

FINAL ADJUDICATION

Andrew Martin

and

Bedford Independent (online)

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.**

Complaint Dismissed

No breach of Code

Before IMPRESS Regulatory Committee A

**Cordella Bart-Stewart, Iain Christie, David Leigh (Chair), Rachel Matthews,
Walter Merricks**

10 December 2020

1. Summary of Complaint

- 1.1. The Complainant is Andrew Martin (“the Complainant”), a directly affected party seeking to ensure the accuracy of published information.
- 1.2. The Respondent is Progress Publishing Ltd, which publishes online as Bedford Independent, which covers local news, and has been regulated by IMPRESS since 5 November 2018.
- 1.3. The complaint concerns the accuracy of an article that first appeared online on Bedford Independent on 16 June 2020 with the headline, “*Bedfordshire’s PCC ‘beyond disappointed’ at complaint allegations*”.
- 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.

2. Background

- 2.1. The article was written by Euan Duncan (“the Author”), a Local Democracy Reporter (LDR) employed by JPI Media Ltd (an IPSO-regulated Publisher) as part of the BBC funded Local Democracy Reporting Service. The article was republished in full by the Bedford Independent on 16 June 2020. Stories written by the democracy reporters are shared with more than 900 media titles and outlets that have signed up to be part of the Local News Partnerships scheme. Local Democracy Reporter content can be downloaded via an online portal, accessed via a log-in code supplied to all qualifying news organisations.
- 2.2. The article concerns Bedfordshire’s Police and Crime Commissioner Kathryn Holloway’s (PCC) response to an email sent to the county’s police and crime panel by the Complainant; in her response she stated that she was ‘beyond disappointed’ with the various claims made in the email. The article goes on to

Case Ref: 0334/2020

explain that she was responding to a member of the public, naming the Complainant, who raised 'regular complaints', with her office and the country's police and crime panel.

- 2.3. The article claims that in the Complainant's latest email, he had asked why the PCC had not delivered on all the promises of her 2016 county police and crime plan. The Complainant allegedly suggested that the PCC's expenses were significantly higher than those of her predecessor and that the PCC had wasted money on venues for award ceremonies and repairs to police property.
- 2.4. The remainder of the article quotes the PCC, with her explanation of the costs, the actions she has taken and her response to the claims made, concluding with the quote:

"I wouldn't usually bother to reply publicly to a complaint from a single individual.

But, in this exceptional case, where these allegations were reported publicly, I needed, in all fairness, to allow people to hear the truth of the matter for themselves and to set the record straight."

3. The Complaint

- 3.1. The Complainant contacted Bedford Independent on 27 July 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 full copy of correspondence between the parties to the complaint was provided to the Regulatory Committee.
- 3.3. The Complainant subsequently made a complaint to IMPRESS on the grounds of Accuracy and Harassment. Acceptance of the complaint on the grounds of Harassment was refused on the basis that this Clause of the Code had not been engaged.
- 3.4. After seeking clarification of the basis for the complaint, IMPRESS confirmed the substance of the complaint as follows, a full copy of which was provided to the Committee. The Complainant argues that a breach of Clauses 1.1, and 1.2 of the IMPRESS Standards Code has occurred.

- 3.5. Regarding, Code Clause 1.1., the Complainant considers that various statements in the article are inaccurate and that the Publisher did not take all reasonable steps to ensure accuracy.
- 3.6. The Complainant considers the claim that he has 'raised regular complaints', is inaccurate and that this was known to the Publisher. The Complainant referred to an earlier article published by the Publisher with the headline, "*Bedfordshire Police and Crime Commissioner accused of a lack of openness and transparency*", published on Bedford Independent on 12 June 2020. The Complainant considers that this is evidence that he is not considered a 'regular complainant' and that the PCC was an unreliable source.
- 3.7. Furthermore, the Complainant considers that all reasonable steps to ensure accuracy would have meant contacting him directly, as a directly affected party, prior to publication to publish his comments.
- 3.8. The Complainant considers that it was inaccurate for the article to report that he had suggested the PCC's expenses were higher than her predecessors and that she 'wasted money'. The Complainant claims that he did not say that the PCC had 'wasted' money on repairs to police property, rather that he sought to highlight the PCC's 'imprudence in not promoting moderation' as the police force were facing an alleged £2.5 million shortfall.
- 3.9. The Complainant considers that the claim, that the "majority" of expenses on the OPCC website were made "to furnish and decorate the new centre for victims of sexual crime in the county", was inaccurate and does not corroborate the expense claims published on the PCC website. The Complainant says that £5028.71 was claimed in total by the OPCC over the past 6 months and that £962.97 of this total was spent on SARC, which he does not consider to represent a "majority". Therefore, the Complainant considers that all reasonable steps would have been to verify the information that was supplied to them by the PCC and her office.
- 3.10. The Complainant considers the claim that an event held at Luton Hoo Hotel was paid for by the Home Office was inaccurate. The Complainant claims that the Bedfordshire Police website shows that it paid £11,800 for more than 2 events at the Luton Hoo Hotel.
- 3.11. The Complainant considers that the claim that he referred to window replacements agreed to by the PCC and repairs to the parking area of police headquarters was inaccurate. The complainant considers this was not mentioned in his questions submitted to the Police and Crime Panel meeting.

