

## **COMPLAINT ADJUDICATION**

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**Mr Wes Streeting**

**and**

**The SKWAWKBOX**

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### **Clause 1. Accuracy**

**Clause 1.1** Publishers must take all reasonable steps to ensure accuracy

**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.

**Complaint Upheld in part**

**Code breach Clause 1.1**

**Before IMPRESS Regulatory Committee A**

**Walter Merricks (Chair), Andrea Wills, Emma Jones, Martin Hickman**

**16 November 2018**

## **1. Summary of Complaint**

- 1.1. The Complainant is Wes Streeting, an individual directly affected by the alleged breach of the Code.
- 1.2. The Respondent is The SKWAWBOX, 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 in the SKWAWKBOX on 20 April 2018 with the headline “*STREETING ‘SHOUTS IN ABBOT’S FACE’, ARRANGES MARCH AGAINST ‘WINDRUSH CHILD’*”.
- 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 subject of the article was Ilford North MP Wes Streeting and concerned his interactions with Labour’s Shadow Home Secretary Diane Abbott and black Labour activist Marc Wadsworth.
- 2.2. On 17 April a debate took place in the House of Commons in which the Complainant and Diane Abbott took part. Subsequently the Publisher received information about what had happened after the debate and decided to run a story based on the information it had received. On 19 April at 21.27pm the Publisher emailed the Complainant as follows:

*“Mr Streeting,*

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*It has come to my attention that you have been circulating an email trying to raise support for a protest concerning Marc Wadsworth, a BAME Labour member who was suspended and whose hearing is imminent.*

*I'm also aware that you recently had a confrontation with Diane Abbott, in which you were seen shouting at her in a way that was described as abusive.*

*We'll be running an article on this shortly. If you have any comments you'd like included, please provide them by return. In particular, any comments you wish to put on record concerning the perception that this week you've confronted one black person and are rallying support for a protest against another.*

*Hope to hear form [sic] you soon."*

2.3. Not having received a response, the Publisher published the article on 20 April at 01.19am.

2.4. The article describes the 'abuse' Abbott has faced (emphasis added by Publisher), in the run-up to the General Election.

The article said:

*"On Tuesday, she had just spoken in a parliamentary debate – about personal abuse she has received, the seriousness with which Labour treats the issue of antisemitism and the measures the party is taking to combat it. Ms Abbott also made a number of points that the Haredi Jewish community had asked her to raise – and for which the community praised her later.*

*As Home Secretary Amber Rudd began to respond, Streeting made an intervention – to side **against** his own party – and against Abbott's representations on behalf of the Jewish community in her constituency."*

2.5. The article continued;

*"Mr Streeting wasn't finished. In a parliamentary corridor, Streeting is alleged to have literally shouted in Ms Abbott's face, standing toe to toe with her and screaming 'not my party!', in front of a number of onlookers.*

*Witnesses described Streeting's behaviour as so intimidating that he had to be physically steered away from the Labour front-bencher."*

2.6. The article went on to talk about Marc Wadsworth, ‘a veteran black Labour activist’, his work, his relationship with the Labour party and his suspension after his interactions with Labour MP Ruth Smeeth. The article quotes an email allegedly sent from the Complainant to parliamentary colleagues, asking them to provide ‘moral support and solidarity’ for Smeeth and to ‘walk with Ruth to Church House’.

2.7. The article went on to say that, ‘Streeting’s email also represents an attempt to *counter* demonstrations in support of a suspended black activist’s attempt to clear his name of allegations he insists are unfounded.’

2.8. The article quoted Wadsworth;

*“It’s ironic that in this week of media attention on the Tories’ abuse of the Windrush generation, I find Wes trying to organise a parliamentary protest against me, in spite of the evidence.*

*My dad came to this country from Jamaica at his own expense during World War Two to join the RAF to fight against the nazis. He went back in 1946 but then came back to the UK on the Windrush in 1948 – I’m a Windrush child.*

*Given his two or three tweets this week condemning the government’s treatment of the Windrush generation, I’d have hoped Wes would be supporting a Windrush descendant who’s fighting for the representation of black and Asian people in the Labour Party, but it seems that’s not going to happen.*

*Taken together with his clashes with Diane Abbott this week, it represents a worrying pattern of behaviour and Wes has questions to answer.”*

2.9. The article also stated, ‘The SKWAWKBOX contacted Mr Streeting for comment. At the time of publication, he had not responded.’

