

COMPLAINT ADJUDICATION

GRAHAM HINDSON
and
THE SKWAWKBOX

Clause 1. Accuracy

1.1 Publishers must take all reasonable steps to ensure 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 upheld in part

Breach of Clause 1.2

Before IMPRESS Regulatory Committee A

Walter Merricks (Chair), David Leigh, Martin Hickman, Emma Jones, Iain Christie

8 May 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 4 December 2017 with the headline “*NHS thirty-six THOUSAND nurses – over 11% - short but real picture far worse*”.
- 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.*
- 1.2 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.*

2. Background

- 2.1 The article began by referencing an article in the Health Service Journal that had reported the NHS was operating with thirty-six thousand vacant nursing posts.
- 2.2 The article went on to compare the NHS employment figures for nurses and health visitors between 2014 and 2017. The source for the 2017 employment

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figures was the NHS Confederation - NHS statistics, fact and figures, published on 4/07/2017:

*“According to the NHS Confederation’s latest figures, the NHS employs just under 286,000 nurses and health visitors – this means that the NHS is missing an astonishing **eleven percent** of its proper complement of nursing staff and quite possibly more, since the vacant nursing post may not include health visitors.”*

2.3 The article continued by stating:

*“...even if the NHS was operating at its notional **full** nursing complement, that full complement of **322,000** has **massively reduced** under Tory government.*

*In **2014**, according to NHS Employers, NHS England – which was already operating short of more than **15,000** – employed over 377,000 nurses.*

*That’s **91,000** more than now – in spite of increased population and demand.*

91,000

*Even if the NHS was operating at ‘full’ nurse numbers now, that number would be **55,000** lower than just three years ago.”*

2.4 The employment figures for 2014 were taken from a summary, on the website of NHS Employers, (an organisation which is part of the NHS Confederation) of the same dataset.

3. The Complaint

3.1. The Complainant emailed the Publisher an observation about the accuracy of the employment figures used by the Publisher:

“The statistics can be almost impenetrable, but I think that you may have compared nurse numbers in 2014 with 2017 incorrectly.

It appears that you have used the full time equivalent number from 2017... but the headcount number from 2014.

As the head count in 2014 exceeds the FTE number by about 15% this is a material error if I am reading the statistics correctly.”

3.2. The Complainant emailed the Publisher to complain formally about the accuracy of the article on the basis that it misrepresented the employment figures by failing to compare equivalent figures for both years after researching the figures himself, referencing NHS Digital statistics. The figures for 2017 employment were clearly stated as ‘Full-time equivalent’ posts, however, 2014 figures were not, which led the Complainant to argue that the 2014 figure referred to the headcount number of nurses, not to the number of posts. The SKWAWKBOX responded to the Complainant by rejecting the complaint on the grounds that the figures were those published by the NHS. However, the Publisher offered to add a note to “explain the uncertainty and to modify the title to reflect it”. This offer was rejected by the complainant.

3.3. The Publisher stated:

“...we would also note that you yourself described the stats as ‘impenetrable’ and you had to spend significant time searching for, and through, spreadsheets

to come up with your conclusions at variance with what NHS Confederation and its subsidiary organisation NHS Employers themselves published.”

“That noted, the article’s conclusion was based on figures officially published by the NHS, in equivalent pages for two different years, for the number of nurses it employs/employed. It would be unusual for the same organisation to switch between years from one means of calculating the number to another, without mention of the change or any justification for it.

3.4. The Publisher concludes:

“The calculation was therefore made in good faith based on official numbers. In the absence of any clarification from the NHS, which we are still purposing, about whether the numbers it has issued are indeed calculated differently, it has not been properly established that the article is not factual, as your conclusions from your reading of the spreadsheets may not be correct.”

3.5. 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 with him, as follows:

“[The Complainant] complains to IMPRESS that the article did not “compare like for like numbers”, because it has used “the full time equivalent number from 2017... and not the equivalent number from 2014, but what may have been the headcount from that year”. The complainant contests 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.

