

COMPLAINT ADJUDICATION

**Paul Hearst
and
Evolve Politics**

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 Upheld

Breach of Clause 1.1 and 1.2

Before IMPRESS Regulatory Committee A

Walter Merricks (Chair), Andrea Wills, David Leigh, Martin Hickman

13 February 2019

1. Summary of Complaint

- 1.1. The Complainant is Paul Hearst, 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 Evolve Media Limited, a news website covering current affairs that has been regulated by IMPRESS since 23/11/2017.
- 1.3. The complaint concerns an article that first appeared in Evolve Politics on Saturday 3 November 2018 with the headline “*EXCLUSIVE: Tory DWP Secretary Esther McVey ‘fails to declare official link to shady £20m Political Campaigning Firm’*”.
- 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.*
- 1.3. 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.*

2. Background

- 2.1. The subject of the article was Conservative MP Esther McVey, who at the time the article was written was the Work and Pensions Secretary. The article concerned her alleged undisclosed affiliation with a listed company.
- 2.2. The article was based on a personal twitter thread by Alex Tiffin, who writes for Evolve Politics, concerning Ms McVey’s alleged undisclosed affiliation with a listed company. The article, dated 3 November 2018, was credited to Evolve Politics’ journalist, Tom D. Rogers.
- 2.3. After publication, an amendment was made on 3 November 2018:

Case Ref: 0182/2018

UPDATE: Esther McVey has since responded stating that she has “no knowledge or connection to this company but they appear to have used my name.”

Ms McVey went on to state that she has “contacted Companies House” regarding the matter.

This update was also published on the Publisher’s Twitter page on the same day.

- 2.4. The Complainant contacted the Publisher on 10 November 2018 and made a complaint. After the complaint was made, the Publisher made the following amendment to the article on 13 November 2018:

UPDATE 2: Contrary to our previous suggestion, it appears that the Twitter accounts related to Thow and Loyal Scots Company Limited were set to protected prior to this story being uncovered.

- 2.5. The article was subsequently taken down on 2 January 2019 and the following correction was published on Evolve Politics’ Twitter and Facebook page:

UPDATE: Last year we published an article reporting that Esther McVey was listed as Company Secretary of a firm called Loyal Scots Company Ltd.

The former DWP Secretary’s details have now been removed and [sic] as they were being used fraudulently.

We are happy to correct the record.

3. The Complaint

- 3.1. After the Complainant emailed the Publisher to complain about the accuracy of the article, an amendment was made. Evolve Politics dismissed the other aspects of the complaint and informed the Complainant that they could escalate their complaint to IMPRESS.

- 3.2. A full copy of the parties’ correspondence 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 with them as follows, a full copy of which was provided to the Committee.

- 3.4. The Complainant considers that there was a breach of Clause 1.1 as they do not believe all reasonable steps were taken by the Publisher to verify Ms McVey was the Company Secretary for Loyal Scots Company Limited prior to publication. The relevant statements from the article are:

“On March 21st 2018, an Esther Louise McVey with the same name and address as the Tory DWP Secretary was appointed as the Company Secretary of a firm called Loyal Scots Company Limited”

“Furthermore, the address used to register McVey to the company links back to her official constituency office in Wilmslow near Tatton, meaning it is inconceivable that it could refer to another Esther Louise”.

- 3.5. In support of their view, the Complainant argues the address listed for the company Ms McVey was a director of - which was included in her government register of interest - LYJ Limited, was different to the address listed for Loyal Scots Company Limited.

- 3.6. Regarding Clause 1.2, which requires Publishers to correct any significant inaccuracy with due prominence, the Complainant does not believe the following amendment made by the publisher addressed the issue of accuracy they had raised. The relevant statements from the article are:

“UPDATE: Esther McVey has since responded stating that she has “no knowledge or connection to this company but they appear to have used my name.”

Ms McVey went on to state that she has “contacted Companies House” regarding the matter.”

- 3.7. Regarding Clause 1.3, which requires Publishers to always clearly distinguish between any statements of fact, conjecture and opinion, the Complainant believes the Publisher represented an opinion as fact; The relevant statements are:

“Furthermore, the address used to register McVey to the company links back to her official constituency office in Wilmslow near Tatton, meaning it is inconceivable that it could refer to another Esther Louise McVey”

Case Ref: 0182/2018

The Complainant disagrees with that statement as they understand that there are many examples of entries on Companies House with the same name but different addresses, which refer to different individuals.

- 3.8. Regarding Clause 1.4, which requires that publishers must not misrepresent or distort the facts, the Complainant believes the article distorted the facts, creating a misleading representation that Ms McVey hid an undisclosed connection to a company. The Complainant does not believe the article referred to enough evidence to support that representation. The relevant statements from the article are:

“EXCLUSIVE: Tory DWP Secretary Esther McVey ‘fails to declare official link to shady £20m Political Campaigning Firm”

“However, the firm’s Twitter bio makes it particularly obvious that they are involved in some type of pro-Unionist political campaigning...”

