

COMPLAINT ADJUDICATION

Peter Lilley

and

The Stray Ferret (online)

Clause 1. Accuracy

1.2. Publishers must correct any significant inaccuracy with due prominence, which should normally be equal prominence, at the earliest opportunity.

1.4. Whilst free to be partisan, publishers must not misrepresent or distort the facts.

Complaint Dismissed

No breach of Code

Before IMPRESS Regulatory Committee A

Andrea Wills, Connor Heaney, Cordella Bart-Stewart, Liz Munro and Walter Merricks (Chair)

14 September 2020

1. Summary of Complaint

- 1.1. The Complainant is Peter Lilley (“the Complainant”), a third party seeking to ensure the accuracy of published information. He has confirmed to IMPRESS that he is not an affected party or the representative of an affected party.
- 1.2. The Respondent is The Stray Ferret Ltd, which publishes online as The Stray Ferret, which covers local news, that has been regulated by IMPRESS since 17 March 2020.
- 1.3. The complaint concerns the accuracy of an article that first appeared online on The Stray Ferret on 25 April 2020 with the headline, “*COLUMN: The art in Harrogate will help rebuild lives after coronavirus*”.
- 1.4. The complaint is assessed against the IMPRESS Standards Code, the relevant clauses are:

Clause 1 (Accuracy)

1.2. Publishers must correct any significant inaccuracy with due prominence, which should normally be equal prominence, at the earliest opportunity.

1.4. Whilst free to be partisan, Publishers must not misrepresent facts or distort the facts.

2. Background

- 2.1. The article was a column written by Fiona Movley (“the Author”), Chairman of the Harrogate International Festivals (HIF). The article concerns the impact Covid-19 has had on HIF funding and events, and the importance of the arts to the community.
- 2.2. The article claims that HIF is a charitable art organisation “with little public funding (less than 1% of turnover)”. The article goes on to explain the impact COVID-19 has had on HIF and the changes HIF has had to make.
- 2.3. The article goes on to state that HIF would not launch a public appeal for funds. However, the article claims that the organisation ‘will lose £850k of our income this year through cancelled events, sponsorship and fundraising’.

- 2.4. The article concludes with an explanation as to why the arts are important to 'our lives' and that HIF's future work may be different in its delivery.

3. The Complaint

- 3.1. The Complainant contacted The Stray Ferret on 22 June 2020 and made a complaint on the grounds of Accuracy. The Publisher rejected the complaint, as it did not consider that the article breached the IMPRESS Standards Code.
- 3.2. A full copy of correspondence between the parties was provided to the Regulatory Committee.
- 3.3. The Complainant subsequently made a complaint to IMPRESS, and after seeking clarification of the basis for the complaint, IMPRESS confirmed the substance of the complaint as follows, a full copy of which was provided to the Committee.
- 3.4. The Complainant argues that a breach of Clauses 1.2, and 1.4 of the IMPRESS Standards Code has occurred.
- 3.5. Regarding, Code Clause 1.2, the Complainant considers that the Publisher failed to correct, the following significant inaccuracy at the earliest opportunity once the inaccuracy had been brought to its attention.
- 3.6. The Complainant considers that the claim made in the article that HIF's public funding is 'less than 1%' represents a significant inaccuracy, considering that the article is about the financial impact Covid-19 has had on the organisation.
- 3.7. The Complainant says that HIF's website claims that 2% of its income comes from public funding which does not corroborate the claim made in the article.
- 3.8. Furthermore, the Complainant claims that on 4 June 2020 Harrogate Borough Council's Head of Legal and Governance confirmed in writing that during 2019 HIF was awarded a Council grant totalling £184,000 in relation to cultural activities and events.
- 3.9. The Relevant Statement is:

As a charitable arts organisation with little public funding (less than 1% of turnover), the current situation calls for robust business thinking and some tough decision making

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- 3.10. Regarding Code Clause 1.4, the Complainant considers that, as the article is about HIF's response to the financial impact of COVID-19 and that HIF had considered making an appeal for public funding, the Publisher had an obligation to accurately represent HIF's financial situation.
- 3.11. The Complainant considered that the Publisher omitted the following financial information from the article, which amounted to a misrepresentation of HIF's financial situation:
- 3.12. The Complainant considers that the Publisher should have clearly stated that in the previous 12 months, HIF had received public money in the form of a £184,000 grant. The Complainant considers that this grant altered the proportion of public funding attributed to HIF's turnover to a significant degree.
- 3.13. Alternatively, the Complainant considers that the Publisher should have clarified that the "less than 1%" figure was based on the organisation's "basic annual funding structure", which has been in place for the last ten years.
- 3.14. Therefore, the Complainant considers that the Publisher misled readers and misrepresented the financial situation of HIF by not clarifying the above information and omitting it from the article.
- 3.15. The Relevant Statements are:

Economic times are very tough but after much deliberation we decided against launching a public appeal for funds.

We will lose £850k of our income this year through cancelled events, sponsorship and fundraising as much of our income is generated from March to July.

4. Response of Publication

- 4.1. IMPRESS invited the Publisher to provide additional information in response to the Complainant. The Publisher's response is summarised below, a full copy of which was provided to the Committee.

