

PRESS COMPLAINTS COMMISSION

The Minutes of the 174th Ordinary Meeting of
The Press Complaints Commission Limited held at
Halton House, 20/23 Holborn, London EC1N 2JD on
Wednesday 27th October 2010

Present: Baroness Buscombe Chairman
Matti Alderson
John Home Robertson
Anthony Longden
Ian MacGregor
John McLellan
Ian Nichol
Lindsay Nicholson
Esther Robertson
Eve Salomon
Simon Sapper
Julie Spence
Ian Walden
Peter Wright

In attendance: Stephen Abell Director

The following members of the secretariat attended the meeting as observers: Elizabeth Cobbe, Jonathan Collett, Charlotte Dewar, Will Gore, Becky Hales, Amber Mun, Scott Langham, Catherine Speller and Ben Milloy.

1. Apologies

Apologies were received from Simon Reynolds and Tina Weaver.

2. Minutes

The minutes of the meeting held on 8th September were approved as a correct record of the meeting and for publication.

3. Matters arising

One Commissioner asked whether the publication of minutes of PCC meetings had caused significant comment in the media and online. The Director said that a small number of stories had appeared.

4. Complaints

(i) Complaint No. 10-4053 A woman v Daily Mirror

After discussion the Commission came to the conclusion that there had been a breach of the Code in this case but that the remedial action taken by the newspaper was sufficient to remedy that breach. It agreed the following adjudication:

A woman complained to the Press Complaints Commission that an article headlined “The Baby Whisperer” published in the Daily Mirror on 11 August 2010 was intrusive in breach of Clause 3 (Privacy) and that she had been identified as a confidential source in breach of Clause 14 (Confidential sources) of the Editors’ Code of Practice.

Following remedial action by the newspaper, no further action was required.

The article was a feature about an acupuncturist who had helped women with fertility problems, including the complainant, to have children, following a media-attended event which brought the women together. A number of the women (who were photographed) had told their stories. While the complainant had been happy to share her experiences with a freelance journalist – and be photographed at the event – she had specifically asked to remain anonymous in any published article. She said she had been informed by the freelance photographer that a photograph would not be published without her explicit consent. The newspaper had agreed to use a pseudonym before publication but had then published her photograph.

The newspaper said that the complainant had taken part in an interview with a freelance journalist, as well as posing for a group photograph (published in another newspaper in June) and an individual shot. The BBC had also broadcast an item on the event in which the complainant was seen briefly. In direct conversation with its reporter, the complainant had requested that her identity be withheld, but had not mentioned the issue of the photograph which she was aware that the reporter had seen. The paper was unaware of any assurance in regard to the publication of the photograph. As a gesture of goodwill, the newspaper removed the image from its website and gave an assurance that it would not be republished. It also offered to

send a private apology to the complainant. While she welcomed this, she wished for the Commission to rule on the matter.

Adjudication

At the heart of this complaint was a misunderstanding in regard to the use of the complainant's photograph.

The complainant had attended an event at which journalists, and a BBC film crew had been present, and the Commission had to have regard for the fact that she had posed voluntarily for pictures at that time. The specific issue of the photograph had not been discussed directly with the newspaper and there was nothing to suggest that the newspaper had deliberately ignored a request for it not to appear. Indeed, the newspaper, having honoured its agreement not to use her real name in the article, was not aware of any other understanding regarding the image.

Nonetheless, the newspaper had recognised that the complainant did not want to be identified in connection with information about her private life (including medical details about her). In that context, it was certainly an error (albeit seemingly based on poor communication) for the paper then to publish a clear picture of the complainant and so identify her in connection with personal details about her health. This raised a breach of the Code.

Having reached this decision, the next step for the Commission was to determine whether the action taken by the newspaper in response to the complaint was sufficient. In circumstances where there was some legitimate confusion about the consent for publication of the photograph (for which the complainant herself had posed), the Commission decided that the prompt removal of the image, the assurance as to future publication and the offer to apologise privately to the complainant represented a proportionate response to remedy the breach of her privacy. No further action was required.

(ii) Complaint No. 10-3621 Soobadoo v Wanstead and Woodford Guardian

Anthony Longden, Managing Editor of Newsquest North & East London, left the room and took no part in the discussion of this case.

