

COMPLAINT ADJUDICATION

JAMIE THUNDER

and

THE CANARY

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

Breach of Clause 1.1, 1.2, 1.4 (Accuracy)

Before IMPRESS Regulatory Committee A

Walter Merricks (Chair), Patrick Swaffer, Iain Christie, David Robinson

13 December 2017

1. Summary of Complaint

- 1.1. The Complainant is Jamie Thunder, 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 Canary, a news website covering current affairs, that has been regulated by IMPRESS since 21 August 2017.
- 1.3. The complaint concerns the accuracy of an article and a tweet promoting it, that first appeared on The Canary at noon on 27 September 2017 with the headline "*We need to talk about Laura Kuenssberg. She's listed as a speaker at the Tory Party conference*".
- 1.4. IMPRESS was initially contacted by an additional 51 complainants who raised concerns about the article in question. Those complainants were directed to the Publisher's own complaints procedure, in line with the IMPRESS Regulatory Scheme. Mr Thunder was the only complainant to complete the process of escalating his complaint to IMPRESS, following The Canary's initial response to the complaint (reproduced in Section 3 below).
- 1.5. 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.

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

1.6. IMPRESS determined that the article should also be investigated under the following clause of the IMPRESS Standards Code:

1.1 Publishers must take all reasonable steps to ensure accuracy.

2. Background

- 2.1 The headline of the article was *“We need to talk about Laura Kuenssberg. She’s listed as a speaker at the Tory Party conference”*. It began by reporting that BBC Political Editor, Laura Kuenssberg, was listed as an invited speaker at the Conservative Party conference and stating that the news once more raised questions about her impartiality and that of the BBC.
- 2.2 The article then clarified that Laura Kuenssberg was listed as an invited speaker at a fringe event organised by Iain Duncan Smith’s Centre for Social Justice thinktank (CSJ) and the Living Wage Foundation.
- 2.3 The article went on to report that Laura Kuenssberg had been provided with security during the Labour Party conference and that the news came after *“months of accusations about Kuenssberg’s impartiality”*. The article then referred to a previous finding of the BBC Trust which had found that a report by Laura Kuenssberg on Jeremy Corbyn had breached accuracy and impartiality guidelines, before discussing wider accusations of bias that had been made against the BBC.
- 2.4 The article noted that it was not unusual for journalists to be asked to speak at the Conservative Party conference and listed other media personalities that appeared on the full list of fringe events, before continuing *“But there is a problem with Kuenssberg’s possible attendance, which also explains the allegations of bias against her. And it’s that she works for the BBC... for a senior journalist from our public service broadcaster to appear at the Tory*

conference would undermine her credibility. It would also add weight to the arguments about her impartiality.”

- 2.5 The article ended by stating that The Canary had asked the BBC for comment, but had not received any by the time of publication.
- 2.6 A link to the article was tweeted by the Publisher shortly after it was published. The tweet reproduced the headline of the article.
- 2.7 Following discussions with a representative of the BBC, the Publisher amended the headline and the body of the article at 16:50 on 27 September. A link to the updated article was then tweeted by the Publisher. The tweet stated *“UPDATED: We need to talk about Laura Kuenssberg. She’s listed as an ‘invited’ speaker at the Tory Party conference”*. Full details of the actions taken by the Publisher can be found in its original response to the Complainant, which is reproduced in Section 3 below.

3. The Complaint

- 3.1. The Complainant e-mailed the Publisher to complain about the accuracy of the headline and The Canary responded to the Complainant rejecting the complaint on the following grounds:

“We updated the article within 5 hours of publication following discussion with a representative of the BBC as follows:

The headline was updated to make it clear that she was listed as an ‘invited’ speaker on the CSJ website. [See attached screenshots: listed under Speakers with (invited) after her name on CSJ website and listed simply as a speaker on the Eventbrite webpage for the event. Note: both sites were altered after publication of the article.]

*A line at the beginning of the article states: **This article was updated at 4.50pm on Wednesday 27 September. Please re-read and see the update note at the end of the article.***

*The body of the article was updated to explain the series of events before and after publication: **The Canary contacted the BBC for comment on Kuenssberg’s invitation at 7.14am on Wednesday 27 September. By the time of publication, a response had not been received. After this article was published at midday on 27 September, the BBC issued a tweet at 1.27pm saying Kuenssberg would not be speaking at the event.***

*CSJ, the event organiser, subsequently told The Canary that Kuenssberg **“wouldn’t be able to speak.”** We added this information to the article.*

*A note was added to the end of the article stating: **This article was updated at 4.50pm on Wednesday 27 September after the BBC informed us that Kuenssberg would not be speaking at the CSJ event, and the CSJ confirmed this. This article did not state that Kuenssberg would be speaking at the event, merely that she had been invited and if she were to accept that it would raise concerns about the impartiality of the BBC.***

*The updated article was released again with due prominence on Facebook and Twitter and marked as **UPDATED.***

These clarifications comprise our final decision on the matter.”

