article had stated inaccurately that regional government offices had spent £15million on restaurants, travel and hotels in the past year. In fact, this was the figure for the last five years. The amount for the previous year was £3million.

### Resolution

The newspaper acknowledged that the report had been inaccurate on this point and amended its online article to reflect the correct position. The complaint was resolved on that basis. (CI 1)

## The Sun Complaint

Lord Donoghue, the Chairman of the Starting Price Regulatory Commission, complained that a columnist inaccurately alleged that the SPRC had "intervened" to stop betting prices being transmitted from the course until 20 minutes before the off. He then wrongly criticised the SPRC on that basis.

### Resolution

The complaint was resolved when the newspaper published the following apology:

*"In my column on August 1, I said Lord Donoghue's Starting Price Regulatory Commission had intervened to prevent prices being transmitted from racecourses until 20 minutes before the off. I was misinformed. The Commission remit concerns only the starting price, as betting shows and their timing are not matters it has ever considered. My conclusion the SPRC has "forfeited any public trust" was unjustified. Apologies to Lord Donoghue and the Commission's members." (CI 1)*

## The Sun Complaint

A woman complained that an article contained inaccuracies and personal details about her and her family.

### Resolution

Given the length of time since the article was originally published (six years), the newspaper resolved the complaint by removing it from its website. (CI 1, 3)

## The Sun Complaint

Ms Michelle Roe of Lancashire complained that the newspaper had published a photograph of her as part of an article on problems surrounding binge drinking. She explained that she had been sitting eating a pizza outside a nightclub when she had been photographed, but was not drunk and should not have been associated with binge drinking.

### Resolution

The complaint was resolved when the newspaper removed the image from its website (and said it would not be republished), sent a private letter of apology to the complainant and published the following letter from her: *Your article 'One for the Road' (Sun, October 26) about binge drinking included a photograph of several women, including myself, at the end of a night out in Manchester. I had not been binge-drinking or drinking to excess which is an activity I do not associate myself with. I behaved responsibly that night but by including my picture with the article I was associated with binge-drinking which was wrong.* (CI 1)

## The Sun Complaint

Ms Lisa Edwards complained that the newspaper had published her mobile phone number in an article (on the subject of how her mobile number had appeared on Eastenders, causing her great inconvenience).

### Resolution

The complaint was resolved when the newspaper - which had attempted to pixelate the hard copy version - sent a private letter of apology, and made an ex gratia payment, to the complainant. (CI 3)

## Sunday Express Complaint

Ms Abi Austen of Glasgow - formerly known as Jan Hamilton - complained that an article was inaccurate when it claimed that she had been paid a reported £250,000 in an out-of-court settlement with the Ministry of Defence. She was concerned that the error had been repeated, despite previously resolved complaints through the Commission.

### Resolution

The complaint was resolved when the newspaper - which placed a legal warning on its system for the claim not to be repeated - published the following correction and apology: *Our article of 5 July stated that Jan Hamilton had been paid a reported £250,000 in an out-of-court settlement with the Ministry of Defence. We are happy to make clear that Ms Hamilton did not receive £250,000 but an undisclosed settlement. We apologise to Ms Hamilton for the error.* The Commission also circulated details of the complaint to all national newspapers to make them aware of the position. (CI 1)

## Sunday Express Complaint

Lord Soley of Hammersmith complained that the newspaper had inaccurately reported his view on House of Lords expenses. He made clear the importance of reporting accurately the issue of expenses, at a time when public confidence in the system was so low.

### Resolution

The complaint was resolved when the newspaper published the following correction: *Further to our article of 26th July, we wish to clarify our account of Lord Soley's views about expenses. Lord Soley did not "pocket" £45,000 last year, rather he received this money to cover expenses and office costs, which includes secretarial and research work. Our article wrongly referred to the payment of expenses and office costs as a "salary". Members of the House of Lords do not receive a salary. Lord Soley's proposed reform is to merge the daily and nightly subsistence payments, and create an allowance for peers. Any expense claims would have to be accompanied by receipts. We are happy to make this clear.* (CI 1)

## Sunday Express

### Complaint

Ms Annika Thunborg, Spokesperson of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), complained that the newspaper had inaccurately reported that a member of the CTBTO's staff, whose death was under investigation, was connected to talks about Iran hosted by the International Atomic Energy Agency (IAEA). In fact, the individual in question was a processing engineer who had no role whatsoever in the Iran negotiations held by the IAEA.

