

PROPOSED ADJUDICATION

Joseph Venable

and

The SKWAWKBOX

Clause 1. 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 Upheld

Breach of Clause 1

Before IMPRESS Regulatory Committee A

Andrea Wills, Claire de Than, Paul Herbert, Shelina Janmohamed, Walter Merricks (Chair)

13 November 2020

1. Summary of Complaint

- 1.1. The Complainant is Joseph Venable (“the Complainant”), 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 Respondent 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 13 September 2020 with the headline, “*Keir Starmer’s record so far in a nutshell makes the bleakest reading*”.
- 1.4. The complaint is assessed against the IMPRESS Standards Code, the relevant clauses are:

Clause 1 (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 facts or distort the facts.*

2. Background

- 2.1. The article, labelled as a ‘Comment’ piece, consists of a bullet point list of ‘Keir Starmer’s record so far’ that the article claims, ‘makes [for] grim reading’.
- 2.2. The bullet point list includes amongst other things ‘opposed Black Lives Matter protests’, ‘opposed wealth taxes’, ‘opposed teaching unions trying to protect children and their members’, ‘refused to defend asylum seekers’, ‘promoted racists and bullies’, and so on.
- 2.3. The article concludes with the statement:

‘All these are on top of a general failure to oppose Boris Johnson, instead resorting to telling him to do what he’s doing more efficiently, which [sic] Johnson condemns tens of thousands to death and tanks the UK economy.

There must be change.’

3. The Complaint

- 3.1. The Complainant contacted The SKWAWKBOX on 13 September 2020 and made a complaint on the grounds of Accuracy. The Publisher rejected the complaint, as it did not consider that the article breached the IMPRESS Standards Code.
- 3.2. A copy of the correspondence between the two parties was provided to the Regulatory Committee.
- 3.3. 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 as follows, a copy of which was provided to the Committee. The Complainant argues that a breach of Clauses 1.3 and 1.4 of the IMPRESS Standards Code has occurred.
- 3.4. Regarding Code Clause 1.3, the Complainant considers that the Publisher failed to ensure the accuracy of the claims made in the article; he considers that the Publisher did not provide evidence in support of its claims. The Complainant considers that the Publisher should have provided sources to support the claims made in the article, if the claims are assertions of fact.
- 3.5. The Complainant considers that the use of bullet-points implied that the claims were statements of fact rather than comment or opinion.
- 3.6. Furthermore, the Complainant considers that if the article was intended to be a 'Comment' article, this should have been made clearer. The Complainant considers the use of first person, would have helped distinguish facts from opinions or comments.
- 3.7. The Relevant Statements are:

Opposed wealth taxes

Promoted racists and bullies
- 3.8. Regarding Code Clause 1.4, the Complainant considers that the article misrepresents the facts.

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- 3.9. The Complainant considers that the statement that Keir Starmer opposed the Black Lives Matter protests is inaccurate. He is of the view that reasonable readers would understand the word, 'protests', to mean that Keir Starmer opposed the protests in general, not a 'specific act of (illegal) protest' for instance.
- 3.10. Furthermore, the Complainant considers that there is evidence that Keir Starmer supports the movement. The Complainant provided a video statement by Keir Starmer stating his support and a picture of him taking a knee in support of the Black Lives Matter movement.
- 3.11. The Complainant considers that the assertion that Keir Starmer defended a 'right-wing' MP and provided a link to a previously published article by SKWAWKBOX in support of this claim, is a misrepresentation of the facts. The Complainant considers that the linked article, published on the SKWAWKBOX, on 2 July 2020, with the headline, '*Excl: "double standards" Starmer refuses to discuss Reeves celebration of Hitler fan Astor because she wasn't there – after lengthy discussion of Long-Baily in her absence*', states that Keir Starmer declined to discuss the issue, not that he supported the MP in question.
- 3.12. The Relevant Statements are:

Opposed Black Lives Matter protests

Defended a right-wing MP who called for a statue for a notorious anti-Semite.

4. Response of Publication

- 4.1. IMPRESS invited the Publisher to provide additional information in response to the Complainant. The Publisher's response is summarised below, a copy of which was provided to the Committee.
- 4.2. Regarding Code Clause 1.3, the Publisher considers that the article was clearly labelled as a comment piece; that this label was capitalised and was presented in bolded white text on a bright red block. Regarding the format of the article, the Publisher does not consider the use of bullet points to be an indication of whether statements are facts or opinions.
- 4.3. Regarding the claim that evidence was not provided in support of the claims made in the article, the Publisher states that the IMPRESS Standards Code

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requires publishers to ensure accuracy, it does not consider the IMPRESS Standards Code requires all information and sources gathered by the Publisher to be made available to readers.