Following discussion, Commissioners concluded that there had been a breach of Clause 1 (Accuracy) and 6 (Children) of the Code and the complaint was, therefore, upheld in the following terms:

Mr Ravin Soobadoo complained to the Press Complaints Commission that an article headlined "Porn star teacher's sadness at leaving job", published on the Wanstead and Woodford Guardian website on 13 July 2010, incorrectly attributed a quotation to his fourteen year old daughter, and referred to her as a sixth form student, in breach of Clause 1 (Accuracy) and Clause 6 (Children) of the Editors' Code of Practice.

The complaint was upheld.

The article reported that a teacher had stepped down from his post after it had been found that he had been working as a porn star. The complainant's daughter, who was 14, was quoted in the piece saying the teacher had spoken "openly and truthfully about sex" and that she would "more likely catch STIs without his lessons". The complainant said that his daughter had not made any comment to the newspaper and was not a "sixth-form student". The complainant had contacted the newspaper directly, and it had removed the quotation from the online article and provided the email it had received containing the comment. The complainant said that his daughter had not written the email and that her account may have been hacked. He said that the newspaper should have taken care to authenticate the quotation, and obtain the necessary consent, before publication.

The newspaper's understanding was that the teacher only taught sex education to sixth form students and it had therefore assumed that the comments had been submitted by a pupil aged over sixteen. It regretted the error, and had undertaken to alter its policy on requesting comments from readers on school-related stories. Nonetheless, the newspaper did not consider that there was any evidence to suggest that the comment had not been submitted by the complainant's daughter. The newspaper said it had not interviewed the complainant's daughter and the publication of the comments did not represent an intrusion.

Adjudication

There was clearly a dispute as to whether the complainant's daughter had indeed sent the comment attributed to her. The newspaper had published it in good faith on the basis that she had. However, the Commission was concerned - bearing in mind the subject of the story - that the newspaper had not taken more care following receipt of the email. Above all, it had not established the age of the complainant's daughter before publication.

Clause 6 (Children) of the Editors' Code of Practice has a requirement that children under 16 should not be interviewed on issues involving their own welfare without the consent of a custodial parent. The Commission accepted that the newspaper had not approached the

complainant's daughter directly; however, it had sought information from school pupils about a controversial issue regarding their teacher. By doing so, and publishing the outcome, the newspaper had engaged in an interview of sorts.

The attributed comments referred to the sexual health of the pupil, which was certainly a matter which related to her welfare. As such, the Commission considered that the newspaper should have sought to establish her age before publication. Had it done so, it would have also been in a better position to verify the identity of the person who sent the email. It also would not have been able to publish the comments without parental consent.

The Commission was concerned that the newspaper had not given sufficient consideration before publishing a comment of this nature from a school child, and upheld the complaint on that basis. It welcomed the fact that the paper had changed its policy regarding how comments (on school stories) might be solicited in future.

(iii) Complaint No. 10-2836 Forest of Dean District Council v The Forest of Dean and Wye Valley Review

After discussion the Commission agreed that there had been a breach of Clause 1 (Accuracy) of the Code of Practice. It was also seriously concerned at the time taken by the newspaper to respond to the complaint, and asked its Chairman to write to the publisher on the matter. The complaint was upheld and the following text agreed for the adjudication:

Forest of Dean District Council complained to the Press Complaints Commission that two articles headlined “Knackered!” and “Dead end” published in the Forest of Dean and Wye Valley Review on 14 May 2010 were inaccurate and misleading in breach of Clause 1 (Accuracy) of the Editors’ Code of Practice.

The complaint was upheld.

The first article reported the comments of a local farmer, who was facing a court order to prohibit odour nuisance from his farm following an application submitted by the Council; the second was an editorial column on the matter. The Council said that the coverage was inaccurate: the farmer had not been given a ten-day period to implement sufficient odour controls “to satisfy a judge if [the business] wants to continue operating”, but rather a two-week period to submit a defence to the application; the Council had not “backtracked” on agreed measures to contain odour; and the Council was not seeking to force the permanent closure of the farmer’s

business, as stated repeatedly in the editorial: the order only required him not to cause a nuisance.