### Resolution

The newspaper accepted that the report was erroneous. It removed the article from its website, marked its internal cuttings with a warning about the inaccuracy and circulated a similar warning to its journalists. (CI 1)

## Sunday Express

### Complaint

Abigail Harrison, known professionally as Abigail Hopkins, complained that the newspaper had published an image that was wrongly captioned with her name. She was also concerned that the newspaper reported that she had reconciled with her father (actor Anthony Hopkins) after "two decades" of estrangement when this was not the case.

### Resolution

The complaint was resolved through the following action: the editor of the newspaper wrote a private letter of apology to the complainant; a correction and apology was published with due prominence in the newspaper; and the PCC office contacted the Press Association to inform it of the complainant's position. (CI 1)

## Sunday Mail

### Complaint

Special Constable Raza Ahmed complained that an article reporting that he was being investigated over claims he abducted a teenage theft suspect while off duty contained inaccuracies, including the claim that the boy's parents had reported the matter to police. He was also concerned that readers would be misled into believing that he had kidnapped children, although he had not been charged or accused of this matter.

## Resolution

The newspaper sent a private letter to the complainant, acknowledging that the boy's parents had not reported the matter to the police as stated in the article, and apologising for the inaccuracy. The complaint was resolved on that basis. (CI 1)

## Sunday Mail

### Complaint

Vinnie McWilliams complained that the newspaper had stated that Bad Boys Gym in Barrhead was owned by John McCartney (an alleged criminal) when, in fact, the legitimate business belonged to him.

### Resolution

The complaint was resolved when the newspaper published a correction and apology both online and in print. The complainant accepted that the publication of the text below addressed his concerns about accuracy. However, he made clear that he felt the newspaper's action was taken grudgingly and maintained that his professional reputation had been tarnished.

*Bad Boy Gym*

*In an article published on 23 August 2009, we incorrectly stated that the Bad Boy Gym was owned by Mr John McCartney. We now understand this to be wrong and the Barrhead gym is owned by Mr Vinnie McWilliams. We apologise to Mr McWilliams for the error. (CI 1)*

## Sunday Mirror

### Complaint

Mr Lester Millington complained that an article about his son Matthew, a soldier, had contained the inaccurate claim that hospital errors were responsible for his death. In fact, the coroner found that he had died from complications of transplant surgery and immuno-suppressive drug treatment.

### Resolution

The complaint was resolved when the newspaper published the following clarification:

*For the record*

*On October 11, 2009 we stated that hospital errors killed Matthew Millington, a soldier who died last year following an NHS lung transplant. In fact, the coroner concluded that he died from complications of transplant surgery and*

*immuno-suppressive drug treatment. No blame was attached to Papworth Hospital for failing to spot the tumour in the transplanted lungs, and Matthew's parents wish us to point out that they have nothing but praise for the hospital and its staff. (CI 1)*

## Sunday Mirror

### Complaint

Ms Maura McQuoid of Downpatrick complained that the newspaper had misleadingly published an image of her niece to illustrate an article about drunken teenagers in Belfast. She said that, whilst the photograph had been taken in the vicinity of this kind of activity, her niece had not been drinking that night.

### Resolution

The complaint was resolved when the newspaper gave an undertaking to remove the photograph from its library and to ensure that no copies were retained by the photographer, and to publish the following statement:

*Following our report entitled Welcome to booze-fuelled Belfast, (20 September 2009) Rachel Murphy, whose photograph was published with the report has informed us that she does not drink alcohol and did not do so on that night. She disassociates herself from the behaviour described in the report. (CI 1)*

## Sunday Sport

### Complaint

Mr David Lant of HMP Wayland complained that an article was inaccurate when it claimed that - after he and Robert Mawdsley had tortured and killed a paedophile in Broadmoor Hospital in 1977 - "the hostage's skull was found cracked open, a spoon wedged in his brain and pieces missing" and that Mawdsley "ate part of [the] brain". The complainant had, in a previously resolved complaint, provided a copy of the autopsy report on the murder showing that the brain-eating allegation was incorrect.

### Resolution

The complaint was resolved when the newspaper amended its internal records to ensure that the error was not repeated. (CI 1)

## The Sunday Telegraph

### Complaint

Lord Puttnam complained that the newspaper had published a diary item that inaccurately claimed he was keen to become the next Chairman of Channel 4. He said that this has never been the case and there was no basis for the story.

