

COMPLAINT ADJUDICATION

GRAHAM HINDSON

and

THE SKWAWKBOX

Clause 1. Accuracy

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

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

Complaint dismissed

No breach of Clause 1 Accuracy (1.2) and (1.3)

Before IMPRESS Regulatory Committee A

Walter Merricks (Chair), David Leigh, Martin Hickman

9 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 5 January 2018 with the headline "*Labour activist under further malicious attacks*".
- 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.

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

2. Background

- 2.1 The article began by referencing an earlier article from May 2017, which had reported a "malicious, false report" that had been made about the Labour campaigner Rachael Swindon, which had resulted in the suspension of her benefits. The article continued by stating:

Case Ref: 0111/2018

“Things started to look up when social housing was made available to the family, who moved in about eight weeks ago. But now Rachel reports that a further malicious report has been made, this time alleging that her husband has been working while claiming benefits – resulting not only in the suspension of benefits but a demand for repayment of £1,500.”

2.2 Beneath this, the article featured an image of a letter from the Department of Work & Pensions, dated 2 November 2017, with the addressee details redacted. The letter stated:

“You were overpaid because on 24/11/16 your circumstances changed and you didn’t tell the office that paid your benefit straightaway that your wife was working and had received earnings...”

2.3 The article continued with a quote from Rachael Swindon about the allegations made against her husband, and other anonymous complaints that had been made about the family. The article ended by stating *“If these complaints are politically motivated, they demonstrate that the right will sink to any depths in order to try to silence those that threaten the status quo”*.

2.4 After a reader commented on the article to point out that the letter appeared to refer to Rachael working, whilst the text of the article referenced her husband working, the text was amended to refer to an allegation about Rachael and further text was added to state *“A similar allegation about her husband has resulted in the suspension of housing benefit, in spite of which the housing association is demanding payment”*. This correction took place on the day of publication.

3. The Complaint

3.1. The Complainant e-mailed the Publisher to complain about the accuracy of the article, on the grounds that the image of the letter that accompanied the article, did not match its contents; and because the article characterised the report(s) to the DWP as “malicious”. The SKWAWKBOX responded to the Complainant rejecting the complaint on the grounds that it had sufficient evidence to support the allegation that a malicious report had been made to the DWP. Prior to receiving a response to his complaint, the Complainant acknowledged that the article had been amended in an attempt to address the other strand of the complaint, and the Publisher did not provide a response in that regard. The Publisher also advised the Complainant of his right to escalate his complaint to IMPRESS.

3.2. 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 article mixed fact and conjecture by characterising the events reported in the article as “malicious attacks” on Rachael Swindon:

‘I would contend that the writer of the article could not possibly divine the motivation of any putative DWP informant e.g. it could be someone merely concerned about possible misuse of taxpayers’ money regardless of the identity of the alleged wrongdoer.’

With regard to the contradiction between the text of the original article and the accompanying image, the complainant acknowledged that the article had been amended, but did not consider that the correction was made with due prominence:

'...it is not apparent at all from reading the body of the current version that a correction was made (although the comments section below the article does mention the correction).'

The complainant contends that the inaccuracy of the original article, and the subsequent actions taken by The SKWAWKBOX to amend the article, resulted in breaches of the following clauses 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 1.3 'Publishers must always distinguish clearly between statements of fact, conjecture and opinion.'"

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 reiterated that he did not consider that the Publisher could possibly know what had led to the DWP's investigation, and that this may have been at the DWP's own initiative or due to information from another non-malicious source. He did not consider that the fact threats may have been made to The SKWAWKBOX was adequate evidence that the DWP's action was related to those threats. He further reiterated that he did not consider the correction regarding the mismatched image and text had been given equal prominence, which he thought was necessary because the error was not minor.

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 said it received numerous malicious messages, some of which had been directed towards Rachael Swindon, including specific threats to report her to the DWP, which had been received around the relevant time.

