

COMPLAINT ADJUDICATION

GRAHAM HINDSON

and

THE SKWAWKBOX

Clause 1. Accuracy

1.1 Publishers must take all reasonable steps to ensure accuracy.

1.3 Publishers must always distinguish clearly between statements of fact, conjecture and opinion.

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

Complaint dismissed

No breach of Clause 1 Accuracy (1.1), (1.3) and (1.4)

Before IMPRESS Regulatory Committee A

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

01 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 SKWAWKBOX, a news website covering current affairs, that has been regulated by IMPRESS since 1 October 2017.
- 1.3. The complaint concerns the accuracy of an article that first appeared on The SKWAWKBOX on 12 October 2017 with the headline "*Tory #CutsKill 120,000 people*".
- 1.4. The complaint is assessed against the IMPRESS Standards Code. The relevant clauses are:

Clause 1 (Accuracy):

1.1 Publishers must take all reasonable steps to ensure accuracy.

1.3 Publishers must always distinguish clearly between statements of fact, conjecture and opinion.

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

2. Background

- 2.1 The subject of the article was a blog post in the peer-reviewed online medical journal BMJ Open titled "*Health and social care spending cuts linked to 120,000 excess deaths in England*", which in turn discussed a study called "*Effects of health and social care spending constraints on mortality in*

England: a time trend analysis". The article was accompanied by an image which depicted the Prime Minister, Theresa May, as the Grim Reaper.

3. The Complaint

3.1. The Complainant e-mailed the Publisher to complain about the accuracy of the article on the basis that it misrepresented the conclusions of the scientific study by inferring that a direct cause and effect relationship had been found between spending cuts and excess deaths, when the study itself had said no firm conclusions could be drawn. The SKWAWKBOX responded to the Complainant rejecting the complaint on the grounds that it considered that the article was justified on the basis of the content of the BMJ Open blog post.

3.2. The Publisher went on to quote excerpts from the blog post (emphasis added by The SKWAWKBOX) which it described as "*statements the BMJ felt justified in making on the basis of the study*":

"The critical factor in these figures may be changes in nurse numbers, say the researchers, who warn that there could be an additional toll of up to 100 deaths every day from now on in."

"They estimate that an annual cash injection of £6.3 billion would be needed to close this 'mortality gap.'"

"The spending restraints were associated with 45,368 excess deaths between 2010 and 2014 compared with equivalent trends before 2010."

"And every £10 drop in spend per head on social care was associated with five extra care home deaths per 100,000 of the population, the analysis showed."

"The funds needed to close this 'mortality gap' would be £6.3 billion every year, or a total of £25.3 billion, they calculate."

3.3. The Publisher continued:

"It's true that the article says that no firm conclusion can be drawn on the basis of the one study, but it also mentions other studies that reinforce the findings. Moreover:

- the use of the phrase 'mortality gap' and the assertion that this 'gap' can be 'closed' by extra funding directly links the lack of such funding to the additional deaths;*
- the description of falls in nurse numbers as a 'critical factor' in the deaths is an attribution of probable cause by the BMJ, as is the use of the phrase 'additional toll' of deaths linked to funding changes;*
- the statement that 'every drop in funding' is associated with additional deaths also strongly implies a causal link.*

The BMJ's conclusions may not be 'firm', based on their disclaimer at the end of the article, but they do make them.

If you do not believe that the study data justify the BMJ's conclusions on which our article was based, that it a matter to take up with the BMJ. Based on the BMJ's own wording, however, the article is justified as written."

3.4. The Complainant subsequently made a complaint to IMPRESS and, after seeking clarification of the basis for the complaint, IMPRESS confirmed the substance of Mr Hindson's complaint with him, as follows:

"[The Complainant] complains to IMPRESS that the article misrepresented the content of the BMJ Open blog post and the findings of the study:

"...the thrust of my complaint is that whilst the science is peppered with caveats such as "may", "estimate", "could be" and "association", the Skwawkbox makes a firm causal link in the extracts from the article which I quoted in my complaint."

The Complainant noted that the BMJ Open blog had stated that the study was an observational one, so no firm conclusions could be drawn about cause and effect. On that basis, he particularly objected to the following passages of the article:

"If those people – people who could have been alive today and are not, because of Tory decisions..."

"A Tory Councillor on BBC's Question Time last week said that claims that Tory policies kill people were 'inflammatory rubbish'. But now we have firm evidence that those claims have barely scratched the surface."

"The death toll is huge"

"They must not be allowed to discredit, minimize or defuse the horrific truth of the consequences of their decisions."

"As Labour leader Jeremy Corbyn has frequently said, austerity is a political choice. A choice that kills people."

The complainant contends that the inaccuracy of the article resulted in breaches of the following clauses of the IMPRESS Standards Code:

1.1 Publishers must take all reasonable steps to ensure accuracy.

1.3 Publishers must always distinguish clearly between statements of fact, conjecture and opinion.

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

3.3 IMPRESS provided the Complainant with a full copy of The SKWAWKBOX's response (summarised in Section 4 below) and gave him the opportunity to provide a final reply to that response.

3.4 The Complainant said that the excerpts from the BMJ Open article that the Publisher had quoted to support the article included conditional words such as “may”, “could be” and “associated with” whereas The SKWAWKBOX article contained only expressions of certainty, for example the headline “Tory #Cutskill 120,000 people” and the passages in the article that read “people who could have been alive today and are not” and “a choice that kills people”. He stated that the exception to this was the first paragraph of the article, which had referred to there being a “link” between health and social care spending and excess deaths, which he considered was more appropriate language.