### Resolution

The complaint was resolved when the newspaper published, the following week, an item containing the following quote from the complainant:

*Mandrake was grievously misled last week in believing that I was at any time a candidate for the role. I notified Ofcom at the time of my appointment that, as my home is in Ireland, I felt it inappropriate for me to succeed Luke Johnson, who was made aware of that position and was content with it.*

*The Oscar-winning producer of Chariots of Fire adds:*

*"This has, of course, allowed me to actively help in seeking out the best possible successor for what I believe to be one of the most important roles in the UK communications industry." (CI 1)*

## The Sunday Telegraph

### Complaint

Ben Chapman, MP for Wirral South, complained that an article was inaccurate in stating that he had lodged "numerous parliamentary questions about Sino-British trade" since making a trip to China in 2008 (a trip made in his capacity as chairman of the all-party Parliamentary China Group - which promotes engagement between British and Chinese parliamentarians on a range of issues such as science and technology, the environment, education, industry and commerce and human rights - and partly funded by the Jiangsu Provincial People's Congress). Mr Chapman said he had certainly lodged a number of questions about China but only one could possibly be interpreted as relating to trade issues.

### Resolution

The complaint was resolved when the newspaper agreed to remove the reference from the online version of the report. (CI 1)

## Take a Break

### Complaint

Ms Jennifer Platt of Ilkeston complained that an article about the death of Miss Kay Morton contained inaccuracies. In particular, the complainant was concerned that the article had claimed that Miss Morton - who was pictured in a wedding dress in the piece - had been married to William Granston when he killed her, which was not the case.

### Resolution

The complaint was resolved when the magazine published the following correction and apology:

*An article headlined "Excuse for a killing" (10 September 2009) stated that Kay Morton and William Granston were married at the time Mr Granston killed her and was accompanied by a photograph of Miss Morton in a wedding dress. In fact, Mr Granston and Miss Morton were not married and we would like to apologise to Miss Morton's family for the distress caused by the error. (CI 1)*

## Take a Break

### Complaint

Ms Alicia Clark of Torpoint complained that an article about the trial of her ex-partner for the murder of their son had contained inaccuracies - she was particularly concerned over the claim that her pregnancy was "inevitable" - and intruded into her grief.

### Resolution

The complaint was resolved when the magazine sent a private letter to the complainant, apologising for the suggestion that her pregnancy was "inevitable" and for the distress caused to her. (CI 1, 5)

## Take a Break

### Complaint

Ms Claire Tannahill complained that an article containing an account of her father's murder of her mother contained inaccuracies and was insensitive. She was particularly concerned that a photograph depicting her and her boyfriend had been labelled incorrectly as showing her brother and sister. The complainant also said that the article contained the journalist's own views about the events that led to her mother's death, and that the coverage was disrespectful towards her mother.

## Resolution

The complaint was resolved by the publication of the following two statements, one of which referred to the photograph and the other the content of the article:

*Take A Break magazine would like to note that the photo caption on page 43, issue 42 is incorrect. The people pictured are not Kris and Amy Tannahill and we would like to apologise for any distress this has caused.*

*Further to our article on page 43 of issue 42, we would like to acknowledge that the Tannahill family have concerns that the article did not accurately reflect the circumstances of Lorna and Allan Tannahill's relationship, and particularly her dedication to her family. We apologise to them for any distress this publication has caused. (CI 1, 5)*

## The Times

### Complaint

Mr Martin Davis complained on behalf of his daughter Chloe Davis that an article about the death of Holly Grogan had attributed a number of comments to her which she had not made. While Ms Davis had spoken to a news agency reporter at the time, she had made clear that she had not known the deceased personally and only made one comment about the tragedy.

### Resolution

The newspaper spoke to the news agency which stood by the accuracy of its reporting and was willing to provide its reporter's notebook. Nonetheless, it removed Ms Davis' name from its online report and was happy to amend all database versions of the report to make clear that she did not know Ms Grogan personally. The complaint was resolved on this basis. (CI 1)

## The Times

### Complaint

Mr Mike Field complained that a report of a recent High Court decision regarding credit card and loan debt contained a number of inaccuracies. In particular, he was concerned that the article claimed that the ruling meant that those trying to have their credit card and loan debts written off would have to pay the full amounts they owed. In fact, the complainant made clear that the case related to the transmittal of data to third party Credit Reference Agencies.