“It is unclear what McVey’s involvement in the company amounts to, but the fact that the Tory Minister appears to have not declared her official link to such a firm in the latest official government register of interests is particularly odd.”

- 3.9. IMPRESS provided the Complainant with a full copy of Evolve Politics’ response (summarised in Section 4 below) and gave them the opportunity to provide a final reply to that response.

- 3.10. The Complainant provided further evidence that showed Ms McVey’s name had been removed from the Loyal Scots Company Limited listing on the Companies House register, as it was ‘factually inaccurate and forged’. Furthermore, a ‘Company Check’ undertaken by the Complainant, showed that the Ms McVey listed as the Loyal Scots Company Limited Company Secretary could not be the MP Ms McVey because it was the only appointment listed against that name whereas the ‘real’ Ms McVey MP had multiple appointments listed against her name. Moreover, the ‘forged’ listing did not contain information about the subject’s Date of Birth or Nationality which prevented any cross reference.

4. Response of Publication

- 4.1. IMPRESS invited Evolve Politics to provide additional information in response to the complaint. The Publisher’s response is summarised below.

Case Ref: 0182/2018

- 4.2. Regarding Clauses 1.1, the Publisher believes that all reasonable steps were taken to ensure accuracy of the published article. It said that it contacted Esther McVey twice by phone, at least an hour and a half before publication, and received no answer. Companies House and the Fraud Action Line were also contacted for comment prior to publication. The Publisher says that it also contacted William Kier Thow, the director of Loyal Scots Company Limited, via Facebook and email for comment prior to publication.
- 4.3. The Publisher says that the corrections it published were sufficient to satisfy Clause 1.2. of the IMPRESS Code. The Publisher accepts that it was inaccurate to state that the Twitter accounts of Mr William Kier Thow and Loyal Scots Company Limited changed from public status to 'protected' status after their article was published. The Publisher says it addressed the inaccuracy by publishing a correction.
- 4.4. The Publisher says it deleted the article on 2nd January 2019 as soon as it became aware that Ms McVey's details had been removed from the listing by Companies House for being a fraudulent entry. Furthermore, it issued an update of equal prominence by clarifying the matter on both its Twitter and Facebook accounts that same day.
- 4.5. The Publisher said when more information came to light, it updated the article promptly.
- 4.6. Regarding Clause 1.3, the Publisher says the article clearly stated, "We will bring more on this story as it develops". Therefore, it believes it is clear to the reader that the statements were made in the context of an ongoing investigation and did not amount to definitive statements of fact.
- 4.7. Furthermore, the Publisher says it ensured the language contained within the article did not assume that Ms McVey was guilty of any wrong doing. Instead it had paraphrased and quoted the journalist Alex Tiffin's Twitter thread. Moreover, it said it had set out other possibilities in the article, such as fraud, for why Ms McVey's details were being used on the Companies House listing. *IMPRESS noted that this assertion was not correct, the article did not set out other possibilities for why Ms McVey's details were being used on the Companies House listing.*
- 4.8. Concerning Clause 1.4, the Publisher does not believe the facts were distorted. It believed the facts were reported accurately based on the information available to it at the time. It noted that the Complainant's evidence showed MP Ms McVey was registered as a separate person/entity on Companies House. However, the relevant listing it had cited in the article was linked to the MP

McVey's address. The Publisher says therefore that it is without doubt that the Companies House listing did refer to the MP Esther McVey and that the article did not distort or misrepresent this fact.

4.9. The Publisher argued that there was a Public Interest consideration that required immediate reporting – due to the increased publicity of Alex Tiffin's already publicly available personal Twitter thread, published at 4:15am on 3rd November, prior to the publication of the article.

4.10. The Publisher believes that the article helped uncover a potentially highly damaging case of fraud, a crime which may not have come to light had it not been published. It therefore believes that publishing the article was the right decision.

4.11. 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. Response of Directly Affected Party

5.1. IMPRESS identified that Esther McVey MP was likely to be directly affected, as a party, by the outcome of an investigation and provided her with an opportunity to comment. Ms McVey informed IMPRESS that she was contacted by Mr Alex Tiffin, who identified himself as an Evolve Politics journalist. In his email dated Saturday 3 November 2018 at 8.46am, he informed Ms McVey of the story, giving her a deadline of 6pm on 5 November 2018 to respond. However, Mr Tiffin had already tweeted about the alleged connection between Ms McVey and Loyal Scots Company Ltd from his personal Twitter account at 4.19am on 3 November 2018. Ms McVey says she believes that the tweets and story subsequently published by Evolve Politics resulted in readers believing she was the secretary of the named company and had failed to declare it.

