

### ***A man v Helesburgh Advertiser***

Clauses noted: 1

A man complained to the Press Complaints Commission that an article headlined "Woman indecently assaulted in pub", published in the Helensburgh Advertiser on 20 January 2011, was inaccurate and misleading in breach of Clause 1 (Accuracy) of the Editors' Code of Practice.

The newspaper had taken a sufficient form of remedial action.

The article reported that the complainant had "indecently assaulted a woman in a pub before assaulting a man two days later". In fact, the complainant had entered a not guilty plea in regard to the charge of indecent assault, which had been accepted by the court, pleading guilty to the other charge. While the newspaper had published a correction and apology on the matter, the complainant was concerned that: the newspaper had not taken sufficient care before publication; the apology - which was smaller than the original article - had appeared a week after publication; and the newspaper had not published the apology online. The complainant said that publication had caused him a number of problems.

The newspaper said that it had been informed of the error on the day of publication by the complainant and had confirmed the position with officials at Dumbarton Sheriff Court. Having accepted that the report was inaccurate, it had published the correction and apology in the next available edition on page 3 (the original had appeared on page 9). The original report (which was only 130 words long) had not been carried online and to have published an apology on its website would have been, in the newspaper's view, inappropriate. It offered to meet the complainant and apologise personally to him.

The newspaper also sought to explain the circumstances which led to the publication of the error. The Sheriff Clerk's office generally made charge sheets - which contained details of the accused, their age, address and the nature of the charge/s - available to its reporters; any additional information or changes to the charges (such as whether a charge had been dropped, amended or pleas had been tendered) were usually handwritten on the sheet. Its reporter had said that no changes had been indicated on the document, and the reporter had believed that this information was accurate and up-to-date. As a result of the complaint, the newspaper had changed its practice in regard to reporting court proceedings: the details on charge sheets would be double checked with the Sheriff Clerk or the defence solicitor to ensure accuracy and any uncertainty in regard to cases would be brought to the attention of the editor.

### ***Adjudication***

It is fundamental in a democratic society that justice is not only done but seen to be done, and newspaper reports of court proceedings are a vital part of this system of open justice. However, there is a requirement under Clause 1 of the Editors' Code that care should be taken to ensure that inaccurate, misleading or distorted information is not published.

In this case, the Commission considered - and the newspaper had accepted - that sufficient checks had not been made before publication to confirm the nature of the charges which the complainant faced, which led to a significant inaccuracy being published. This was a clear breach of the Code. As such, it was incumbent on the newspaper - as outlined under Clause 1 (ii) of the Code - to correct the position and apologise (given the nature of the error) at the earliest opportunity, with due prominence.

While the Commission noted the complainant's unhappiness with the correction and apology, the manner in which the newspaper had addressed the error was, in its view, in accordance with the Code: the text had appeared in the next available edition of the newspaper (which had not

published the original report online); it had corrected the error and apologised to the complainant "for this inaccuracy and for any embarrassment caused"; and had appeared prominently on page 3 of the newspaper, significantly further forward in the newspaper than the original report.

The Commission considered that this constituted an appropriate response to the breach of the Code, and represented an example of a prompt and proportionate remedy to the initial error. The complaint was therefore not upheld.

The Commission also welcomed the fact that, following this complaint, the newspaper had tightened its procedures in terms of court coverage. This was an example of how the complaints process can directly lead to improved standards for the future.

Adjudication issued 23/06/2011