## Resolution

The complaint was resolved when the newspaper published the following clarification:

*We reported ('High Court decision on debt loophole dashes write-off hopes for thousands', October 10) that people trying to have credit card and loan debt written off by exploiting a legal loophole under the Consumer Credit Act would have to pay the full amounts they owed, following a landmark court ruling. In fact, this case dealt with the transmittal of data to third party Credit Reference Agencies in cases where a debt is considered to be "temporarily" unenforceable. The judge did not reach any view on cases where the unenforceability of the agreement is "permanent" or "irredeemable." We are happy to clarify the position. (CI 1)*

## The Times

### Complaint

Mr Colin Gray complained that a Troubleshooter account of the problems he had encountered with HSBC over the valuation of his property as part of a mortgage application contained a number of inaccuracies.

### Resolution

The complaint was resolved when the newspaper removed the online article from its website. (CI 1)

## Times Educational Supplement

### Complaint

A man complained that an article reporting on the Badman review of home education contained inaccuracies. In particular, he was concerned that the article inaccurately suggested that the review had come about as a consequence of the Baby P case. The complainant also said that the reference to an investigation by the publication which stated that around 35,000 children were not receiving a basic education was misleading, and presented conjecture as fact.

### Resolution

The complaint was resolved when the publication printed the following clarification:

*We would like to clarify that the article "Parents who teach pupils at home to be vetted" (June 12) did not intend to suggest a direct causal connection between the Baby P case and the Badman review of home education, or that the*

*review was linked to DCSF guidance, mentioned separately in the article, about safeguarding children involved in prostitution. We would also like to clarify that the statement that "approximately 35,000 children are not receiving a basic education" was an extrapolation, based on the maximum figure cited for home-educated pupils and personal estimates from four home education inspectors. As the Badman review noted, the total number of home educated children remains unknown. Around 20,000 home-educated children are currently known to local authorities nationwide.*

The publication also printed a comment piece about home education, written by the complainant. (CI 1)

## Times Higher Education Supplement

### Complaint

A man complained that an article on the magazine's website - published originally in 1995 - had contained inaccuracies and misquoted him.

### Resolution

The complaint was resolved when the magazine - as a gesture of goodwill - removed the article from its website.

## Ulster Herald

### Complaint

An employee of Translink complained that an article reporting on an incident where an individual had been denied access to a bus had contained the inaccurate claim that he had been "smoking against the wall" when approached. The complainant made clear that he was a non-smoker and that the bus stand where the incident occurred was, in any case, a no-smoking area.

### Resolution

The complaint was resolved by the publication of the following statement:

*Our article of 6 August (Translink passenger laments poor service) reported that Omagh student Shane McGlone had been denied access to the Dungannon to Omagh bus as he did not have the correct change, and included his position that one of the Translink bus drivers who refused to allow him to board had been "smoking against the wall". We have been asked to clarify that the bus driver concerned is a non-smoker, and was not smoking when he was approached by Mr McGlone. (CI 1)*

## Wanstead and Woodford Guardian

### Complaint

Councillor Gary Monro, Cabinet member for Children's Services in the London borough of Redbridge, complained that the newspaper had given the misleading impression that the Local Government Ombudsman had upheld the appeal of Mrs Susan Whitehead, whereas the Ombudsman had actually found that the Council had dealt with the cases correctly.

### Resolution

It was established that the newspaper had already published a letter from the complainant on the subject. The newspaper acknowledged that the original article had been badly constructed and did not meet its usual standards of professionalism and clarity. The complainant still had reservations on the newspaper's handling of the matter, but decided not to pursue the complaint any further. (CI 1)

## Waltham Forest Guardian

### Complaint

Judy Chivers complained, on behalf of her son Sean Lucas, that the newspaper had inaccurately reported that her son was a "murderer" when, in fact, he had been sentenced for manslaughter.

### Resolution

The complaint was resolved when the newspaper: offered an explanation as to how the error occurred; published a correction and apology in the newspaper and sent a private letter of apology to the complainant and her family. (CI 1)

## Westmoreland Gazette

### Complaint

Mr Ian Kell complained that the newspaper had inaccurately reported that an individual who had been convicted of sex offences lived in his road, Laverock Hill in Cumbria.