6. Compliance with the IMPRESS Regulatory Scheme

6.1. Evolve Politics 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.

7. Analysis and Findings

Case Ref: 0182/2018

- 7.1. The Committee considered that the overall impression of the article, to ordinary readers, was that Esther McVey MP had failed to disclose her role as Company Secretary for an organisation listed on Companies House, and that this was a serious allegation of misconduct. Clause 1.1 of the IMPRESS Standards Code states that publishers must take all reasonable steps to ensure accuracy. The Committee considered that discrepancies in the purported Companies House listing would have been noticed at the outset, had reasonable steps to ensure accuracy been taken. These included the inclusion of the word "Denmark" in Esther McVey MP's purported official UK address; the fact that the company accounts showed it to have been dormant throughout its existence; and the fact that those accounts showed the entity had no assets whatever, although its sole subscriber, director and shareholder, William Thow had provided for £20 million in shares, none of which had in fact been paid for. The Committee considered, given these discrepancies, all reasonable steps to ensure accuracy would have included putting the allegation to William Thow, the company owner, and Esther McVey MP herself, before publication.
- 7.2. The Committee considered whether Evolve Politics had made reasonable attempts, prior to publication, to contact Esther McVey MP about the allegation. It agreed that Evolve Politics' two unsuccessful attempts to contact her by phone, on a weekend day, 90 minutes before its publication of the serious allegation, did not amount to reasonable attempts. Further, it noted Evolve Politics did not provide IMPRESS with verifiable evidence about the nature or location of its attempts at phone contact with Esther McVey. The Committee emphasised that in cases where a person's reputation is at stake and there could be a level of misinformation to the public and corresponding harm to the individual, seeking a response about an allegation and publishing that response is an important part of establishing the story's veracity and serves as a final accuracy check before publication.
- 7.3. The Committee noted the publisher's view that a) it had set out other possibilities in the article for why Ms McVey's details were being used on the Companies House listing, such as fraud and b) there was a public interest consideration for immediately reporting the story because of the tweet by Alex Tiffin. However, the Committee did not consider any aspect of the article set out "other possibilities" for why Ms McVey's details were being used on the Companies House listing. Furthermore, there is no public interest qualification to the accuracy clause in the IMPRESS Standards Code. Specifically, this means there is no public interest justification that allows publishers to derogate from their responsibility to take all reasonable steps to ensure accuracy. Furthermore, while the business interests of cabinet ministers are a proper subject of scrutiny by reporters, serious allegations of misconduct should

Case Ref: 0182/2018

always be supported by robust journalistic processes and, in the case of IMPRESS regulated publishers, this means agreeing to comply with the IMPRESS Standards Code. The Code sets high journalistic standards which hold IMPRESS regulated publishers to account for their work and so sets them apart from individuals who post their own often controversial or challenging views on social media and participate in its many conversations. The Committee therefore considered that Evolve Politics had failed to take all reasonable steps to ensure accuracy and had breached Clause 1.1 (reasonable steps to ensure accuracy).

7.4. The guidance on Clause 1.2 requires publishers to correct significant inaccuracies. The guidance sets out that the prominence of the correction must be proportionate to (a) the prominence and importance given to the original story and (b) the seriousness of the inaccuracy being corrected. The Committee considered that the inaccuracy, in this instance, went to the heart of the story and was a serious allegation of misconduct by someone in public office that required correction.

7.5. The inaccuracy was published on Evolve Politics website for two months, from 3 November 2018 to 2 January 2019 and was disseminated by the publisher via social media. The Committee considered that the earliest opportunity to make the correction was when it was alerted to the inaccuracy by Esther McVey MP on 3 November 2018. While the Committee noted the article was updated on 3 November 2018 and 13 November 2018, those updates did not amount to a correction sufficiently proportionate to the seriousness of the inaccuracy. This failure to correct a significant inaccuracy with due prominence at the earliest opportunity led to a breach of Clause 1.2 (corrections of significant inaccuracies).

7.6. Given the above findings, the Committee considered it was unnecessary to make further findings on the complaint under Clause 1.3 (clearly distinguish between statements of fact, conjecture and opinion) or Clause 1.4 (misrepresentation or distortion of facts).

8. Sanctions and Remedies

8.1. The Committee considered a proportionate remedy for the breach would be for Evolve Politics to publish the full adjudication, towards the top of the homepage of Evolve Politics for 48 hours and released and pinned to the top of the same social media channels as the original article.

8.2. Evolve Politics should include alongside the adjudication a notice which reads as follows:

Notice of Adjudication:

An article first published by Evolve Politics on 3 November 2018 under the headline "EXCLUSIVE: Tory DWP Secretary Esther McVey 'fails to declare official link to shady £20m Political Campaigning Firm'" was found by IMPRESS to have breached Clause 1.1 and Clause 1.2 (Accuracy) of the IMPRESS Standards Code. The article was removed by Evolve Politics on 2 January 2019. [Click here to read the full adjudication by IMPRESS.](#)