

COMPLAINT ADJUDICATION

Ms Moira McLaughlin
and
The SKWAWKBOX

Clause 1. Accuracy

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

Clause 5. Harassment

5.2. Except where justified by the public interest, publishers must ensure that journalists:

- a) Do not engage in deception;
- b) Always identify themselves as journalists and provide the name of their publication when making contact: and
- c) Comply immediately with any reasonable request to desist from contacting, following or photographing a person.

Complaint upheld in part

Breach of Clause 1.4, No breach of Clause 5.2

Before IMPRESS Regulatory Committee A

Iain Christie (Chair), Deborah Arnott, Emma Jones, David Leigh, David Robinson

21 December 2018

1. Summary of Complaint

- 1.1. The Complainant is Ms Moira McLaughlin, an individual directly affected by the alleged breach of the Code.
- 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 an article that first appeared in the SKWAWKBOX on 6 September 2018 with the headline “EXCL: TIMES’ STAR WITNESS FOR WIRRAL ‘MILITANT’ BULLYING STORY – WASN’T PRESENT”.
- 1.4. The complaint is assessed against the IMPRESS Standards Code. The relevant clauses are:

Clause 1 (Accuracy)

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

Clause 5 (Harassment)

5.2. Except where justified by the public interest, publishers must ensure that journalists:

- a) Do not engage in deception;*
- b) Always identify themselves as journalists and provide the name of their publication when making contact; and*
- c) Comply immediately with any reasonable request to desist from contacting, following or photographing a person.*

2. Background

- 2.1. The SKWAWKBOX’s article concerned a Sunday Times article titled, “*Ghost of Militant barges through Birkenhead*”, published on 2 September 2018; the Sunday Times article was about the alleged bullying of two female campaigners who were said to have been ‘reduced to tears’ due to the behaviour of a Merseyside male councillor.
- 2.2. The SKWAWKBOX article had criticised the Sunday Times article and said that “there are problems with the article and the evidence it uses – in particular that **Ms McLaughlin was not present when the events she described took**

place...’ and that the Sunday Times Article had built **‘its claim around Ms McLaughlin’s description of events-** in particular her claims about the behaviour of a male councillor’.

- 2.3. To support the assertion that Ms McLaughlin’s account of the incident was unreliable, and therefore that the Sunday Times article was problematic, the Publisher included a screen-shot of a Facebook exchange between the Complainant and one of the women allegedly “reduced to tears”, interspersed with the Publisher’s own comment, as follows:

Poster [name redacted]: So need to find the strength to keep on fighting for what I believe in.

‘Moira McLaughlin: I suppose the first step is to make sure what you are fighting for is what you do believe in. You won’t find it difficult then.’

Skwawkbox comment: ‘When the original poster engaged, Ms McLaughlin **had no idea what was supposed to have happened.**’

‘Moira McLaughlin: Oh I am sorry [redacted] I didn’t realise there had been an unpleasant incident.’

- 2.4. The article continues:

‘The SKWAWKBOX spoke to **Moira McLaughlin**, who claimed that the Facebook exchange was about a different event of which she was ignorant at the time, before saying that she does not want to receive any further contact under any circumstances.

But the SKWAWKBOX also spoke to the original poster, who confirmed categorically that the post **had** been about the incident involving the male councillor alleged to have reduced her to tears, who has vigorously denied the accusation.”

- 2.5. The article concluded by saying, “The author of the Sunday Times piece has been contacted for comment about the fact that Ms McLaughlin was not present and invited to comment.”

- 2.6. The Complainant initially contacted the Publisher with her complaint. The Publisher sought to clarify with the Complainant whether the complaint was made in relation to the SKWAWKBOX article, or in relation to the Publisher’s personal capacity as the Chair of the Garston and Halewood Constituency

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Labour Party (CLP); the Publisher's constituency is adjacent to the constituency in which the alleged incidents reported on in the Sunday Times article occurred. The Complainant did not respond to the Publisher's request for clarification and, instead, complained to IMPRESS. After explaining the requirements of the SKWAWKBOX's complaints policy, IMPRESS forwarded the complaint to the SKWAWKBOX on the Complainant's behalf, requesting that the Publisher contact the Complainant directly.