The newspaper took more than eleven weeks to provide a substantive response to the complaint and its initial response had been received only after the Commission had contacted the publisher. Its article had been based primarily on an interview with the farmer and a separate individual; the Council had refused to comment publicly on the issue as it said that court proceedings were underway. The newspaper had subsequently been made aware that there was flexibility on the dates in which the farmer could submit his defence. The newspaper remained of the view that the ultimate aim of the legal action would be the permanent closure of the premises.

Adjudication

The articles contained statements of fact that had been disputed by the complainant and not been corroborated by the newspaper. There was no evidence presented to the Commission that the farmer had been given a 10-day period to implement controls “to satisfy a judge if [the business] wants to continue operating”, or that the Council’s intention was to “force the closure of the business permanently”. The newspaper had provided no evidence to support the claim that the Council had “backtracked” on any agreement. In the context of the article, these were all serious points and the newspaper had failed to demonstrate that it had taken care not to publish inaccurate information, or to offer appropriate remedial action to the complaint. This amounted to a breach of Clause 1 of the Code.

In addition, the Commission was seriously concerned about the unacceptable length of time it had taken for the newspaper to respond to the complaint, which was a clear breach of the Code’s preamble stating that editors “should co-operate swiftly with the PCC in the resolution of complaints”. This complaint could – and should – have been dealt with quickly on the points of disputed fact. This was a rare example of a failure of proper co-operation with the PCC, which reflected badly on the editorial standards of the newspaper.

The Commission will be taking the matter further, following this adjudication, and seeking confirmation of the measures the paper has introduced to ensure there is no repeat of the problem.

(iv) Complaint No. 10-3662 Talbot v Swindon Advertiser

After discussion the Commission decided that, while there had been a breach of the Code of Practice in this case, the remedial steps taken by the newspaper were adequate. As a result, further censure was not required. The following adjudication was agreed:

Mr Anthony Talbot complained to the Press Complaints Commission that a front-page article headlined “Junior school head guilty of raping child”, and a further article headlined “School headteacher admits raping child”, published in the Swindon Advertiser on 29 June 2010, were inaccurate and misleading in breach of Clause 1 (Accuracy) of the Editors’ Code of Practice.

Following the remedial action taken by the newspaper, no further action was required.

The articles reported that the complainant, a local primary school headteacher, had admitted eleven charges relating to the rape of a child. In fact, the complainant had been convicted of indecent assault, having pleaded guilty to these offences. He had pleaded not guilty to rape, and had not been convicted of rape. The complainant was also concerned that the front-page headline suggested misleadingly that the crimes had been committed while he was serving as a headteacher, or were related to the school. The offences had taken place between 1978 (when the complainant was thirteen) and 1981. Following direct correspondence between the parties, a front page correction had been published by the newspaper which accepted the error in regard to the rape charges.

The newspaper said that it had contacted Cardiff Crown Court which went through the 28 charges with the reporter. The information had been checked three times with the court, and subsequent enquiries with Gwent Police and Swindon Borough Council had not suggested that the information was incorrect. As soon as it became aware that the details were wrong it had corrected this on the front page, on its website and had removed the original online article. Notwithstanding this error, the front page was not misleading as it was a “poster front with a cross reference to the story which appeared on page 5”.

Adjudication

The newspaper had been fully entitled to report the outcome of the court case, which involved allegations of sexual offences against the complainant, who was a local primary school head teacher. Nonetheless, it also had a responsibility under the Editors’ Code to “take care” to ensure that the information it presented was not inaccurate or misleading in a significant manner.

The Commission accepted that the newspaper had published information about the conviction taken in good faith from the appropriate sources (primarily the court itself). The information, however, subsequently proved to be inaccurate. Although there were good grounds for the newspaper to have used this material, it was still

right that it corrected the errors, promptly and with due prominence. The apology published by the newspaper constituted sufficient remedial action in regard to the published inaccuracies about the details of the complainant's conviction.

There was an additional point, however. The Commission had to consider whether the original front page had given the misleading impression that the complainant had committed the offences while he was a head teacher. This was a matter of considerable debate between Commissioners. It was felt that the newspaper could have done more to make clear on the front page the full context of the situation: that the offences had been committed by the complainant many years earlier, before he became a teacher and, in relation to a number of the offences, whilst he was a minor. As it stood, the front page had the potential to mislead.