1.4 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 did not disagree the figures were published “*in good faith*”, however he did not consider this to be “*an exception to the correction requirement where incorrect information is published*”.
- 3.5 The Complainant said that though the NHS statistics were initially ‘almost impenetrable’ further research of different sources confirmed that full-time equivalent figures were not “*anywhere near*” the ‘377,000’ figure used in the article. The Complainant referenced the NHS Digital figures and a Kings Fund graphic published in May 2017 that showed FTE employment for Nurses and Health visitors to be below 300,000. He stated the figures he had presented, unlike the Publisher, were “*clearly labelled as FTE numbers*”.
- 3.6 The Complainant provided a link to a Full Fact article, dated 3 July 2017, titled “What’s happening to nursing numbers” in support of their position.
- 3.7 The Complainant also raised a further issue, stating that he considered the inaccurate figures used “predicted a 15-25% drop in the number of nurses between 2014-2017” were higher than quoted in other articles and contrary to the King’s Fund graphic which showed year on year increases in nurse numbers between those years. The accuracy of the King’s Fund figures is not disputed by the Publisher. A full copy of the Complainant’s 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 reiterated the figures were published by the same NHS group and that there was no reason to assume the same organisation would publish its numbers in different ways. Therefore, "a simple subtraction of one figure from the other was used in good faith to derive the figure used in the article."

4.4. The Publisher pointed out the complexity of the statistics resulted in two consequences:

"One, that finding the specific stats set that he had decided unilaterally should apply – and then working out 'impenetrable' figures is not a 'reasonable' step; two, that his particular interpretation of the statistics cannot be assumed to be correct in the absence of any confirmation from the NHS."

4.5. The Publisher repeated his offer to modify the text and title of the article to reflect the uncertainty of the figures.

4.6. In response to the Complainant's comments on its response, The SKWAWKBOX reiterated it felt that its use of the figures was justified. The Publisher stated that the complaint would be better directed to the NHS about the figures it published.

4.7. The Publisher added, "It is well known that 10% of NHS nurses are leaving the NHS per year. A 15-25% drop in a 4-year period therefore understates the

figures if anything...nurse and midwife recruitment have also fallen sharply since the government abolished bursaries. The figures under discussion from the article are, if anything, modest.”

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). The Publisher responded promptly to the Complainant’s request to review the figures and the parties corresponded between 4 December 2017 to 17 January 2018 in an attempt to resolve the complaint. When the Complainant rejected the Publisher’s offer to amend the article, the complainant was informed of their right to refer the complaint to IMPRESS.

6. The Committee’s Conclusion

6.1. The Committee understood the 2017 NHS nurse employment figures, relied on by the Publisher in the article, had been identified as ‘full-time equivalent’ and could be found in the main official NHS work force dataset which contained this data in monthly format from 2009. The Committee also understood the Publisher had compared this 2017 figure to a 2014 NHS nurse employment figure that was not identified as full-time equivalent and came from a summary prepared in 2014 by NHS employers referring to the same NHS work force dataset. The Committee understood from the raw data, published by NHS Digital, that when a comparison was made between the full time equivalent figures for 2014 and 2017, the number of nurses employed by the NHS had, if anything, slightly increased and had certainly not decreased by as many as 91,000, as reported. It appeared to the Committee that the Publisher had not

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examined the underlying raw data spreadsheet (linked to in the NHS employers' 2014 summary) which showed the 2017 figure and the equivalent figure for nurse employment in 2014 on the same row. The publication of the incorrect figure for 2014 and consequent interpretation of the NHS employment figures for nurses in the story amounted to an inaccuracy.

