

**COMPLAINT ADJUDICATION**

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**GRAHAM HINDSON**

**and**

**THE CANARY**

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**Clause 1. Accuracy**

**1.2 Publishers must correct any significant inaccuracy with due prominence, which should normally be equal prominence.**

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

**Complaint upheld in part**

**Breach of Clause 1.4**

**Before IMPRESS Regulatory Committee A**

**Walter Merricks (Chair), Iain Christie, Emma Jones, Andrea Wills**

**05 March 2018**

## 1. Summary of Complaint

1.1. The Complainant is Graham Hindson, 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 Publisher is The Canary, a news website covering current affairs, that has been regulated by IMPRESS since 21 August 2017.

1.3. The complaint concerns the accuracy of an article that first appeared on The Canary on 19 December 2017 with the headline "*A fracking company has been caught using false information to 'sway' a council vote in its favour*".

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.*

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

## 2. Background

2.1 The article concerned fracking works, being carried out by Cuadrilla, near the village of Little Plumpton near Preston in Lancashire. The article reported on a Lancashire County Council meeting on 13 December 2017 at which a vote was passed allowing Cuadrilla to make 24 hour deliveries to the fracking site, and stated that Cuadrilla had argued that overnight deliveries were needed because the site had been targeted by anti-fracking protestors. The article went on to report that in support of its application Cuadrilla had relied on

evidence given by a retired ambulance driver, Graham Curry, which had not been officially sanctioned by his employer, the North West Ambulance Service.

- 2.2 Under a sub-heading “A dubious vote” the article set out the information provided by Mr Curry which was contained in an e-mail dated 2 August 2017, at which time he was the sector manager of North West Ambulance Service for South Lancashire and Fylde. His e-mail stated that during July 2017 there had been a number of 999 calls to attend anti-fracking protestors which turned out to be false alarms and that there had also been a number of occasions where ambulances responding to emergency calls were unable to get to their destination using the fastest possible route due to incidents outside the fracking site. The article quoted another source as stating that the Council had relied on the latter in coming to its decision to permit 24 hour deliveries.
- 2.3 The article went on to quote from a Freedom of Information request made by a campaign group Frack Free Lancashire to the Ambulance Service which stated that they could not provide statistics in relation to ambulance delays whilst en route as their systems did not record such details and that any information provided by Mr Curry had not been a formal submission on behalf of the Ambulance Service. The Council responded by saying that Mr Curry had provided the information at the request of the Police and Crime Commissioner’s office and that, having checked with Mr Curry, they were entirely satisfied that the information he provided was accurate and relevant to the Council’s discussion.
- 2.4 The article concluded by quoting the campaigner who had made the FOI request who expressed astonishment that unauthorised information had been allowed to potentially sway the council vote. The Canary commented that the

episode demonstrated that when it comes to fracking and big business, “companies can plough through democracy at will.”

### 3. The Complaint

- 3.1. The Complainant e-mailed the Publisher to complain about the accuracy of the headline of the article on the grounds that he did not consider that it accurately represented the contents of the article; and amounted to a significant inaccuracy which required correction.
- 3.2. The Publisher rejected the complaint and advised the complainant of his right to escalate his complaint to IMPRESS.
- 3.3. The Complainant subsequently made a complaint to IMPRESS and the substance of his complaint was confirmed as follows:

*“[The Complainant] complains to IMPRESS that the headline of the article was misleading:*

*“Whilst the headline speaks of “false” information there appears to be no suggestion within the body of the article of false information, merely unauthorised information. I feel that this is significant as the provider of the information would appear to be accused of falsehood in the headline, but not in the article, and that a prominent stand alone correction would be a suitable remedy.”*

*The complainant contends that the inaccuracy of the headline, and the publisher’s refusal to correct it after he complained, resulted in breaches of the IMPRESS Standards Code:*

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

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

#### **4. Response of Publication**

4.1. IMPRESS invited The Canary to respond to the complaint. The Publisher responded as follows:

*“The Executive Team of The Canary has now discussed our Complaints Editor's initial rejection of the request for a correction. They have concluded that the decision to reject the correction request was wrong and on 31st January 2018 we made the correction to the headline as requested. The article contains a prominent note at the head of the article with details of the correction and the correction was also published on Facebook and Twitter with the corrected article where it will be pinned to the top of the respective pages for 24 hours.*

*In light of this decision, we have also amended our internal process to ensure any rejection of a correction by the Complaints Editor is approved by both our Editor-in-Chief and Director of Communications.*

*The correction reads:*

*‘Correction: The headline of this article was corrected on 31st January 2018. It initially referred to ‘false information’ this has now been changed to ‘unauthorised information’ as detailed in the article below.’”*

## **5. Compliance with the IMPRESS Regulatory Scheme**

5.1. The Canary has 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 informing the complainant of their right to refer the complaint to IMPRESS.

## **6. The Committee's Conclusions**

6.1. After initially rejecting the complaint, the Publisher subsequently accepted that its decision had been wrong. It changed the words "false information" in the headline to "unauthorised information" and published a correction prior to the conclusion of this investigation (full details of the correction can be found in Section 4 above). The Committee concluded that the original headline had been inaccurate because it wrongly stated that the information used by the fracking company had been false, whereas the body of the article went on to explain that the information was unauthorised because it had not been formally submitted by the Ambulance Service. It had, however, been provided by the then sector manager of the relevant area of the Ambulance Service at the request of the Police and Crime Commissioner. By incorrectly stating that the fracking company had "been caught using false information to "sway" a council vote" the publisher had misrepresented and distorted the facts. This was in breach of clause 1.4 of the Standards Code.

6.2. The Committee further found that the description of the information as false amounted to a significant inaccuracy requiring a correction. Alleging that a named individual had submitted false information to a local authority in response to a request from the Police and Crime Commissioner could have serious consequences for that individual's reputation. However, the

Committee considered that the action taken by the publisher in correcting the headline from “false” to “unauthorised” and the publication of a correction and dissemination of that correction via social media was sufficient to satisfy the requirements of clause 1.2.

6.3. The Committee noted that the correction was not made until the publisher had been notified of the complaint to IMPRESS, some six weeks after publication of the article, the publisher having originally rejected the complaint from the complainant. The guidance to clause 1.2 indicates that, as well as being published with due prominence, a correction must also be published promptly because the longer a false impression is allowed to linger, the more firmly it may become embedded in the public consciousness – and the more likely it is to be picked up and amplified by other media, including social media. Whilst the Committee would encourage all publishers to have in place satisfactory processes to ensure that corrections are made at the earliest opportunity, the Committee did not feel in the specific circumstances of this case that this time period had been exceeded. It therefore found no breach of clause 1.2 of the Standards Code. The Committee welcome The Canary’s willingness to accept responsibility for its error and its subsequent assurance that its complaint handling processes have been amended to reduce the risk of a complaint being wrongly rejected again.

6.4. In view of the voluntary steps taken by the Publisher to correct the article and publicise the correction via social media, the Committee concluded that no further action was necessary to remedy the breach of clause 1.4.