There were other factors for the Commission to consider. There was no doubt that the profession of the complainant was relevant to the story, and could be legitimately highlighted (as he had been prosecuted and convicted while a serving head teacher). The front page also clearly directed readers to the full story on page 5, which informed readers that the offences pre-dated the complainant's position as a teacher. Finally, the front page correction had specifically referred to the time period (around thirty years ago) in which the offences had been committed.

In light of these factors (especially the front page apology), the Commission was satisfied that any misleading impression about the complainant's offences would have been satisfactorily corrected. It did not consider that any further action was necessary from the newspaper.

(v) Complaint No. 10-3624/10-3710 North v The Sunday Times / The Guardian

After discussion the Commission concluded that there had been no breach of the Code in respect of these complaints and they were not, therefore, upheld. Commissioners agreed the following wordings for the adjudications:

The Sunday Times

Dr Richard A E North complained to the Press Complaints Commission that a correction published in The Sunday Times on 20 June 2010, headlined "The Sunday Times and the IPCC: Correction", was inaccurate and misleading in breach of Clause 1 (Accuracy) of the Editors' Code of Practice.

The complaint was not upheld.

The correction in question was published following a complaint to the PCC about an article which had appeared in The Sunday Times on 31st January 2010. The complaint was resolved between the parties without formal adjudication by the Commission. The relevant section of the correction under complaint was the following:

The article “UN climate panel shamed by bogus rainforest claim” (News, Jan 31) stated that the 2007 Intergovernmental Panel on Climate Change (IPCC) report had included an “unsubstantiated claim” that up to 40% of the Amazon rainforest could be sensitive to future changes in rainfall. The IPCC had referenced the claim to a report prepared for WWF by Andrew Rowell and Peter Moore, whom the article described as “green campaigners” with “little scientific expertise”. The article also stated that the authors’ research had been based on a scientific paper that dealt with the impact of human activity rather than climate change.

In fact, the IPCC’s Amazon statement is supported by peer-reviewed scientific evidence. In the case of the WWF report, the figure had, in error, not been referenced, but was based on research by the respected Amazon Environmental Research Institute (IPAM) which did relate to the impact of climate change. We also understand and accept that Mr Rowell is an experienced environmental journalist and that Dr Moore is an expert in forest management, and apologise for any suggestion to the contrary.

The complainant said that two parts of the correction were inaccurate and misleading: the assertion that “the IPCC’s Amazon statement is supported by peer-reviewed scientific evidence”; and the claim that the WWF report was “based on research by the respected Amazon Environmental Research Institute (IPAM) which did relate to the impact of climate change”.

The complainant said that he was the originator of the claim that the IPCC Amazon allegation was unsubstantiated, having made it on his blog before the publication of the article. The 31st January article had attributed a research credit to him. He said that the original assertion was correct, and the retraction of the article, and admission of error, had reflected on him personally.

The overriding issue for the complainant was whether the claim had been “substantiated”, or “supported”. He asked the Commission to agree with general scientific convention: “this demands that a claim of ‘support’, which justifies a claim in a scientific document (such as the IPCC report) being considered ‘substantiated’, is satisfied only when

the claim is referenced. This must be either directly, or through a continuous chain of references, to an authoritative peer-reviewed work setting out primary research, which has been published in a reputable scientific journal (or publication of equivalent authority)”.

The complainant said that the IPCC’s Amazon statement had been referenced to a peer-reviewed scientific paper, in this case via the WWF report Global Review of Forest Fires. The WWF had indicated that the reference in question was research by the Amazon Environmental Research Institute (IPAM) which, by common consent, was accepted to be its report Fire in the Amazon. To be used as “substantiation”, the complainant said that this report should record primary research and be peer-reviewed, or be cross-referenced to papers that did so. Fire in the Amazon, the complainant contended, was not peer-reviewed, did not offer any original research and made no reference to any peer-reviewed work. As such, the reference in the correction to the IPCC’s Amazon statement being “supported by peer-reviewed scientific evidence” was inaccurate.

The complainant rejected a view that a work could be “supported” if a general body of peer-reviewed scientific work existed which agreed with assertions made, and it was not necessary to identify specifically that work within the paper or document in which the claim was made.