### **3. The Complaint**

3.1. The Complainant’s legal representatives wrote to the Publisher on 20 April to complain about the accuracy of the article on the basis that it contained untrue and defamatory comments about the Complainant. The Publisher then published an article on 28 April titled, “*SKWAWKBOX RESPONSE TO*

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*STREETING'S 'LIE' CLAIM OVER ABBOTT ABUSE ARTICLE*". The SKWAWKBOX's legal representatives then responded to the Complainant on 30 April, rejecting the complaint as they considered the article was in the public interest and justified based on the four witness statements of Members of Parliament.

3.2. After further correspondence and the publication of a further article by the Publisher on 9 August titled "*MP'S, OTHER WITNESSES: STREETING'S 'DISGUSTING, DISGRACEFUL' BEHAVIOUR LEFT ABBOTT 'SHELL-SHOCKED'*", the Complainant made a complaint to IMPRESS; IMPRESS offered the Complainant the option of arbitration, which he declined. After seeking clarification of the basis for the complaint, IMPRESS confirmed the substance of Mr Streeting's complaint with him, as follows:

*The Complainant is the affected party seeking to ensure the accuracy of published information.*

*The grounds of complaint are:*

- 1. The article's representation of the Complainant's argument with Ms Abbott was distorted and misleading.*
- 2. The Complainant was not given sufficient opportunity challenge inaccurate statements, he was contacted approximately 4 hours prior to publication.*

*Relevant statements*

*A. The Complainant believes the following statement is inaccurate, misrepresented or a distortion:*

*"In a parliamentary corridor, Streeting is alleged to have literally shouted in Ms Abbott's face, standing toe to toe with her and screaming 'not my party!', in front of a number of onlookers."*

*B. The Complainant believes the following statement is inaccurate, misrepresented or a distortion:*

*"Witnesses described Streeting's behaviour as so intimidating that he had to be physically steered away from the Labour front-bencher".*

- 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 said he believed the heart of the problem with the article was that the Publisher failed to properly investigate what happened; it did not provide the Complainant and witnesses an opportunity to comment. The Complainant sent IMPRESS two witness statements from Members of Parliament on 1 October; **these two witness statements from the Complainant were not provided to the Publisher until after the article titled, "MP'S, OTHER WITNESSES: STREETING'S 'DISGUSTING, DISGRACEFUL' BEHAVIOUR LEFT ABBOTT 'SHELL-SHOCKED'" was published on 9 August.**
- 3.5. The Complainant argued that the SKWAWKBOX would have known that publishing those allegations would have reputational consequences and that there were no urgent factors at stake that could justify publication without giving him a chance to reply, citing the guidance provided under Clause 1 of the IMPRESS Standards Code.
- 3.6. The Complainant did not believe the Publisher's comment, that he did not bother to reply to a press enquiry on a different topic, was relevant. He added that, he did reply to a third enquiry, via his solicitor, about a subsequent article published on 9 August titled, "MP'S, OTHER WITNESSES: STREETING'S 'DISGUSTING, DISGRACEFUL' BEHAVIOUR LEFT ABBOTT 'SHELL-SHOCKED'". The Complainant said that his reply mentioned he had statements from 'highly respected Members of Parliament' and **made it clear that if the SKWAWKBOX published the subsequent article, he would take immediate action.**
- 3.7. The Complainant continued, saying that he had never disputed that he had an argument with Diane Abbott. He did, however, strongly refute the Publisher's account of what happened and believed it was designed to damage his reputation.
- 3.8. 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 provide additional information in response to the Complaint. The Publisher's response is summarised below.
- 4.2. The Publisher said there was **no possibility the article was inaccurate**, that it under-emphasised the incident and that multiple witnesses corroborated the article. In support, the Publisher referred to the subsequent article published on 9 August, saying it provided further information about the incident.
- 4.3. In a further response, the Publisher said it received information initially from a parliamentary source about the incident and then spoke to others to verify the facts before contacting Mr Streeting for comment. **The Publisher had spoken to numerous people, including no fewer than four MPs**, including Shadow Ministers, and had witnesses prepared to testify under oath about what they heard; those testimonies were published in a related article.
- 4.4. Furthermore, the Publisher had provided **a letter from its lawyer to the Complainant's legal representative which details the investigation**. The Publisher's lawyers confirmed that they talked to the Publisher's sources in question and have confirmed the nature of sources.
- 4.5. In a further response, the Publisher said that **no holding response or request for more time was made** to it. Furthermore, **the Complainant was active on social media over an hour after the request for comment was sent to him**.
- 4.6. The Publisher added, that after the publication of the article, the Complainant's lawyers – not the Complainant himself – demanded the article be taken down and an apology to be issued and **did not mention contrary witnesses**. Additionally, the Complainant had **only mentioned having witnesses to the Publisher regarding the second article**, which contained the detailed witness statements gathered by the SKWAWKBOX, and that the Complainant did not provide details or statements about their own witnesses to the Publisher directly.
- 4.7. The Publisher referred to another incident involving themselves and the Complainant and a Huffington Post article titled, "*SKWAWKBOX Accused Of 'Bullying And Intimidating' MPs Who Protested Against Anti-Semitism*", published on 27/03/2018. The Publisher says it wrote to the Complainant on 27 March 2018 with a polite set of questions and a request for a quick