- 4.2. The Publisher says that following the complaint, it contacted the Author of the article and requested publicly available audited accounts from 2016 to 2018 and further information about the complained about claim.
- 4.3. The Publisher confirmed with the Author that the 1% claim, referred to funds from Harrogate Borough Council (HBC) after annual costs to HBC were netted off and, further, that the percentage of public funding HIF received could fluctuate year to year. While HIF's website stated the percentage of public funding HIF received was "2%", the Author explained that this figure represented the percentage of public funding received from HBC before costs had been netted off.
- 4.4. The Publisher says that it understood all public money received by HIF above the £24,000 grant from HBC, is bid for on a year to year basis and therefore it is not a guaranteed source of income. Moreover, the Author claimed that the funding by HBC in 2019 was not accounted for since the AGM had not taken place this financial year due to Covid-19.
- 4.5. Therefore, regarding Code Clause 1.2, the Publisher dismissed the complaint on all grounds and did not consider that a correction would be a suitable remedy.
- 4.6. Regarding Code Clause 1.4, the Publisher considers that the article was a column piece, written in the first person, and clearly labelled as a 'column' in the title and text. Therefore, the Publisher considers that the article was clearly an opinion piece and distinguished from content that has been written and compiled by a journalist.
- 4.7. The Publisher says that the article was commissioned to focus on the financial impact of Covid-19 on HIF's 2020 event calendar and the funding crisis HIF faced in May 2020, at the height of the first wave of the pandemic. The Publisher says that the article did not intend to make a financial appeal to the public.
- 4.8. The Publisher considers that the author could have been clearer about the fact that the 1% figure used referred only to guaranteed public funding the organisation had received, however, it does not consider that this is a significant inaccuracy that distorted or misrepresented the truth. Furthermore, the Publisher considers that the ordinary reasonable reader would understand that the complained about claim concerning public funding, related to the basic funding structure of the organisation which has existed for the past 10 years.

- 4.9. The Publisher claims that the 2019 council grant of £184,000, referred to by the Complainant, was a one-off grant for a major event: the UCI world cycling championship, which fell outside the annual festival calendar. Therefore, the Publisher considers that it was not relevant to the claim and did not amount to an omission of a relevant fact.

5. Response of Directly Affected Party

- 5.1. IMPRESS identified that Fiona Movley, Chairman of HIF, was likely to be a directly affected party to the complaint and provided her with an opportunity to comment.
- 5.2. Ms Movley says that she was asked to write a guest column to explain the 'huge' financial impact Covid-19 has had and will continue to have on HIF's event calendar in 2020, as the majority of HIF's income comes from event tickets and the sponsorship of these events.
- 5.3. Ms Movley considers that the complained about statement concerning the claim that "less than 1% of turnover" was public funding, was a general statement about its source of income, and should be regarded as such. Furthermore, Ms Movley says that the statement did not specify a particular year to which it related because it was intended to be a general statement. Ms Movley claims that the precise figure fluctuates from year to year. She says that HIF receive a £24,000 grant from HBC each year and therefore, depending on income generated from tickets and sponsorship, the relevant percentage may vary.
- 5.4. Ms Movley explains that, although HIF received £24,000 from Harrogate Borough Council, it pays the Council each year for hall hire, and other services/expenses. Ms Movley claims that HIF receives a small portion of its income from Harrogate Borough Council and that, in 2018, the net figure was 1-2% of turnover, which represents grant money received minus the payments made to the Council.
- 5.5. Concerning the 2019 grant referred to by the Complainant, Ms Movley says that this funding was granted in a period for which accounts have not yet been finalised, due to Covid-19.
- 5.6. Ms Movley considers that the statement concerning HIF turnover would have 'benefitted from some qualification and/or further explanation'. However, she considers that the article was written in challenging circumstances, due to

Covid-19, and that there was a word-limit that did not allow for a detailed explanation.

- 5.7. Ms Movley accepts that the HIF website states that the amount of public funding it received is 2% of its 'regular income'. Ms Movley says that information about further public funding is also available online.
- 5.8. Ms Movley does not consider that the claims made were significantly misleading to readers.

6. Compliance

- 6.1. The Stray Ferret complied with the requirements of the IMPRESS Regulatory Scheme (Paragraph 3.2.) by acknowledging the complaint within seven calendar days, issuing a final decision letter within 21 calendar days, and by informing the Complainant of his right to refer the complaint to IMPRESS.

7. The Committee's Findings

- 7.1. The Code requires that publishers ensure that the facts underpinning published articles are not misrepresented or distorted, whether in contributed columns or in material authored by the publisher's own journalists. It is irrelevant therefore that the matter complained of was contained in a contributed column.
- 7.2. The overall purpose of the column was to draw attention to the financial impact of Covid-19 on HIF. The author's mention of the small extent of its receipt of public funding was relevant to her argument that the situation was serious. Her statement that HIF received little public funding was accurate. However, the Committee considered that the author's attempt to demonstrate, by reference to a percentage, how little public funding it received, risked an inaccuracy since it was arguable that the figure, if mentioned at all, should have been a different one. Without qualification or clarification, the 1% figure was inaccurate.
- 7.3. The IMPRESS Code Guidance points out that publishers are required to correct 'significant inaccuracies'. The guidance explains that the significance of an inaccuracy can be judged by its consequences for a person's reputation as well as its impact on the story as a whole. Where someone's reputation is not at stake, significance is determined by examining the extent of misrepresentation or distortion of factual information and its impact upon the story. Publishers should consider whether an inaccuracy goes to the heart of the story, or only concerns a minor or peripheral matter, for example, a detail about a minor

player in a news article. In all cases, however, they will need to think of the harm the error or inaccuracy might cause.

- 7.4. The Committee considered that the figure used was insignificant in the context of the thrust of the article as a whole; it did not go to the heart of the story and was a peripheral issue and caused no harm. It was used to emphasise that HIF receives very little public funding to keep it afloat and that the public money HIF does receive is a very small proportion of its annual funding. The facts had not been misrepresented or distorted and there had been no significant inaccuracy requiring the publisher to publish a correction. Therefore, there had been no breach of Clause 1 of the IMPRESS Code.