In terms of background, the complainant said that the IPCC report had stated that “up to 40% of the Amazonian forests could react drastically to even a slight reduction in precipitation”, referring to the Rowell and Moore paper Global Review of Forest Fires. This paper contained a short sentence which appeared (in part) to support the IPCC claim: “Up to 40% of the Brazilian forest is extremely sensitive to small reductions in the amount of rainfall”. In turn, this claim was contained in a paragraph for which there was only one reference – an article in the journal Nature. In the absence of any other citation, it could be assumed that this was the source on which Rowell and Moore relied. However, close examination of the paper (which was peer-reviewed) showed that it dealt largely with the effects of logging in the Amazon, with no reference to the 40% figure, or slight reductions in precipitation. As such, the Nature paper could not be taken to support the assertions by Rowell and Moore or the IPCC. The charge that the claim was “unsubstantiated” was sound.

The complainant accepted there was a view that the IPCC had made a referencing error, rather than a scientific error, as there was a significant body of evidence which warned of drought in the Amazon. However, the “correctness” of the IPCC claim was “not relevant” to his complaint; for the complainant, the issue was whether the IPCC’s statement was “supported by peer-reviewed scientific evidence”.

The newspaper said that the correction did not retract the entirety of the original article; rather, it corrected and clarified a number of points, the natural assumption being that those parts of the piece which were not corrected and clarified were accurate. That it chose to remove the article (and not rewrite it) was a matter of editorial prerogative.

The newspaper said that the specific part of the correction now under complaint related to an inaccurate assertion that a claim in the 2007 IPCC report (that 40% of the Amazon rainforest was sensitive to small changes in rainfall) had been based on research unrelated to climate change. It also acted to counter any false impression to readers that the claim as a whole had no basis in peer-reviewed science.

The newspaper stated that the background to the correction was as follows:

*“The IPCC claim had been referenced to a WWF report, Global Review of Forest Fires. This report, written by Rowell and Moore, suggested in one paragraph that “up to 40% of the Brazilian forest is extremely sensitive to small reductions in the amount of rainfall”. This paragraph went on to describe the increase in fire risk and the decrease in soil water availability in 1998. At the end of this paragraph there was a single reference to a 1999 paper by Daniel Nepstad concerning the impact of logging and fire on the Amazon. Some readers of the WWF report concluded that Nepstad’s paper was therefore the source for the “40%” claim. However, Rowell and Moore had stated that the Nepstad paper was the reference only for the later part of the paragraph and not for the 40% claim. The reference for the 40% claim had been mistakenly omitted. According to Rowell, Moore and Nepstad, the “40%” claim should have been referenced to non-peer-reviewed research by “IPAM” (the Amazon Environmental Research Institute, founded by Nepstad) – either IPAM’s 1999 overview *Fire in the Amazon* or the institute’s website, both of which stated that “30-40% of the forests of the Brazilian Amazon are sensitive to small changes in rainfall”.”*

On this basis, the newspaper said that criticism of the IPCC report on the grounds that it had cited research related to logging rather than climate change was incorrect. The newspaper had accepted that the article was wrong on this point.

On the second issue, the newspaper said that the IPCC had been the subject of broader – and arguably legitimate – criticism for relying on a non-peer-reviewed WWF report, particularly since the relevant source in the WWF report was neither referenced nor a peer-reviewed paper. However, the overall claim itself did have some basis in peer-reviewed literature. In particular, the newspaper cited the following

papers: Lewis, 2005, "Tropical forests and the changing earth systems" in Philosophical Transactions of the Royal Society; Huntingford et al., 2008, "Toward quantifying uncertainty in predictions of Amazon 'dieback'", in Philosophical Transactions of the Royal Society; Phillips et al., 2009, "Drought sensitivity of the Amazon rainforest" in Science; and Daniel Nepstad's 1994 Nature and 2004 Global Change Biology papers. After publication of the original article, Nepstad had released a public statement saying that these papers demonstrated that half of the Amazon forest had been critically affected by drought and that "in sum, the IPCC statement on the Amazon was correct".