3.2. The Publisher also advised the Complainant that he had the right to escalate his complaint to IMPRESS if he felt The Canary’s response was insufficient.

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 Mr Thunder's complaint with him, as follows:

"[The complainant] argues that the original headline misleadingly implied that Laura Kuenssberg was or was likely to speak at the Conservative Party Conference following an invitation from the Conservative Party, when in fact she had only been 'invited' to speak at the Conservative Party Conference by a think tank. The complainant states *"Both of these facts were known at the time of writing - indeed, both were referenced in the article."*

The complainant is aware of the actions taken by The Canary to amend and republish the article after it was confirmed that Laura Kuenssberg would not be speaking at the event, but he does not consider that the actions taken were sufficient to correct the initial misleading impression given by the headline and the initial tweet:

It has... published and tweeted an updated version of the article. This is clearer about the status of the speaking invitation, and is welcome, but does not seem sufficient to correct the likely initial, misleading impression, for two reasons: 1) A reader would only discover the nature of the update by clicking through 2) It has had far fewer retweets on Twitter and, I would imagine, far fewer views than the original... It also does not acknowledge that its initial headline was misleading. Therefore I desire a prominent, published correction and apology for the impression that may have been given, and for this to be published on social media channels used by The Canary.

The complainant contends that the original headline, and the subsequent actions taken by The Canary, amounts to two breaches 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 1.4 *'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 Canary'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 was disappointed with The Canary's response to his complaint. He considered that the Publisher's defence related to the literal interpretation of the words they had used, rather than the likely interpretation of those words by their readers. He also considered that, whilst The Canary did not have any control over how many retweets its second tweet received, it should have ensured that the tweet itself was clear about the nature of the update rather than relying on readers to click through and read the full updated article.

3.5 IMPRESS also requested that the Publisher explain the steps it had taken in order to comply with Clause 1.1 (Accuracy) of the IMPRESS Standards Code.

4. Response of Publication

4.1. IMPRESS invited The Canary to respond to the complaint and IMPRESS's request for information. The Publisher's responses are summarised below.

4.2. The Publisher stated that it had acted swiftly to clarify the article following discussions with a BBC representative that had occurred after publication. It said it had also sought to obtain confirmation of the position from the CSJ during this time and had only published the revised article after this was

received. It considered that the steps it had taken went above and beyond industry standards.

4.3. In response to the Complainant's specific points, the Publisher made the following comments:

"The original headline was factually accurate as evidenced by our response to the original complaint. The original headline did not imply that Laura Kuenssberg was invited by the Conservative Party. The updated article was released in exactly the same way as the original, giving it equal prominence. The objection that a reader would only see the full clarification by reading the updated article isn't valid because it was published with equal prominence to the original article. The objection concerning the number of retweets of the corrected article isn't valid because we have no control over how many times our readers choose to retweet an article. We updated the article in a timely and responsible manner, and in accordance with Impress and internal procedures. The Canary clarified the article with equal prominence at the earliest opportunity. Therefore, there was no breach of Clause 1.2. At no time did we misrepresent or distort the facts. Therefore, there was no breach of Clause 1.4."

4.4. The Publisher told IMPRESS that, whilst it considered the original article was factually accurate, it recognised that the premise of the story was at issue. It advised that it had carried out an internal investigation and, as a result, it had enhanced its verification procedures and communicated this to all contributors. Nonetheless, it considered that its correction processes had held and that readers were updated in a timely and complete manner. It stated that its aim now was to reduce the risk of needing to make such an update in the future.