4.3. The Publisher said that the malicious blog comments had been marked as such and tagged as 'spam' to prevent future messages from the same senders appearing on the site. The Publisher explained that Wordpress functioned in such a way that 'spam' messages were deleted after a set period and, as such, the messages in question were no longer accessible.

4.4. The Publisher considered that it had made a perfectly reasonable deduction that the malicious messages it had received saying Rachael was about to be reported, shortly being followed by such a report being made, meant that the report was malicious.

4.5. With regard to the correction that had been made to the article in respect of the image and the text not matching, the Publisher said that an image had been uploaded in error that did not match the text, but this was corrected within a very short period and, in any event, it did not consider that the initial error had materially changed the import of the article.

4.6. In response to the Complainant's final comments, The SKWAWKBOX said it could not "divulge the source or nature of confidential information" in regard to the information the DWP received and acted on. The publisher reiterated

that the error was corrected in a short time and did not materially affect the meaning or significance of the article. The publisher responded further:

“Only he noticed the mismatch. The correction has been in place – and acknowledged on the same page – for three months. It has been given far greater prominence and duration than the initial error.

One further point. The Cambridge English Dictionary defines ‘malicious’ as:

“intended to harm or upset other people”

*Since **any** complaint to the DWP from any source about the subject of the article would cause harm and/or upset to the subject and would be understood in advance to do so, the use of the descriptor ‘malicious’ is justified by the simple meaning of the word”.*

5. Compliance with the IMPRESS Regulatory Scheme

5.1. The SKWAWKBOX did not comply with the requirements of the IMPRESS Regulatory Scheme (Paragraph 3.2), by acknowledging the complaint within seven calendar days and issuing a final decision letter within 21 calendar days. The SKWAWKBOX advised IMPRESS that it did not receive the Complainant’s initial complaint which explains why no acknowledgement was sent. A full response to the complaint was sent to the Complainant without further delay, however, on the 22nd day after the Complainant contacted the Publisher to advise that he had not received any response. The SKWAWKBOX advised the Complainant of his right to escalate the complaint to IMPRESS at this time.

6. The Committee's Conclusion

6.1. The incorrect combination of image and text used in the article amounted to an inaccuracy. The image of the letter that appeared to refer to Rachael working did not match the text of the article which referenced her husband working. However, the Committee considered this inaccuracy to be an inadvertent error and not a deliberate misrepresentation or distortion of factual information. Moreover, the error caused no harm or damage to the reputation of either Rachel or her husband. Therefore, although this was considered to be inaccurate it was not a significant inaccuracy that required correction under Clause 1.2.

6.2. The guidance on Clause 1.2 notes that prompt correction may be as important as due prominence. The guidance also notes that the longer a false impression is allowed to linger, the more firmly it may become embedded in the public consciousness. The Committee found the Publisher promptly corrected the article on the same day of publication. The text was amended to refer to an allegation about Rachael and further text was added to state "A similar allegation about her husband has resulted in the suspension of housing benefit, in spite of which the housing association is demanding payment". The Committee found the prompt correction was appropriate and no further action was needed. Therefore, there has been no breach of Clause 1.2 of the IMPRESS Standards Code.

6.3. The Publisher characterised the report(s) to the DWP as "*malicious*" in the headline and text of the article. The guidance on Clause 1.3 of the Code states that a reader must be able to tell from the tone, context and language whether information represents the journalist's or someone else's judgement, or whether it is presented as information that is true regardless of anyone else's opinion about it. Overall, the standard by which the distinction is judged

should be based upon the reaction of the hypothetical ordinary, reasonable reader who has general knowledge and experience of the world. The Committee considered it to be clear from the tone, context and language used that the article was a strongly worded political piece in which the Publisher is presenting its opinion that complaints made against a Labour activist were malicious. The guidance notes that unlike factual accounts which must have a basis in evidence, opinions are not subject to proof. The Committee therefore found there has been no breach of Clause 1.3.

6.4. It follows that the complaint is dismissed, and no further action is required.