- 4.4. Concerning the complained about assertion that Keir Starmer 'opposed wealth taxes', the Publisher provided articles published in *The Times* and *Left Foot Forward* as evidence in support of this claim.
- 4.5. Regarding the assertion that Keir Starmer promoted racists and bullies, the Publisher did not provide specific names or incidents in support of this claim in the article or its response 'for legal reasons'. However, the Publisher did provide a summary of the information that it says it has, to support its position that three current frontbench MPs who were promoted by Keir Starmer, have a history of racist and bullying behaviour.
- 4.6. Regarding Code Clause 1.4, the Publisher does not consider that it misrepresented or distorted the facts.
- 4.7. Concerning the assertion that Keir Starmer opposed Black Lives Matter (BLM) protests, the Publisher considers Keir Starmer's own comments regarding the toppling of the statue of a Bristol Slaver, specifically that 'the protestors were "completely wrong"' amounts to evidence in support of the statement.
- 4.8. Regarding the evidence provided by the Complainant, the Publisher considers the picture of Keir Starmer kneeling in support of Black Lives Matters to be a 'staged photo-op' and it does not contradict the Publisher's position. Furthermore, the Publisher considers that Keir Starmer's description of the Black Lives Movement as a 'moment', his alleged dismissal of BLM's call to defund the police and his subsequent criticism of the actions by activists, provide further evidence in support of the statement made in the article.
- 4.9. The Publisher considers that Keir Starmer's refusal to allow discussion of the alleged 'right-wing MP' when she was not present for a meeting, contrasted with his decision to discuss Rebecca Long-Bailly when she was not present, amounts to Keir Starmer defending the 'right-wing MP' in question. The Publisher considers that Keir Starmer defended the 'right-wing MP' by 'blocking discussion that might have led to her censure'.

5. Compliance

- 5.1. The SKWAWKBOX 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 by informing the Complainant of his right to refer the complaint to IMPRESS.

6. The Committee's Finding

- 6.1. IMPRESS contacted the office of Keir Starmer, as he appeared to be a directly affected party to the complaint. It did not provide comment on the matter.
- 6.2. Guidance on Code Clause 1.3 says that a reader must be able to tell from the tone, context and language of an article whether the information represents the journalist's or someone else's judgment or whether it is presented as information that is true regardless of anyone's opinion about it. The Committee noted that the article in this instance was clearly labelled as "Comment" and considered that the headline was clearly an expression of the Publisher's partisan opinion. However, the ordinary reasonable reader was likely to regard the use of the statement "So far, the Labour leader has" followed by the stylistic device of listing bullet points, as meaning that the assertions that followed were factual and susceptible to proof, not merely expressions of the way the author believed that the events cited should be assessed in political terms. The contents of the article therefore did not consist exclusively of expressions of opinion, or of statements of fact. The publisher had not clearly distinguished between statements of fact, conjecture, and opinion.
- 6.3. The Committee considered whether the ordinary reasonable reader would understand the statements raised by the Complainant to be assertions of fact and, if so, whether the facts had been misrepresented or distorted to further the Publisher's worldview. The Committee considered that all four statements were presented as assertions of fact, susceptible to proof and, therefore, required substantiation. While the Publisher was correct to say that the Code does not require that all information or sources gathered by a publisher to support claims made should be visible to a reader, where such claims are challenged, a publisher must be able to provide evidence of the accuracy of the assertions.
 - The Committee considered that the statement "Opposed wealth taxes" would be understood as meaning that Keir Starmer took a general political position against taxes on wealth. The Committee understood that the two articles provided by the Publisher in support of its position concerned two different instances: in one article, a Labour spokesperson had been quoted, suggesting that it was too early in the pandemic to call for any kind of tax rises; in the second article, Keir Starmer was quoted as having said that "Labour was not calling for rises in tax, particularly at the moment when we absolutely need to reopen our economy", in

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response to a question from an member of the public on raising corporation tax. The Committee did not consider that this evidence supported the proposition that Keir Starmer took a general political position against taxes on wealth.

- The Committee noted 1.24 of the Guidance states that it may be a breach of the Code to publish seriously disparaging opinions about named individuals that are not supported by facts. The statement “Promoted racists and bullies” was a serious allegation suggesting a pattern of behaviour on behalf of Keir Starmer and misconduct on behalf of other MPs not named in the article. The Committee considered that the Publisher had not provided any verifiable evidence in support of its position, which it should have made available to the Committee, considering the seriousness of the allegations.
 - The Committee considered that the statement “Opposed Black Lives Matter protests” would be understood to mean that Keir Starmer had taken a general position against the Black Lives Matter protests. The Committee did not consider that the evidence provided by the Publisher sufficiently demonstrated that Keir Starmer took such a position.
 - The Committee considered that the statement “Defended a right-wing MP who called for a statue for a notorious anti-Semite” would be understood to mean that Keir Starmer had taken action to prevent an attack against the respective MP. The Committee understood, from the information provided, that Keir Starmer had, as a matter of procedure, prevented a discussion which may or may not have led to censure of the MP. The Committee did not consider the ordinary reasonable reader would consider this to be tantamount to an active support or defence of the MP or of her proposal.
- 6.4. The Committee considered that all the complained about statements misrepresented or distorted the facts. The Committee did not investigate and come to a finding on every factual assertion made in the article. However, the findings on the statements above called into question the accuracy of statements made throughout.
- 6.5. The Committee considered for the reasons stated above, that the Publisher had breached Code Clause 1 Accuracy.

7. Sanctions and Remedies

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- 7.1. The Committee decided that the appropriate remedy for the breach would be for The SKWAWKBOX to publish a Notice of Adjudication statement with a link to the full adjudication on the home page of its news site for 48 hours. The original article should also include a link to the full adjudication and a Notice statement next to the headline of the article for as long as it continues to be published on The SKWAWKBOX. The Notice statement should read as follows:

Notice of Adjudication for an article first published on THE SKWAWKBOX, 13 September 2020 under the headline “Keir Starmer’s record so far in a nutshell makes the bleakest reading”. An IMPRESS ruling has determined that this article fails to distinguish clearly between matters of fact, conjecture, and opinion and that it contains several assertions of fact that are inaccurate. Click here to read the full adjudication by IMPRESS.