The newspaper said that the complainant had argued that the term "unsubstantiated" could only refer to whether the IPCC report correctly referenced its claim to a peer-reviewed source; the original complainants, conversely, had suggested that readers would understand that there was no evidential basis in the claim whatsoever (which was not the case).

The newspaper said that it had accepted that there was potential ambiguity over the original use of the term "unsubstantiated". Its correction did not retract the term but noted that it had been used in the original piece. The correction clarified that there was "peer-reviewed scientific evidence that 'supports' the 40% claim. It does not express a view on whether this evidence is compelling or the claim itself correct. Nor does it assert that the IPCC report correctly referenced its claim to this peer-reviewed evidence".

Adjudication

It was important to note that the Commission had not previously made a ruling on the accuracy or otherwise of the 31st January article. That complaint had been settled between the complainants and newspaper, with the PCC acting as mediator, by the newspaper voluntarily publishing the correction. The Commission was now tasked with considering whether this correction was itself inaccurate or misleading. Indeed, it was being asked, in effect, to uphold a complaint against the newspaper for publishing (in good faith) a correction to an article to which the complainant had himself contributed. These unusual circumstances were acknowledged by the Commission when considering the complaint.

Under the terms of Clause 1, newspapers have an obligation to take care not to publish inaccurate or misleading information, including information of a scientific nature. Of course, the topic of climate change is one that brings with it robust and ongoing debate, often with strong disagreement between opposing sides. The Commission has previously ruled that it is not its role 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". The Commission therefore had regard for the fact that the complaint related to a topic where there were strongly competing views on complex technical issues which formed the subject of ongoing academic debate.

The complainant said that the correction was inaccurate and misleading by stating that the "IPCC's statement is supported by peer-reviewed scientific evidence" because it was not "supported" in the sense which is accepted by scientific convention. However, the Commission was of the view that the newspaper was entitled to express the correction in layman's terms. The Commission noted that the newspaper was able to demonstrate that peer-reviewed studies existed which, arguably, could be said to "support" the thrust of the IPCC's statement in a more general sense.

The Commission understood the complainant's position and agreed that the correction could have been expressed more clearly, but it was not – in the Commission's opinion – misleading to readers. The context here was important: the item was designed to correct what the newspaper accepted were potentially misleading elements to its original story; the correction itself was not a comprehensive scientific analysis of the subject, and readers would understand this. The Commission considered that the terms of this adjudication would usefully serve to set out, in greater detail, the issues surrounding the matter.

The complainant had also argued that the correction was inaccurate and misleading by stating that the WWF report "was based on research by the respected Amazon Environmental Research Institute (IPAM) which did relate to the impact of climate change". Given that there had been a referencing omission – and the position had since been clarified by the authors of the report – the Commission was of the view that the newspaper was entitled to address this point in the correction. The correction did not claim that the IPAM research had been properly referenced or was itself peer-reviewed. It said that the research was "respected", which was clearly a value judgement on the part of the newspaper, and that it did relate to the impact of climate change. The Commission did not consider that these points could be said to be factually inaccurate or misleading.

The Guardian

Dr Richard A E North complained to the Press Complaints Commission that a blog post published on guardian.co.uk, headlined "Sunday Times admits 'Amazongate' story was rubbish. But who's to

blame?”, was inaccurate and misleading in breach of Clause 1 (Accuracy) of the Editors’ Code of Practice.

The complaint was not upheld.

The article was a blog post by George Monbiot which followed the publication of a correction by the Sunday Times in regard to an article of 31 January 2010. The article referred to the complainant. The complainant had also complained that the correction itself was inaccurate and misleading, and the Commission has issued a separate adjudication in this regard.

The complainant said that the following statement in the post was inaccurate and misleading: “Now that the IPCC has been vindicated, its accusers, North first amongst them, are exposed for peddling inaccuracy, misrepresentation and falsehood”. While the complainant took no issue with the columnist’s “insulting tone, nor his free use of obvious insults”, he said that such a claim went “over the line”. Although written in a blog, this was not “framed as opinion or intended as such”. The complainant said that it could not be correct to argue that a blog necessarily only dealt with opinion. He rejected the ‘fair comment’ defence put forward by the newspaper when he contacted it directly to complain.

