

The Rt Hon John Prescott MP v Sunday Express

Clauses noted: 1, 2

The Rt Hon John Prescott MP complained to the Press Complaints Commission that a series of articles published in the Sunday Express on 12 September 2004, headlined "Terror escape fiasco", "Six million will be left behind to die" and "Half-baked plans leave our cities vulnerable to terror", contained inaccuracies in breach of Clause 1 (Accuracy) of the Code of Practice and that he had not received an opportunity to reply in breach of Clause 2 (Opportunity to reply). He also complained that a further article published in the Sunday Express on 26 September 2004, headlined "Cover-up that risks the safety of us all", was inaccurate in breach of Clause 1 (Accuracy) of the Code.

The complaint was rejected.

The first series of articles concerned the evacuation plans for London in the event of a terrorist attack. The complainant outlined four inaccuracies within the piece. Firstly, the document was not the Government's main evacuation plans for London but rather a response by the Government Office for the South East to the plan. It only therefore detailed parts of what would occur if the main plan were implemented. Furthermore, the statement that it would take the military 24 hours to deploy was inaccurate because regular military units could deploy as soon as requested - the purpose of the Civil Contingencies Reaction Force (CCRF) was to reinforce the initial response after the first 24 hours if required. Thirdly, to assert that the plan had yet to be finalised was inaccurate since the substantive plan was completed at the end of 2003. Such a complex plan, however, would always be subject to revision. Finally, the comments quoted from the Opposition failed to reflect work which had been undertaken by the Government. The newspaper did not publish a letter from the Rt Hon Nick Raynsford MP in response to the articles. The complainant argued that this was a breach of Clause 2.

The complainant contended, in addition, that the newspaper's follow-up article accused ministers of attempting to "gag" the newspaper and that Mr Raynsford, in person, had tried to silence it. No such attempt had ever taken place.

The newspaper asked whether the Commission should adjudicate on a complaint made by a senior Government minister acting solely in an official capacity and relating solely to coverage of a political or administrative controversy. It argued that the Government had a number of publicity resources at its disposal and that a powerful retort to the article had already been published on its own website. A more important reason, in the newspaper's view, was that the Commission was being drawn into party politics and this could set a precedent for politicians who could use the Commission as an automatic response for unpalatable coverage. Moreover, the Code stated that the press was "free to be partisan" - in this regard, Commission was being asked to comment not only on the accuracy of the newspaper's statements but also the accuracy of the Opposition's views, which had been reported in the newspaper. The Government had been given an opportunity to respond prior to publication and the authenticity of the leaked official document had not been challenged by the Government.

The newspaper refuted the assertion that the document was a response by the Government Office for the South East to the plan. It said that the document was headed "Operation Sassoan Planning Framework March 2004" and was consistently labelled "restricted - policy in confidence". The circulation of the document was limited "to appropriately cleared officials directly involved in the planning for Operation Sassoan" and its purpose was to "describe the overall concept of the operation and to provide suitable planning guidelines". With regard to the military position, the document said that "military assistance might be available with specialist and regular forces on site within 24 hours and Civil Contingencies Reaction Forces available within 24-48 hours". The article fairly summarised this. Moreover, it was clear that the evacuation plans had yet to be completed at

the date of the document – it was in large part a preliminary survey identifying the topics for which detailed plans would be needed. The final complaint was a criticism of the Conservative Party and not the newspaper.

Turning to the follow-up article, the newspaper said that it was clear from the text as a whole that the reference to “silencing” or “gagging” the newspaper did not refer to an injunction or any other direct method of restraining it. The article made clear that there was a vigorous Government campaign to discredit the story.

Adjudication

The Commission’s task is to take complaints under the Code from anyone affected by a newspaper or magazine article. It is not precluded by its rules from dealing with complaints of a political nature – although it does have the discretion to decline to deal with complaints for any reason if it considers it appropriate to do so. It may be that at certain times – during an election campaign, for instance – it would be appropriate to suspend the investigation of complaints of a political nature. In this case, however, there did not seem to be any particular reason why the Commission should not entertain the complaint. The Commission also wished to make clear that, while it sees the protection of the individual at the heart of its work, Clauses 1 and 2 of the Code relates to all published information. There is nothing to suggest that the rules on accuracy do not extend to organisations.

On this occasion, the Commission did not consider that the complaint had established any points of significant factual inaccuracy that would breach Clause 1 of the Code. The dispute over the articles published on 12 September related essentially to differing interpretations of the document by the newspaper and official Opposition on one hand, and the Government on the other. It was not for the Commission to interfere with the newspaper’s publication of such interpretations. Nonetheless, one means of settling the dispute amicably may have been the publication of a letter from the relevant minister. It was therefore regrettable that the wording for a suitable letter had not been agreed, although there was no obligation on the newspaper to publish one when there were no material factual inaccuracies in the articles. The Commission noted that in any case the Government had published its own interpretation of events on a website. There were no issues under Clauses 1 or 2 to pursue.

Regarding the complaint about the 26th September article, the Commission noted that there was a difference of opinion about whether or not the government had tried to ‘gag’ or ‘silence’ the newspaper over its claims. While it was clear that there was no formal or legal attempt to stifle publication, the newspaper clearly felt that the government’s response to the publication of its report on the 12th September amounted to a bid to silence it on the subject. It was entitled to publish this view. There was no breach of Clause 1 on this point.

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