

Present:

Chairman: Chris Evans

Maria Breslin, Liverpool Echo; David Clegg, Courier; Sarah de Gay, independent lay member; Charlotte Dewar, CEO, IPSO; Lord Faulks, Chair, IPSO; Andrew Harrod, Barnsley Chronicle; James Mitchinson, Yorkshire Post; Tina Sany-Davies, Bauer Media; Ted Verity, Daily Mail; Joe Walker, KM Media Group

Apologies: Jay Stone, independent lay member; Steven Vaughan, independent lay member; Caroline Waterston, Mirror; Ben Taylor, Sunday Times.

Attending: Jonathan Grun, secretary

Chairman's introduction

The chairman welcomed James Mitchinson, Yorkshire Post, and Joe Walker, KM Media Group, to the committee. He noted that it would be the final meeting attended by IPSO chair, Lord Faulks, whose term of office was drawing to a close and he later paid tribute to Lord Faulks for his contribution to the work of the committee.

Update by IPSO

Lord Faulks, chair of IPSO, updated the committee on the recent work of the regulator.

Dawson v Spectator update

The committee considered developments since the IPSO ruling in the complaint involving Juno Dawson and The Spectator. It noted that the Equality and Human Rights Commission's statutory guidance following the Supreme Court's ruling on transgender rights had yet been finalised and agreed to continue to monitor the situation.

Triennial Review of the Editors' Code of Practice

The committee noted that a triennial review of the Editors' Code would be held in 2026. Arrangements for public submissions would be announced in due course.

Suggestion for Code amendment

The committee considered a suggestion that the Editors' Code should be amended to prevent details of defendants in court being published to protect their families.

The committee did not agree with the proposed amendment because reporting courts contributes to open justice and therefore the rule of law.

The committee noted that the Code does offer protection to children and relatives and friends of those accused of crime.

In addition to Clause 6 (Children) and Clause 7 (Children in sex cases), Clause 9 (Reporting of crime) states:

- 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 under the age of 18 who witness, or are victims of, crime. This should not restrict the right to report legal proceedings.

In <https://www.ipso.co.uk/rulings/01745-17/> IPSO found that identifying relatives who had not been named in court proceedings was a breach of Clause 9.

If relatives are named in proceedings without restrictions the Code cannot provide them with a cloak of invisibility. In <https://www.ipso.co.uk/rulings/00149-19/> IPSO said: "Where the complainant had been identified during legal proceedings, she was genuinely relevant to the story, and there was no breach of Clause 9."

The committee considered that not naming defendants would make court reporting a pointless exercise and would undermine the principles of open justice.

Not providing other details, such as addresses, could lead to suspicion falling on other people in the area with similar names.

The committee noted that judicial rulings and other statements have underlined the importance of court reporting.

Lord Atkinson said in the landmark case of *Scott v Scott* in 1913:

"The hearing of a case in public may be, and often is, no doubt, painful, humiliating, or deterrent both to parties and witnesses, and in many cases, especially those of a criminal nature, the details may be so indecent as to tend to injure public morals, but all this is tolerated and endured, because it is felt that in public trial is to found, on the whole, the best security for the pure, impartial, and efficient administration of justice, the best means for winning for it public confidence and respect".

Giving the court's judgment in *Trinity Mirror plc and others* ([2008] 3 WLR 51, at paragraphs 32, Sir Igor Judge, President of the Queen's Bench Division, said:

"In our judgment it is impossible to over emphasise the importance to be attached to the ability of the media to report criminal trials. In simple terms this represents the embodiment of the principle of open justice in a free country. An important aspect of the public interest in the administration of criminal justice is that the identity of those convicted and sentenced for criminal offences should not be concealed. Uncomfortable though it may frequently be for the defendant that is a normal consequence of his crime.

He went on:

"It is sad, but true, that the criminal activities of a parent can bring misery, shame, and disadvantage to their innocent children. Innocent parents suffer from the criminal activities of their sons and daughters. Husbands and wives and partners all suffer in the same way. All this represents the further consequences of crime, adding to the list of its victims. Everyone appreciates the risk that innocent children may suffer prejudice and damage when a parent is convicted of a serious offence. Among the consequences, the parent will disappear from home when he or she is sentenced to imprisonment, and indeed, depending on the crime but as happened in this case, there is always a possibility of the breakdown of the relationship between their parents. However, we accept the validity of the simple but telling proposition put by the court reporter to Judge McKinnon on 2 April 2007, that there is nothing in this case to distinguish the plight of the defendant's children from that of a massive group of children of persons convicted of offences relating to child pornography. If the court were to uphold this ruling so as to protect the rights of the defendant's children under article 8, it would be countenancing a substantial erosion of the principle of open justice, to the overwhelming disadvantage of public confidence in the criminal justice system, the free reporting of criminal trials and the proper identification of those convicted and sentenced in them. Such an order cannot begin to be contemplated unless the circumstances are indeed properly to be described as exceptional."

In Scotland, Lord Carloway, then serving as Lord President, said in 2024:

"The Scottish justice system has a longstanding commitment to open justice, ensuring that justice is not only done, but seen to be done. Open justice has two key elements. The first is that proceedings are heard and determined in public. The second is that the public should have access to judicial decisions, including any reasons given for them and the identity of the parties. As a proxy for the wider public, the media have an important role. Reporting on court and tribunal cases is vital to ensuring public confidence in the justice system and the rule of law. The public would lose confidence in the courts if they could not understand what decision had been reached and why it had been reached."