The complainant pointed to two issues: the assumption that the IPCC had been “vindicated”; and the assertion that the complainant had been “exposed for peddling inaccuracy, misrepresentation and falsehood”. He rejected both claims.

In regard to the first, the complainant said that the columnist did not know the full story as to why the Sunday Times article had been retracted: the issues relating to the IPCC had predated the article and been published by other newspapers which had not retracted the claims. The columnist had failed to go beyond the fact of the retraction and the apology to look at all the issues. On the second point, the complainant said that – while he had assisted in terms of research on the Sunday Times article – he did not write the piece, and could not be held responsible for it.

The newspaper said that its columnist was renowned for his “robust polemic style”. The post in question was clearly a comment piece: it had been labelled as the columnist’s blog, and used the language of comment. It was “quite clearly his opinion, based on his own knowledge and beliefs”. It argued that the claims were ‘fair comment’. Readers would have recognised that other views were available on a highly contentious subject about which the columnist and the complainant clearly held entirely contrary opinions.

The newspaper said that the claim that the IPCC had been “vindicated” was clearly an opinion (based on the correction in the Sunday Times which readers could access via a related blog). The reference to vindication in itself risked challenge, as this was a subjective point; however, the columnist had made plain the basis for this conclusion and it was “unnecessary for him to consider every unretracted polemic against the IPCC in reaching that view”.

The further claim about “peddling inaccuracy, misrepresentation and falsehood” was an opinion which extended logically from his view that the IPCC had been vindicated in the face of its critics (with the complainant chief amongst them): “In other words, if the UN body had not been ‘shamed’ and had not made ‘bogus claims’ (as the Sunday Times had claimed); and if its statement on climate change was in fact ‘supported by peer-reviewed literature’ and ‘did relate the impact of climate change’ on the rainforest (PCC-agreed correction), it was therefore not guilty of ‘false predictions’ and ‘grossly exaggerated’ claims ‘unsupported by science’ which Dr North — in Monbiot’s opinion — has inaccurately stated in his blogs”.

The newspaper added that each side in the climate change debate may – and frequently does – accuse the other of getting it wrong, and that scientific debate depended on claims being challenged and debunked. In this case, the columnist had apologised for one error (which had been appended prominently to the blog) and the newspaper had offered the complainant an opportunity to reply of 1,000 words, cross-linked from the blog. He had taken up this offer.

The complainant said that he had taken up the offer, which had been made before the involvement of the Commission. However, his complaint rested on the newspaper’s claim that anything labelled as comment allowed the author to avoid any responsibility for factual accuracy: while columnists could be robust in expressing their views, they were required to base those views on fact. He said that the two claims had been presented as fact, which did not allow for alternative possibilities of interpretation. He requested an apology from the newspaper.

Adjudication

The article in question was a blog post, which clearly sought to represent the columnist’s trenchant views on an ongoing controversy. As a general point, the Commission was satisfied that readers would have recognised that the article as a whole represented Mr Monbiot’s opinion on the issue, and indeed the complainant. Nonetheless, the publication was still bound by the terms of Clause 1 (Accuracy) in

terms of taking care not to publish inaccurate, misleading or distorted information. The Commission has recently upheld a complaint about a blog piece which made a statement of fact which could not be substantiated.

The two points of dispute here were not specific statements of fact, however. The Commission took the view that the reference to the IPCC being “vindicated” clearly represented the columnist’s interpretation of the correction which the Sunday Times had published. Readers had been informed of the background to the matter, and the basis upon which the columnist had made such a judgement. This was, of necessity, a subjective position, based on the columnist’s interpretation of a stated set of events.

The second point raised by the complainant related to a forceful allegation which accused him, and others, of “peddling inaccuracy, misrepresentation and falsehood”. Again, however, the matter appeared to relate to an expression of opinion by the columnist, which the complainant had disputed, rather than verifiable fact. The reference to “inaccuracy, misrepresentation and falsehood” was clearly linked to the fact that the Sunday Times had published a correction regarding an article to which the complainant had made some contribution. This was the basis for Mr Monbiot’s claim, and readers would be well aware of this.