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response. The Publisher says, **instead of responding in any way to the email, the Complainant and others went to the Huffington Post with an open letter claiming the request amounted to 'bullying' and 'intimidation'.**

4.8. The Publisher said four hours to reply to a request for comment was more than ample given its own experience, saying it had been **given as little as thirty minutes to respond to enquiries regarding articles published.** Furthermore, the Publisher said the **Complainant had not replied to a press enquiry sent earlier that month on a different topic and that the Complainant never responded directly to an email from the Publisher.** Therefore, there was **no reasonable expectation that the Complainant would be accorded long periods to fail to respond** and it was not reasonable for the Complainant to expect stories to be held up until he got around to replying. In support, the Publisher referred to **three enquiries in March and April 2018 that the Complainant never responded to.**

4.9. 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. IMPRESS understands the SKWAWKBOX did not acknowledge the complaint within seven calendar days as they sought legal advice due to the nature of the complaint.

## **6. Analysis and Findings**

6.1. IMPRESS contacted the office of Diane Abbot, as she appeared to be a directly affected party to the complaint. It did not provide comment on the matter.

6.2. Clause 1.1 of the IMPRESS Standards Code states that Publishers must take all reasonable steps to ensure accuracy. The guidance on Clause 1.1 of the Code makes clear that when assessing whether reasonable steps have been taken, consideration should be given to: (1) the significance of any possible

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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; (5) whether reasonable attempts were made prior to publication to contact any people whose reputation may be at stake and to publish their comments. The Committee considered what amounted to reasonable steps was context-specific.

- 6.3. The Publisher's allegations meant that the Complainant's reputation was potentially at stake. Although the Publisher was confident of its sources, in order to take all reasonable steps to ensure accuracy, the Publisher should have offered the Complainant a reasonable opportunity to respond to the facts alleged; these facts remain in dispute and what actually happened has not been authoritatively determined.
- 6.4. The Committee did not consider that contacting a party via email, after 9pm without specifying a deadline for response and then publishing less than 4 hours later, amounted to a reasonable attempt. The Committee noted it would be good journalistic practice to state the time by when a party should respond to requests for comment and to provide sufficient detail about any allegations to which a response is sought.
- 6.5. For these reasons, the Committee found that the Publisher had not taken all reasonable steps to ensure accuracy and had breached Clause 1.1 of the IMPRESS Standards Code. The Committee was not in a position to test the veracity of the evidence provided by the Publisher, and so it was unable to conclusively determine the accuracy of the factual statements published. The Committee, therefore, declined to make findings on the complaint under Clause 1.2 (corrections of significant inaccuracies) or Clause 1.4 (misrepresentation or distortion of facts).

## 7. Sanctions and Remedies

- 7.1. The Committee considered a proportionate remedy for the breach would be for The SKWAWKBOX to publish the full adjudication. The original article should also include a link to the full adjudication next to the headline of the article for as long as it continues to be published on The SKWAWKBOX.