6.2. Clause 1.1 of the Code makes clear that publishers must, prior to publication, take such steps as are reasonable in the circumstances to verify the truth of the information presented. The guidance also makes clear when assessing whether reasonable steps have been taken, consideration should be given to: (1) the significance of any possible inaccuracies and their likely consequences; (2) the likely reliability of the source(s) being used; (3) the attempts made to corroborate a story; (4) the urgency of publishing the story and (5) whether reasonable attempts were made prior to publication to contact any people whose reputations may be at stake and to publish their comments. The Committee considered, in these circumstances, any possible inaccuracies and their likely consequences were significant. This is due to the Publisher's failure to check the raw data referred to in the article. It also considered that there was no urgency to publish the story, as the article was based on figures released 5 months prior to publication. Nevertheless, the source (the NHS employers' summary) the Publisher had relied on was reputable and the matter did not involve the reputation of any individual. The Committee therefore considered, on balance, the steps taken by the Publisher to verify the NHS employment figures for nurses in the years 2014 and 2017 were reasonable and this was sufficient to satisfy the requirements of Clause 1.1.

6.3. The Committee considered because the interpretation of the figures by the Publisher was based on an inaccuracy which was made, despite the Publisher taking reasonable steps to verify accuracy, this did not amount to a deliberate misrepresentation or distortion of factual information. The Committee considered there was no breach of Clause 1.4.

6.4. Clause 1.2 of the Code states that after publication, corrections to significant inaccuracies must be made promptly and with due prominence. The Committee considered that, by reporting a significant fall in nurse numbers between 2014 and 2017 (when the underlying statistics showed, if anything, a slight increase), the inaccuracy over NHS nurse employment figures went to the ‘heart of the story’ and amounted to a significant inaccuracy that required correction in line with Clause 1.2.

6.5. The Committee noted that when presented with challenge to the facts as published, the Publisher continued to defend its use and interpretation of the 2014 NHS nurse employment figures. The Publisher did accept, however, that it called its interpretation into question and offered to modify the text and title of the article to reflect the “uncertainty” of the figures. The Committee considered that the offer made by the Publisher did not address the error in the figures, or the inaccuracies of the article’s conclusions because nurse employment figures had, if anything, increased slightly and had not fallen significantly during the reported period. It considered that a full correction was required which explicitly stated that the figures were inaccurate, as were the article’s conclusions, and this should have appeared at the top of the article, next to the headline. In any event, the Publisher did not publish its proposed clarification. Clause 1.2 requires a sufficient, prompt and duly prominent correction to be published regardless of whether any complainant considers it sufficient. For these reasons the Committee found that the Publisher had breached Clause 1.2 of the IMPRESS Standards Code.

7. Remedy

7.1. The Committee considered a proportionate remedy for the breach would be for The SKWAWKBOX to publish a correction with a link to the full adjudication. The correction should be published towards the top of the newsfeed of The

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SKWAWKBOX for 48 hours in the same-sized font as the original article and released on the same social media channels as the original article. The original article should also include the correction next to the headline of the article for as long as it continues to be published on The SKWAWKBOX.

Correction of article published on The SKWAWKBOX on 4 December 2017

An article first published on The SKWAWKBOX on 4 December 2017 under the headline “NHS thirty-six THOUSAND nurses – over 11% - short but real picture far worse”, said that in 2014 NHS England employed over 377,000 nurses and that this was 91,000 more nurses than in 2017. It subsequently became clear that the 2014 figures from an NHS employers’ summary, that the article was based on, were inaccurate and this led to the article coming to the inaccurate conclusion that NHS nurse numbers had fallen significantly between 2014 and 2017, when they had, if anything, increased slightly. IMPRESS found that, due to the reputable source for the figures, the SKWAWKBOX had not breached clause 1.1 of the Code which requires Publishers to take all reasonable steps to ensure accuracy prior to publication. However, IMPRESS found that The SKWAWKBOX had not corrected what amounted to a significant inaccuracy once it had been brought to its attention. This led to a breach by The SKWAWKBOX of Clause 1.2 of the IMPRESS Standards Code. The SKWAWKBOX has now provided a correction to the article, in line with an adjudication by IMPRESS. [Click here to read the full adjudication.](#)