### Resolution

The complaint was resolved when the newspaper published the following statement:

*A report 17 July on the jailing in Essex of sex offender Daniel Holt gave his address as Laverock Hill, Kendal. The*

*address was supplied by the court but we have been asked to point out that this was an address which was given to the court at an earlier hearing in December 2007 and was not Holt's address when he was convicted and sentenced this year. To our knowledge, Holt had no connection with any Kendal drama school. (CI 1)*

## Wigan Evening Post

### Complaint

Mrs Julie Clark complained that a headline to an article had reported inaccurately that her son Carl Bostock had admitted being drunk when his car collided with a pedestrian, who later died, when in fact he had no alcohol in his system at all.

### Resolution

The complaint was resolved when the newspaper published the following clarification as part of its coverage of Mr Bostock's sentencing:

*The headline on a previous article regarding Carl Bostock incorrectly read, 'Drunk driver admits killing a loving granddad.' We have been asked to point out that he was under the influence of drugs and not drink. He was initially charged with causing death by careless driving while under the influence of drink or drugs.*

The newspaper also wrote to the complainant's son, acknowledging the inaccurate headline. (CI 1)

## Woman

### Complaint

Blackadders Solicitors complained on behalf of Lorraine Kelly that an article which claimed that she had concerns about her role at GMTV and approaching her 50th birthday contained a number of inaccuracies. Moreover, the complainant had not been contacted for comment prior to publication.

### Resolution

The complaint was resolved when the magazine published the following correction, in addition to meeting the complainant's legal fees:

*In our April 20 issue, we featured an article headlined "Lorraine's midlife crisis" concerning GMTV presenter Lorraine Kelly. Although this feature was published in good faith, we now accept that it contained some inaccuracies which we are happy to correct. First, contrary to the suggestion that Ms Kelly is insecure about her age, we*

accept that she has no fears about approaching her 50th birthday, and is not suffering from a midlife crisis. Further, she has not expressed any sense of uneasiness about the new style of GMTV, as stated. Indeed, she is excited by her role, which she finds challenging. She also enjoys a good relationship with her employers and co-workers. Ms Kelly was not unimpressed by the arrival of Emma Crosby, who she views as a valued colleague. We also accept that Ms Kelly does not consider her deal to be "cushy", as claimed by a source in our article. Moreover, it is not the case that Ms Kelly has few career options left: in addition to her GMTV position, Ms Kelly is an author, and journalist, and is

working on several other projects. She does not have any concerns that her current position will be terminated. It is not the case - as stated in the article - that Ms Kelly has been approached by Argos regarding a jewellery promotion, or that her employers refused to allow her to take on such an endorsement. Finally, we accept that Ms Kelly is not concerned about the effect that her 50th birthday will have on her career. She is currently writing a book celebrating the older woman, and her view is that age "is just a number". We apologise to Ms Kelly for the inaccuracies and for any distress caused to her. (CI 1)

# Code of Practice

This is the newspaper and periodical industry's Code of Practice. It is framed and revised by the Editors' Code Committee made up of independent editors of national, regional and local newspapers and magazines. The Press Complaints Commission, which has a majority of lay members, is charged with enforcing the Code, using it to adjudicate complaints. It was ratified by the PCC in September 2009. Clauses marked\* are covered by exceptions relating to the public interest.

## The Code

**All members of the press have a duty to maintain the highest professional standards. The Code, which includes this preamble and the public interest exceptions below, sets the benchmark for those ethical standards, protecting both the rights of the individual and the public's right to know. It is the cornerstone of the system of self-regulation to which the industry has made a binding commitment.**

**It is essential that an agreed code be honoured not only to the letter but in the full spirit. It should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it constitutes an unnecessary interference**

### 1 Accuracy

- i) The press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published.
- iii) The press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.
- iv) 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.

### 2 Opportunity to reply

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

### 3 \* Privacy

- i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.
- ii) Editors will be expected to justify intrusions into any individual's private life without consent. Account will be taken of the complainant's own public disclosures of information.
- iii) It is unacceptable to photograph individuals in private places without their consent.