3. The Complaint

- 3.1. The Complainant emailed the Publisher to complain about the accuracy of the article, saying that it had misquoted her. The Complainant believes the article gave readers a false impression that she was commenting on the incident reported on in the Sunday Times as if she were an eye-witness, despite the fact her remarks on the Facebook post made it clear that she was not aware of the alleged incident at the time.
- 3.2. The Complainant said she asked the Publisher not to quote her or contact her again but was contacted by the Publisher again within a few minutes of the first call. She said she felt pressured to provide information and intimidated when it was subsequently revealed to her that the phone conversations had been recorded. She further complained that the Publisher had failed to comply with her explicit request to desist from contacting her. The Complainant also requested for the article to be removed.
- 3.3. The Publisher issued a Final Decision to the Complainant, rejecting the complaint. The Complainant subsequently made a complaint to IMPRESS and, after seeking clarification of the basis for the complaint, IMPRESS confirmed the substance of Ms McLaughlin's complaint with her, as follows:

The Complainant is the affected party seeking accuracy and complaining of harassment.

The grounds of complaint are:

- 1. The article misrepresented or distorted their comment/s because the article gives the impression that the Complainant claimed to have witnessed the event in Prenton*
- 2. The article misrepresented or distorted the Facebook comment made which was a general sympathetic remark rather than a response to a specific event or incident;*

3. *The Publisher had not complied with their explicit request to desist from contacting them.*

Relevant statements

A. *The complainant, who believes the article is inaccurate, considers the following statement misrepresented or distorted the facts:*

“The article referenced Field, who recently resigned the Labour [sic] named a male councillor and then made allegations of abusive behaviour, building its claims around Ms McLaughlin’s description of events – in particular her claims about the behaviour of a male councillor.”

B. *The complainant, who believed the article is inaccurate, considers the following statement misrepresented or distorted the facts:*

“But there are problems with the article and the evidence it uses – in particular that Ms McLaughlin was not present when the events she describes took place.”

C. *The complainant, who believed the article is inaccurate, considers the following statement misrepresented or distorted the facts:*

“When the original poster engaged, Ms McLaughlin had no idea what was supposed to have happened”

D. *The complainant, who believed the article is inaccurate, considers the following statement misrepresented or distorted the facts:*

“The SKWAWKBOX spoke to Moira McLaughlin, who claimed that the Facebook exchange was about a different event of which she was ignorant at the time, before saying that she does not want to receive any further contact under any circumstances.

But the SKWAWKBOX also spoke to the original poster, who confirmed categorically that the post had been about the incident involving the male councillor alleged to have reduced her to tears, who has vigorously denied the accusation.”

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

3.5. The Complainant did not wish to provide further additional comments.

4. Response of Publication

- 4.1. IMPRESS invited The SKWAWKBOX to provide additional information in response to the Complaint. The Publisher's response is summarised below.
- 4.2. In their Final Decision letter to the Complainant, the Publisher said the article concerned the false impression created by the Sunday Times' article which misleadingly implied that the Complainant had witnessed the incident herself. They said the article did not claim that the Complainant had seen or was present at the incident reported. The Publisher told her the two calls were made to provide her with the opportunity to comment, and the second, done with apology, was for clarification to ensure she was not misrepresented in the article.
- 4.3. The Publisher reiterated to IMPRESS that the Sunday Times had presented the Complainant's account in such a way that suggested the Complainant was an eyewitness and that they did not suggest, in their own article, that the Complainant said she was an eyewitness.
- 4.4. They said the article was perfectly clear and the description of the comment and its context was based on a conversation between the SKWAWKBOX and the owner of the Facebook page on which the Complainant had commented. Moreover, the comment was significant as it showed the Complainant had no knowledge of the incident that was the subject of the Sunday Times article she had provided comment for. Yet, subsequently, the Complainant had told the Sunday Times about the specifics of the incident and the Sunday Times had presented her comments as if she was speaking from first-hand knowledge.
- 4.5. The Publisher argues that it was entirely fair and accurate to say there were problems with the Sunday Times article, "...and the evidence it uses – in particular that Ms McLaughlin was not present when the events she describes took place."
- 4.6. The Publisher reiterated that they spoke with the owner of the Facebook page and that person had confirmed unequivocally that the conversation in the Facebook post had been about the incident the Complainant had spoken to the Sunday Times about. The Publisher added, had the Complainant not asked for contact to cease, she would have been given the right of reply to the page-owner's assertions. The Publisher reiterated that an extremely short call was made, following the first, to clarify the Complainant's comment.