In the realm of blogging (especially in cases touching upon controversial topics such as climate change), there is likely to be strong and fervent disagreement, with writers making use of emotive terms and strident rhetoric. This is a necessary consequence of free speech. The Commission felt that it should be slow to intervene in this, unless there is evidence of factual inaccuracy or misleading statement. It did not find either on this occasion.

There was also another point. The newspaper had allowed the complainant the opportunity to challenge in another blog (at some length) the position taken by Mr Monbiot, including his accusation of inaccuracy. This would make readers aware of the full context of the dispute and the complainant’s rebuttal. It was a proportionate response to the complaint in the circumstances, and appropriate given that the claims had themselves appeared in a blog.

The Commission did not uphold the complaint.

- (vi) The Commission formally approved (subject to individual queries on specific complaints raised with the office) the following PCC Papers, which had contained draft adjudications for Commissioners' ratification or otherwise: 4888, 4889, 4890, 4891, 4892, 4893, 4894, 4895, 4896, 4897, 4898, 4899, 4900, 4901, 4902, 4903, 4904, 4906, 4907, 4908, 4909, 4910, 4911, 4912, 4913, 4914, 4915, 4916, 4917, 4918, 4919, 4920. All papers had been circulated since the previous Commission meeting.

5. PCC response to Independent Governance Review

Commissioners discussed a draft response to the Independent Governance Review, which had been drafted following an earlier meeting on the subject. Members proposed and discussed a number of amendments and asked that a redrafted version of the response be circulated for further consideration.

6. The PCC and Financial Journalism

Commissioners considered a paper on the subject of financial journalism, which reported an initiative by the office to remind relevant industry executives of the requirements set out in the Code of Practice and the PCC's additional Guidance in this area. The office had considered it an appropriate moment to initiate this action because five years had elapsed since its Guidance on financial journalism was revised. Commissioners welcomed the secretariat's proposal to host a seminar for relevant journalists on the subject in the early part of 2011.

7. Media attention following a death: revision of PCC Literature

Commissioners considered revisions to PCC literature about how the Commission can help those who experience media attention following the death of a friend or relative. The proposed amendments had been in light of recent comments by a journalist who found himself in such a situation and who argued that the PCC's services in this area were not sufficiently clear.

Members of the Commission welcomed the revised text and made a number of additional suggestions as to how it might be improved further. The office committed to wider consultation on the document and to redraft the text for circulation among Commissioners again in due course.

8. Communicating PCC Rulings

Commissioners discussed proposals to regularise the way in which the PCC publishes its adjudications. A number of concerns were raised, to which Commissioners requested the office give further thought. It was agreed that a second paper on the subject would be presented at the Commission's next meeting for consideration.

9. PCC website

Commissioners were updated on work being undertaken to re-design the PCC's website – the first such undertaking since the current site was launched in 2006. The project was welcomed by Commissioners.

10. Report on Code Committee Meeting – 21 October 2010

Commissioners received and discussed a short report on the Code of Practice Committee's recent meeting, which had been attended by the PCC Chairman and Director.

11. Ratification of Code Change

Commissioners had previously been consulted – along with representatives of the newspaper and magazine industry – about a proposal by the Code of Practice Committee to amend Clause 1 (Accuracy) of the Code. No substantive concerns had been raised about the suggested change and the Commission ratified the amendment formally.

12. Chairman and Director's meetings

Commissioners received an update on appointments undertaken by the Chairman and Director.

13. Any other business

1. Online working group

The Commission received a minute on the first meeting of the online working group. Its next meeting would be held in December.

2. ATVOD

Commissioners discussed recent communications by ATVOD, which appeared to indicate a view that video on demand being broadcast by certain newspaper and magazine websites could fall within its remit, rather than the PCC's. It was agreed that this was primarily an issue for the industry, but the Commission asked the Chairman and Director of the PCC to examine the matter further and update members with any developments.

3. Deputy Chairman

It was announced that Ian Nichol had agreed to become the Commission's Deputy Chairman.

4. PCC parliamentary reception

Commissioners were reminded that a parliamentary reception was to be held by the PCC on Tuesday 2 November for MPs and peers. The event was to be hosted in conjunction with Graham Brady MP and Madeleine Moon MP.

14. Date of next meeting

2.00pm on Wednesday, 8th December 2010 at Halton House, 20/23 Holborn, London EC1.