*Note - Private places are public or private property where there is a reasonable expectation of privacy.*

### 4 \* Harassment

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

**with freedom of expression or prevents publication in the public interest.**

**It is the responsibility of editors and publishers to apply the Code to editorial material in both printed and online versions of publications. They should take care to ensure it is observed rigorously by all editorial staff and external contributors, including non-journalists.**

**Editors should co-operate swiftly with the PCC in the resolution of complaints. Any publication judged to have breached the Code must print the adjudication in full and with due prominence, including headline reference to the PCC.**

### 5 Intrusion into grief or shock

- i) In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. This should not restrict the right to report legal proceedings, such as inquests.
  - \* ii) When reporting suicide, care should be taken to avoid excessive detail about the method used

### 6 \*Children

- i) Young people should be free to complete their time at school without unnecessary intrusion.
- ii) A child under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.
- iii) Pupils must not be approached or photographed at school without the permission of the school authorities.
- iv) Minors must not be paid for material involving children's welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.
- v) Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.

### 7 \* Children in sex cases

1. The press must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences.
2. In any press report of a case involving a sexual offence against a child -
  - i) The child must not be identified.
  - ii) The adult may be identified.
  - iii) The word "incest" must not be used where a child victim might be identified.
  - iv) Care must be taken that nothing in the report implies the relationship between the accused and the child.

### 8 \* Hospitals

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

## 9 \* Reporting of Crime

- i) Relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story.
- ii) Particular regard should be paid to the potentially vulnerable position of children who witness, or are victims of, crime. This should not restrict the right to report legal proceedings.

## 10 \* Clandestine devices and subterfuge

- i) The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents, or photographs; or by accessing digitally-held private information without consent.
- ii) Engaging in misrepresentation or subterfuge, including by agents or intermediaries, can generally be justified only in the public interest and then only when the material cannot be obtained by other means.

## 11 Victims of sexual assault

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

## 12 Discrimination

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

## 13 Financial journalism

- i) Even where the law does not prohibit it, journalists must not use for their own profit financial information they receive in advance of its general publication, nor should they pass such information to others.
- ii) They must not write about shares or securities in whose performance they know that they or their close families have a significant financial interest without disclosing the interest to the editor or financial editor.
- iii) They must not buy or sell, either directly or through nominees or agents, shares or securities about which they have written recently or about which they intend to write in the near future.

## 14 Confidential sources

Journalists have a moral obligation to protect confidential sources of information.

## 15 Witness payments in criminal trials

- i) No payment or offer of payment to a witness - or any person who may reasonably be expected to be called as a witness - should be made in any case once proceedings are

active as defined by the Contempt of Court Act 1981.

This prohibition lasts until the suspect has been freed unconditionally by police without charge or bail or the proceedings are otherwise discontinued; or has entered a guilty plea to the court; or, in the event of a not guilty plea, the court has announced its verdict.

\* ii) Where proceedings are not yet active but are likely and foreseeable, editors must not make or offer payment to any person who may reasonably be expected to be called as a witness, unless the information concerned ought demonstrably to be published in the public interest and there is an over-riding need to make or promise payment for this to be done; and all reasonable steps have been taken to ensure no financial dealings influence the evidence those witnesses give. In no circumstances should such payment be conditional on the outcome of a trial.

\* iii) Any payment or offer of payment made to a person later cited to give evidence in proceedings must be disclosed to the prosecution and defence. The witness must be advised of this requirement.

## 16 \* Payment to criminals

- i) Payment or offers of payment for stories, pictures or information, which seek to exploit a particular crime or to glorify or glamorise crime in general, must not be made directly or via agents to convicted or confessed criminals or to their associates – who may include family, friends and colleagues.
- ii) Editors invoking the public interest to justify payment or offers would need to demonstrate that there was good reason to believe the public interest would be served. If, despite payment, no public interest emerged, then the material should not be published.

## The Public Interest

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

1. The public interest includes, but is not confined to:
  - i) Detecting or exposing crime or serious impropriety.
  - ii) Protecting public health and safety.
  - iii) Preventing the public from being misled by an action or statement of an individual or organisation.
2. There is a public interest in freedom of expression itself.
3. Whenever the public interest is invoked, the PCC will require editors to demonstrate fully that they reasonably believed that publication, or journalistic activity undertaken with a view to publication, would be in the public interest.
4. The PCC will consider the extent to which material is already in the public domain, or will become so.
5. In cases involving children under 16, editors must demonstrate an exceptional public interest to over-ride the normally paramount interest of the child.

# COMPLAINANTS' CHARTER

## Our service commitments to you

The PCC operates a Complainants' Charter which sets out the standards of service you can expect from us. There are nine key commitments we make to you.