4.7. The Publisher did not believe they had breached Clause 5.2 and said that the second call was in the public interest, namely, to clarify a point arising from the first call.

4.8. A full copy of the Publisher's response, and further comments were considered by the Regulatory Committee in determining the outcome of the complaint.

5. Compliance with the IMPRESS Regulatory Scheme

5.1. IMPRESS is satisfied that the SKWAWKBOX complied with the requirements of the IMPRESS Regulatory Scheme (Paragraph 3.2) by issuing a final decision letter within 21 calendar days of becoming aware of the complaint.

6. Analysis and Findings

6.1. The Committee noted that the article did not make clear to the reader that the Publisher, as the Chair of another CLP, had a personal interest in the relationship between Labour Party councillors in the area and, therefore, in the reporting on the incident. This undisclosed interest would not have been apparent to readers outside the Merseyside area. As Clause 1.4 of the Code makes clear, publishers are free to be partisan. However, the Committee considered that this undisclosed interest should be taken into consideration when determining whether the Publisher had distorted or misrepresented the facts.

6.2. The Committee accepts that the article does not state that the Complainant claimed to have been present at the alleged incident. However, neither does the article in the Sunday Times. In claiming that the Sunday Times article was flawed because its "star witness" was not in fact there, the Publisher had given the Sunday Times article a strained interpretation which the Publisher then proceeded to rebut by including the Facebook post and commenting on it. The Committee considered that the article's headline and the way the information was presented in the article could have led ordinary readers to believe that the Complainant had claimed to the Sunday Times that she was an eye-witness, when in fact she was merely commenting on the alleged incident after the event. The Committee considered the effect was to suggest the Complainant may have lied or was disingenuous.

6.3. For these reasons, the Committee considered the article, overall, misrepresented and/or distorted the facts and therefore breached Code Clause

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1.4 (misrepresentation or distortion of the facts). Given that overall finding on the article, the Committee did not consider it necessary to conclude on whether the article also misrepresented or distorted the Complainant's position relating to the Facebook comments.

6.4. The Committee noted that the Complainant had felt intimidated upon receiving a further phone call from the Publisher immediately after directly requesting that the Publisher desist from contacting her. Nevertheless, the Committee considers that, on this occasion, the Publisher was pursuing a legitimate journalistic inquiry by calling back the Complainant to clarify a point arising from his previous call to ensure accuracy. The Committee also noted that the Complainant is a person who holds public office and that the Publisher apologised upon making the further phone call. The Committee considered, in this context, that the conduct did not meet the threshold required to breach Code Clause 5.2c (comply immediately with any reasonable request to desist from contacting).

7. Sanctions and Remedies

7.1. The Committee considered a proportionate remedy for the breach would be for The SKWAWKBOX to publish a correction alongside the full adjudication.

7.2. The original article should include alongside its headline the correction for as long as the article continues to be published on THE SKWAWKBOX. The correction should read as follows:

Correction of article published on THE SKWAWKBOX, 6 August 2018:

In an article first published on 6 August 2018 under the headline "EXCL: TIMES' STAR WITNESS FOR WIRRAL 'MILITANT' BULLYING STORY – WASN'T PRESENT", the SKWAWKBOX had implied that the Sunday Times had falsely claimed that Moira McLaughlin was an eyewitness to an incident of alleged bullying of two female campaigners by a male councillor, which may have resulted in some readers believing Ms McLaughlin had herself lied or been disingenuous when speaking to the Sunday Times. In fact, neither the Sunday Times nor Moira McLaughlin had claimed that Moira McLaughlin was an eyewitness to the incident.

In doing so, the article had misrepresented and/or distorted the facts, which led to a breach of Code Clause 1.4 (Accuracy) of the IMPRESS Standards Code. [Click here to read the full adjudication by IMPRESS.](#)