

Notice re Independent Press Standards Organization (IPSO)

The Very Rev'd Professor Martyn Percy vs. *The Daily Telegraph*

On 13th May 2022 (online) and 14th May 2022 (print), the *Daily Telegraph* published an article in a prominent place concerning recent events at Christ Church, Oxford, involving Ms Alannah Jeune and the Very Rev'd Professor Martyn Percy. Professor Percy made a complaint against the article, which took the form of an interview with Ms Jeune, to the Independent Press Standards Organization (IPSO) in June 2022. IPSO undertook an investigation into the matter and published a judgment, dismissing the complaint, on October 28th.

In the course of the IPSO investigation, the *Daily Telegraph* were invited to produce evidence to support the claims that their article of 13/14 May 2022 asserted (e.g., Ms Jeune's purported loss of job, housing and PhD as a result of the alleged incident, etc.). The *Daily Telegraph* could not produce evidence to endorse the assertions made in the interview, and instead simply stated that the newspaper had correctly recorded Ms Jeune's claims. The *Daily Telegraph* made no attempt to address the contradictions and discrepancies in Ms Jeune's assertions, including details in previous legal claims that were at odds with what was stated in her interview with the newspaper. The *Daily Telegraph* declined to comment on the discrepancies.

IPSO has confirmed that their Editors' Code of Practice in Clause 1 (Accuracy) states that "(i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text, and (ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence ...".

IPSO did not make any findings as to the truthfulness or accuracy of the claims made against Professor Percy by the *Daily Telegraph*. Specifically, they state that:

the publication had not adopted or accepted the woman's claims, nor was there any suggestion that an objective finding of fact had been made in relation to these claims.

Regarding concerns that the woman had wrongly attributed the loss of her job, housing, and PhD to the alleged incident, the Committee decided

... these claims were contained within quotation marks and clearly attributed to her within the text of the article, rather than published as statements of fact.

IPSO concluded by noting that the complaint against the *Daily Telegraph* was because the newspaper "chose to adopt Ms Jeune's account uncritically and without question". This is, however, in clear contravention of the IPSO guidance, which says proper fact-checking should be considered "appropriate and necessary [emphasis added] where serious allegations are being made". IPSO further confirms that their guidance states:

If an article contains personal or serious allegations or claims against an individual, it may be appropriate and necessary to give that individual an opportunity to respond to these claims, or to deny them if they wish.

IPSO adds that *The Editors' Codebook* states:

taking care ... may mean contacting the people involved for their side of the story. There is wide agreement that prior notification of the subjects of stories ahead of publication, while often desirable, could not – and should not – be obligatory.

IPSO further commented that

... it *may* be appropriate in some cases, but the guidance does not say that the Publication must provide an opportunity to respond. ***In this case the Committee has decided that the Publication made it clear that the woman's allegations were not facts, and that it was providing her account of events that were contested.*** [bold emphasis added]

After the Leveson Inquiry, IPSO was presented as a new broom that would concern itself with press standards. In this case, the regulator failed to endorse a newspaper's own code of conduct. IPSO, which was established with a view to upholding press standards as well as to adjudicate on complaints, has failed to do its job. It should be a basic journalistic standard that a newspaper intending to make a serious allegation against an individual should offer that individual the opportunity to respond before publication.

Article 10 of the Human Rights Act, while protecting the rights to Freedom of Expression, a fundamental principle of any democratic society, imposes a restriction “for the protection of the reputation or rights of others”. The *Daily Telegraph* article clearly breaches this principle.

This is such a basic standard that the *Daily Telegraph's* own Code of Conduct says: ‘

You will be expected to take all steps to verify the accuracy and credibility of material which is not witnessed first-hand by you. Corroboration should be sought either through witnesses or underlying documentation ... *The more serious the allegations the more evidence is required to support the story. Generally, allegations should be put to the subject(s) of the story.* [emphasis added]

The *Daily Telegraph*, in publishing single-sourced serious allegations against Professor Percy, failed to follow its own Code and breached this basic journalistic standard. The newspaper did not contact him in advance; nor did it make any attempts to verify the accuracy and credibility of the claims made.

This point is consistent with Article 6 of the Human Rights Act, which entitles an individual to defend themselves against criminal accusations. It is therefore puzzling that the *Daily Telegraph* disregarded a fundamental principle of the Human Rights Act.

The *Daily Telegraph* says that Ms Jeune's claims over job, housing and PhD were "presented as her experience", and IPSO seem to believe that as these claims were in quotation marks, and not statement of facts, it only amounts to opinion. IPSO and the *Daily Telegraph* state that Ms Jeune was "entitled" to attribute loss of job, housing and PhD to the alleged incident.

This would absolve any publication from checking damaging claims about anyone, provided they appear in direct speech. It opens the door to any subjective sentiment being expressed as "my truth". Ms Jeune did not lose her job or accommodation at Christ Church which, she testified in multiple legal fora and to Thames Valley Police, employed her from 1st October 2020. Not once in those legal and sworn statements does Ms Jeune ever mention Magdalen College as her employer from October 2020, or that she lost her job, housing and (doctoral) studies at Magdalen.

A report in *The Times* the previous week about the case did not contain these allegations, and barely touched on the allegation made by Ms Jeune. So, no attempt was made to give Professor Percy the right to rebut these entirely new claims made by Ms Jeune, or to establish whether they were true. Nor has IPSO itself attempted to do so. Nevertheless – despite the basic failing of anyone to establish the truth – IPSO does not find there has been a breach of accuracy. This does not make any sense. Paragraph 21 of IPSO's adjudication also re-asserts IPSO's position that it does not require newspapers to seek comment from a person who is the subject of a serious allegation ahead of publication. Yet the *Daily Telegraph's* own code does require this in cases of some seriousness.

Clearly, there is hardly a more serious imaginable charge than to accuse a clergyman of assault on someone in a place of worship and, indeed, during an act of worship. If IPSO – charged with upholding standards – cannot even uphold or endorse a newspaper's own code of conduct, that is an extremely feeble position to adopt.

The *Daily Telegraph's* own deputy chairman, Lord Black of Brentwood, promised the House of Lords (25th October 2012, *Hansard*) that IPSO would provide "the toughest system of press regulation anywhere in the free world". We do not see this in place here with IPSO's adjudication. Indeed, we only witness the contrary.

The logic of the IPSO decision is that a newspaper may report the opinions of interviewees, even if they might be untrue and damaging, so long as they do so accurately. In submissions to IPSO, Professor Percy was able to show that a significant number of the claims published by the *Daily Telegraph* were not supported by any evidence, and in several cases could not possibly be true. These claims are listed separately.

IPSO has regrettably decided that the individual was entitled to her opinion, and that all the newspaper had done was record that. IPSO points out that the *Daily Telegraph* regards Ms

Jeune's claims as her "opinion", not as a factual account that can be supported by any actual evidence – which in any event was not offered by the newspaper.

Correspondingly, the *Daily Telegraph* and IPSO do not dispute that Thames Valley Police and the Clergy Discipline Measure investigations found no evidence to corroborate any allegation of assault, harassment or any other kind of sexual misconduct.