3.5 The Complainant reiterated that the authors of the study had stated that it was an observational study and that no firm conclusions could be drawn about cause and effect. He did not consider that it was appropriate for The SKWAWKBOX to rely on the other studies mentioned in passing by the authors of the study when they stated that their study ‘backed up’ other

research in the field, because the article did not refer to any other studies.

The Complainant also disagreed with the remainder of the Publisher's response to the complaint and a full copy of his comments was considered by the Regulatory Committee in determining the complaint.

4. Response of Publication

4.1. IMPRESS invited The SKWAWKBOX to respond to the complaint. The Publisher's response is summarised below.

4.2. The Publisher first referred IMPRESS to its original response to the Complainant (summarised in Section 3 above).

4.3. The Publisher accepted that the BMJ Open blog had stated that no firm conclusions could be drawn on the basis of one study, but stated that the blog post had also referred to other studies supporting similar conclusions. The Publisher stated that both the study and the BMJ Open blog had drawn conclusions based on the results of the study, and that this was what its own article had been based on.

4.4. The Publisher pointed out that the title of the study was "**Effects** of health and social care spending constraints on mortality in England: a time trend analysis" (emphasis added by The SKWAWKBOX).

4.5. The Publisher went on to quote excerpts from the BMJ Open blog which it considered supported the statements that Mr Hindson objected to in The SKWAWKBOX article (emphasis added by The SKWAWKBOX):

"...every £10 drop in spend per head on social care was associated with five extra care home deaths per 100,000 of the population."

“The critical factor in these figures may be changes in nurse numbers, say the researchers, who warn that there could be an **additional toll** of up to 100 deaths every day from now on in.”

“The **funds needed to close this ‘mortality gap’** would be £6.3 billion every year.”

- 4.6. The Publisher considered that the excerpts above all attributed the extra deaths to spending cuts, and therefore it was valid for The SKWAWKBOX article to reference the consequences of Tory decisions.
- 4.7. The Publisher accepted that the BMJ Open blog had added a disclaimer to its conclusions, but said that it had nonetheless still drawn those conclusions, and so The SKWAWKBOX article had been fairly based on the blog post.
- 4.8. In response to the Complainant’s comments on its response, The SKWAWKBOX reiterated that it felt the article was justified based on the findings of the study and the BMJ Open blog post that discussed it. A full copy of the Publisher’s further comments was considered by the Regulatory Committee in determining the outcome of the complaint.

5. Compliance with the IMPRESS Regulatory Scheme

- 5.1. The SKWAWKBOX 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. The first four lines of the article accurately summarise the findings of the report published by the British Medical Journal by saying: “*A report by the British Medical Journal published just minutes ago links almost **120,000** “excess” deaths – in **England alone and across a period of just seven years** – to Tory cuts in health and social care spending.*” A simple sub-headline: **120,000**, follows this opening factual statement before the Publisher then gives its perspective on some of the implications of the findings as well as speculation about what the Government might do with the information.
- 6.2. It is clear from the context and language used that the Publisher is presenting a partisan view, consistent with its political stance, and this was further signalled by the prominent use of an image depicting the Prime Minister, Theresa May, as the Grim Reaper. As this view was based on the headline finding of a peer-reviewed article published in a recognised online journal there was a factual basis for its opinion. The Committee therefore found there has been no breach of Clause 1.3 of the IMPRESS Standards Code.
- 6.3. The guidance on Clause 1.4 notes that publishers are free to present their own opinions on the issues of the day and are not required to engage in balanced or impartial reporting. However, it also makes clear that members should not use a distorted, false or misleading representation of the facts to further their own worldview. Whilst others may disagree with the Publisher's left-wing stance and the contentious statements it makes about the Government's austerity policy and the link to 'excess' deaths in England, the Code does not prevent such expressions of strong opinion. The Committee found there has been no breach of Clause 1.4.

- 6.4. Expressions of opinion are not statements that can be either verifiably accurate or not but guidance on Clause 1.1 of the Code makes clear that a story may mislead through the omission of a crucial fact, or facts. In this case the article does not reference the ‘disclaimer’ made by the researchers about their study, which says: *“A limitation was that our study was observational and retrospective, thereby our findings likely capture association rather than causation”*. The first sentence of the SKWAWKBOX article uses the word “links” which captures the idea that the report did not express direct causation. Furthermore, this one sentence disclaimer neither appears in the report’s Abstract, nor is it prominently positioned within the report itself. The BMJ Open blog article about the report includes a disclaimer which says: *“This is an observational study, so no firm conclusions can be drawn about cause and effect, but the findings back up other research in the file, say the researchers.”* This is positioned in the bottom quarter of the article.
- 6.5. The Committee agreed the SKWAWKBOX article was a subjective comment on a recently published report, which focuses on the report’s top-line finding that the squeeze on public finances since 2010 is linked to 120,000 excess deaths in England. Readers of the article can easily click on the link provided in the text and access both the BMJ Open Blog and original research study and draw their own conclusions about the full findings.
- 6.6. The Committee therefore found that in the circumstances of this case the Publisher was not required to include a reference to the ‘disclaimer’ about the limitations of the study. Consequently, there has been no breach of Clause 1.1.
- 6.7. It follows that the complaint is dismissed and no further action is required.