1. We will respond swiftly to your enquiries. We aim to answer your telephone call within four rings during business hours. If you complain to us, we will acknowledge your letter within three working days of our receiving it.
2. We will deal with your complaint as quickly as possible. We aim to deal with complaints in an average of 35 working days. If your complaint is a complex one which is going to take longer, we will explain why. We will aim to keep you informed of the progress of your complaint at intervals of no longer than fifteen working days.
3. We will work with you to examine, and try to resolve where appropriate, any complaint that raises a possible breach of the Code of Practice. We will do so fairly and impartially.
4. Our procedures will be transparent: the Commission will only consider material submitted by one of the parties to the complaint after it has been seen by the other party.
5. We will explain all of our decisions to you clearly and in full.
6. We will process your complaint at no cost to you. The PCC costs nothing either to the taxpayer or to those who complain. We will continue to operate a service which is free of charge.
7. We will be as accessible as possible. Our literature is available in a range of languages to assist those whose first language is not English - and we will continue to widen the range of languages in which it is produced. We will maintain a Textphone to assist those who are

deaf or have difficulty hearing - and make literature available on audio cassette for the visually impaired.

8. We will be as open as possible. Members of staff will be available throughout the process to assist those making a complaint. Once your complaint has been taken up, a named Complaints Officer will deal with your complaint throughout and act as a continuing point of contact for you. Members of staff will at all times identify themselves by name, and be courteous and polite.
9. We will seek to improve standards year on year. Every year we will publish statistics on the number of complaints received and resolved, and the average time it takes to deal with them. We will aim to make improvements in these standards each year. Once a year, an independent 'Charter Compliance Panel' will publish a report after auditing our standards of service, and make recommendations to the Commission about how they can be improved.

If you have any complaint about the manner in which your complaint was handled by the Commission, you should write, within one month of being told the outcome of your complaint to:

The Independent Charter Commissioner  
c/o Halton House

20/23 Holborn  
London EC1N 2JD

Email: [chartercommissioner@pcc.org.uk](mailto:chartercommissioner@pcc.org.uk)

The Charter Commissioner will investigate the matter and report any findings and recommendations to the Commission. He does not investigate complaints relating to the substance of a decision by the Commission. All submissions to the Charter Commissioner must be in writing.

## **Complaints by E-mail**

The PCC will accept complaints by e-mail to:

**complaints@pcc.org.uk**

After a complaint has been made by e-mail we will require a hard copy of the complaint and the article in question to be sent by post within seven days to:

***Press Complaints Commission***

***Halton House***

***20/23 Holborn***

***London EC1N 2JD***



# Have we got **your details** right?

It would be helpful to the Commission if you could let us know whether the details we have for you are correct. If the details contained on the label on your envelope are incorrect or out of date, we would be grateful if you could fill out our form below and return it to us:

**Old details taken from the label:** .....

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**Correct or updated details:** .....

.....  
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Please cut off this section and return it to us as soon as possible at the following address:

**Press Complaints Commission, Halton House, 20/23 Holborn, London EC1N 2JD.**

If we do not hear from you we will assume that our records are correct. Your co-operation is much appreciated.

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# Would you like to **receive information** from the Commission **by e-mail**?

If it would be helpful to receive by e-mail news and press releases from the Commission on the day they are published, please fill out details of your e-mail address below:

**Name:** .....

**Organisation:** .....

.....

**E-mail address:** .....

Please cut off this section and return it to us at the following address:

**Press Complaints Commission, Halton House, 20/23 Holborn, London EC1N 2JD.**

or alternatively send us an e-mail to:

**pcc@pcc.org.uk**

**Press Complaints Commission**  
Halton House, 20/23 Holborn,  
London EC1N 2JD

**Telephone:** 020 7831 0022

**Fax:** 020 7831 0025

**Textphone:** 020 7831 0123

(for deaf or hard of hearing people)

**Helpline:** 0845 600 2757

**Scottish Helpline:** 0131 220 6652

**Welsh Helpline:** 029 2039 5570

**24 hour Press Office:** 07740 896805

**24 hour Advice Line:** 07659 152656

This is for use in emergencies only, primarily in cases of harassment by a journalist or for pre-publication advice. It should not be used for general complaints enquiries, which can be made online at [www.pcc.org.uk](http://www.pcc.org.uk).

**Email:** [complaints@pcc.org.uk](mailto:complaints@pcc.org.uk)

[www.pcc.org.uk](http://www.pcc.org.uk)