3.12. The Relevant Statement is:

The PCC was responding to a member of the public who has raised regular complaints with her office, Bedfordshire Police and the county's police and crime panel.

He suggested her expenses were significantly higher than those of her predecessor Olly Martins and that the PCC has wasted money on venues for awards ceremonies and repairs to police property

This was "apparently without realising that the overwhelming majority of expenses listed on the OPCC website since autumn 2019 were purchases made by the commissioner and her chief-of-staff to fit out, furnish and decorate the new centre for victims of sexual crime in the county", explained the PCC.

"An event at Luton Hoo, attended by the then policing minister, Nick Hurd, was paid for by the Home Office."

The complainant referred to window replacements agreed by the PCC and repairs to the parking area at police headquarters in Kempston.

3.13. Regarding, Code Clause 1.2, the Complainant considers the Publisher failed to correct significant inaccuracies once it was made aware of them through his complaint. Furthermore, the Complainant considers the inaccuracies go to the heart of the story and that the continuous publication of the inaccurate information has caused him embarrassment, humiliation and caused serious harm to his reputation.

3.14. In a reply to the Publisher Response, the Complainant claims that the Publisher is responsible for the material that it publishes, regardless of the original source of the article and that it is within IMPRESS's remit to investigate it against the Standards Code. He considers that the Publisher's reliance on the rules and standards applied by JPI Media, the BBC or IPSO is misplaced and irrelevant to his case.

- 3.15. The Complainant disagrees with the Publisher's assertion that the article was subject to qualified privilege. He says that qualified privilege does not apply to the PCC because it does not exercise a 'governmental function'. Furthermore, he claims that qualified privilege is defeated by malice, and that the PCC's statement in the article published on 12 June was malicious.

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 full copy of which was provided to the Committee.
- 4.2. The Publisher says that following the complaint, it contacted JPI Media, the Publisher that manages the Author as part of the Local Democracy Reporting Service (LDRS).
- 4.3. JPI Media rejected the complaint, stating that the article was a fair, accurate and contemporaneous report of a public meeting and that it is protected by qualified privilege. The Publisher agreed with this position and dismissed the complaint as it did not consider the complaint to be justified.
- 4.4. The Publisher claimed that due to the meeting being reported on, being open to the public, and provided by a BBC employee journalist, who is bound by their own high-quality code of conduct, that it did not consider the article to be inaccurate and therefore a correction was not required.
- 4.5. The Publisher also considers that it being included within the LDRS to be a "massive coup for an independent news desk, giving it access to high-quality, accurate and important public interest news".
- 4.6. The Publisher considers that it made clear, through use of a byline and further comment at the end of the article, that the article was a LDRS article. Therefore, the Publisher does not consider this complaint should be adjudicated by IMPRESS, as the LDR is managed by JPI Media who are regulated by IPSO. The Publisher considers that this would allow for a full and accurate investigation to take place, with full access to the journalist who attended the meeting and their editorial team.

5. Response of Directly Affected Party

- 5.1. IMPRESS identified that the Local Democracy Reporter Service and JPI Media were likely to be directly affected parties to the complaint and provided them with an opportunity to comment.
- 5.2. A representative for the LDRS states that a LDR attending a public meeting is expected to produce a fair and accurate account of what transpires, he considered the copy shared with its partners was a fair, accurate and contemporaneous record of a meeting held in public.
- 5.3. A representative of JPI Media made IMPRESS aware that a complaint had been made and rejected by IPSO. A copy of that decision was made available to the Committee.

6. Compliance

- 6.1 The Bedford Independent 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.

7. The Committee's Finding

- 7.1 The Committee determined that the published article was within the regulatory remit of IMPRESS and that the IMPRESS Standards Code was the relevant Code to apply. The preamble to the Code makes it clear that publishers will be held directly responsible for compliance with the Code, which applies to all content and newsgathering activities for which Publishers are responsible under the terms of the Regulatory Scheme Agreement with IMPRESS, regardless of the medium or platform of publication.
- 7.2 The Committee considered that the article was an accurate record of statements made at a public meeting by the Police and Crime Commissioner for Bedfordshire, in response to concerns raised about her performance by the Complainant, that had been reported by the Publisher four days earlier. Moreover, the Committee considered that readers would understand that the statements reported on represented the Police and Crime Commissioner's views and opinions on the matter, rather than being assertions of fact made by the Publisher. The Guidance to the Code clearly states that the Code is not intended to penalize the publication of direct or reported speech, even where the content of that speech may otherwise breach the Code. It goes on to say

Case Ref: 0334/2020

that as long as the quote is a fair representation of what was said and is clearly attributed, this would not on its face breach the Code.

- 7.3 The Committee concluded that because there were no significant inaccuracies that went to the heart of the story, that required correction, there was no breach of Clause 1.2. The Committee further concluded that because the article provided a fair representation of what was said by the Police and Crime Commissioner for Bedfordshire and clearly attributed those statements to her there was no breach of Clause 1.1 of the Code.