- 4.5. The Publisher also requested that its original response to the Complainant (reproduced in Section 3 above) should be appended to its response to IMPRESS.
- 4.6. In response to IMPRESS's request for information, the Publisher advised that it operated a five-gate editorial process, at each stage of which evidence and sources were checked for their veracity and confirmed as genuine. Additionally, it advised that the journalist who wrote the piece had contacted the BBC by email at 7:14am in an attempt to further establish that Laura Kuenssberg had been invited to speak at a Conservative Party conference fringe event, but that no response had been received by the time the article was published at 12 noon.
- 4.7. The Publisher considered that the story was a simple and straightforward one with verified sources of information and, as such, it had not anticipated any queries regarding the accuracy of the article. It advised that the subsequent update to the article was only intended to clarify the original points made and to provide new information, rather than to change the facts of the original story.
- 4.8. The Publisher reiterated that multiple checks were undertaken by different people during the editorial process with regard to the sources that the story was based on, and it had been satisfied that the information published online about the speakers at the event had come from the event organisers themselves.
- 4.9. The Publisher advised that it gave the BBC several hours to respond to its request, but did not receive a timely response and eventually went ahead with the publication of the article in order to keep up with the fast pace of news reporting. It stated it did not have direct access to Laura Kuenssberg in order to seek her comments on the article and it had hoped the BBC's press

office would assist in that regard, but that it was not forthcoming with a response.

5. Compliance with the IMPRESS Regulatory Scheme

5.1 The Canary has 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 informing the complainant of their right to refer the complaint to IMPRESS. The Canary also responded to IMPRESS's request for information regarding its compliance with Clause 1.1 of the IMPRESS Standards Code in a timely fashion.

6. The Committee's Conclusions

6.1. Clause 1.4 of the IMPRESS Standards Code makes clear that, whilst they are free to be partisan, publishers must not misrepresent or distort the facts. Whilst the Publisher was entitled to comment on Laura Kuenssberg's impartiality, the Committee considered that the headline of the article, which stated that she was listed as a speaker at the Conservative party conference, was inaccurate because Laura Kuenssberg had only been invited to speak at a fringe event.

6.2. Clause 1.1 of the IMPRESS Standards Code requires that publishers must take all reasonable steps to ensure accuracy. Whilst it would not have been reasonable to expect the Publisher to wait indefinitely for a response from the BBC, the Committee found that in not attempting to contact the organiser of the event directly, or making any further attempts to prompt the BBC for a response prior to the publication of the article, The Canary failed to take reasonable steps that were open to it. Had it done so, it would have discovered that Laura Kuenssberg was not in fact speaking at the event.

6.3. In view of the above information, the Committee found that the Publisher had breached Clauses 1.1 and 1.4 of the IMPRESS Standards Code.

6.4. The IMPRESS guidance on Clause 1.2 (which requires publishers to correct significant inaccuracies with due prominence at the earliest opportunity) makes clear that the Clause includes headlines, which must be accurate representations of the stories they accompany. It also notes that the significance of an inaccuracy can be judged by its consequences for a person's reputation as well as its impact on the story as a whole. The Committee found that the original headline and tweet, which misleadingly suggested that Laura Kuenssberg was to speak at the Conservative party conference, and implied that there was some cause for concern as a result, amounted to a significant inaccuracy that required correction in line with Clause 1.2.

6.5. The headline of the article was updated to state that Laura Kuenssberg was listed as an 'invited speaker' after the BBC confirmed that she would not be speaking at the event. It was also re-released on Twitter and marked as 'updated'. A note at the top of the article directed readers to reread the article and directed them to an 'update note' at the end of the article. The Committee was concerned that the update note did not make any reference to the fact that the headline had been updated and that readers would have to reread the full article and the note at the end of the article to fully understand the changes that had been made. It considered that a full correction which explicitly stated that the headline had been changed, should have appeared at the top of the article. On that basis, the Committee found that the Publisher had breached Clause 1.2 of the IMPRESS Standards Code.

7. Remedy

7.1. The Committee considered that a proportionate remedy for the breach would be for The Canary to publish a short correction with a link to the full adjudication. The correction should be published at the top of the homepage of The Canary 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 article should also include the correction for as long as the article continues to be published on The Canary. The correction should read as follows:

Correction of article published on The Canary on 27 September

In the headline of an article first published at noon on 27 September 2017 The Canary stated “We need to talk about Laura Kuenssberg. She’s listed as a speaker at the Tory Party conference”. In fact, as the remainder of the article made clear, Laura Kuenssberg had only been invited to speak at a fringe event. In misrepresenting those facts and in failing to take all reasonable steps to ensure accuracy prior to publication, The Canary breached the IMPRESS Standards Code. An updated version of the article, that was released at 16:50 on 27 September 2017, also breached the Code because it did not correct this significant inaccuracy with due prominence. Click [here](#) to read the full adjudication by IMPRESS.