

Ms Tracey Chapman v Daily Mail

Clauses noted: 1

Tracey Chapman of Essex County Council complained to the Press Complaints Commission that a series of articles published between May and September 2005 in the Daily Mail and the Mail on Sunday – all concerning an adoption case in the county – were inaccurate and misleading in breach of Clause 1 (Accuracy) of the Code of Practice.

On one point, the Mail on Sunday offered sufficient remedial action and the Commission did not consider that there were further issues to pursue under the Code. The rest of the complaints were not upheld.

The complaint related to the newspapers' coverage of a case in which two children had been adopted against the wishes of their parents following the intervention of Essex Social Services. The complainant, a member of Essex County Council, contended that the coverage was misleading in three general respects: 1) it implied that the government had set straightforward numerical targets for the number of children put up for adoption by each council; 2) it suggested that social workers in Essex remove children from the family home for reasons other than child protection and; 3) it gave the impression that a simple IQ test exists for parenting and that children could be removed from the parental home because their parents have learning difficulties. Overall, the complainant argued that the articles went well beyond fair comment and were likely to undermine the ability of Essex Social Services to undertake the important work of protecting children.

There were also some specific complaints of inaccuracy. In relation to the Daily Mail's articles the complainant said it was incorrect to say that the father involved in the case had been 'described as having learning difficulties'. It was also misleading to suggest that the case had been heard in total secrecy, since the judgements from both relevant hearings had been subsequently made public. In addition, the Council had not taken out an injunction against Councillor Barry Aspinell, nor had it threatened one; the chairman of a meeting discussing the case was not 'outraged' at a decision to remove the children in question from an at-risk register; and the case was not a sinister experiment in social engineering. Finally, the complainant said that comments made by Councillor Aspinell and Eric Pickles MP were inaccurate.

The complainant said that the Mail on Sunday also referred inaccurately to injunctions being threatened against Councillor Aspinell, and it published misleading comments from him. Moreover, the newspaper had wrongly suggested that the couple had been prepared to let their children live with the father's parents and that the Council had 'conceded' points about the children's well-being. In its September article, the newspaper had wrongly asserted that the couple had been given leave to appeal against the decision to have their children adopted. The complainant was also concerned that both newspapers misleadingly compared the policies being carried out by the Council's Social Services to those of extreme political regimes of the past.

Neither newspaper considered its coverage to be inaccurate or misleading. They had both taken a highly partisan viewpoint on an issue about which they were extremely concerned. The Mail on Sunday viewed the decision to adopt the children with derision and the Daily Mail said the concerns it had reported fully reflected the tremendous public and social importance of the subject. It said it had invited the complainant to be interviewed but she had declined. Nonetheless, it had included the Council's viewpoint in its coverage

With regard to the article of 18 September, the Mail on Sunday acknowledged that an inaccuracy had been published and confirmed that a note had been placed in its library file containing the correct information. It had removed the article from all external websites and databases that it licensed and it offered also to publish a clarification. The Council objected to the proposed wording

for that clarification on the basis that they had not – as the newspaper claimed – confirmed the erroneous information prior to publication.

Adjudication

The Code of Practice allows newspapers to take a critical and partisan standpoint on issues, providing that they distinguish clearly between comment, conjecture and fact and they take care not to publish inaccurate information. They must also offer to correct significant inaccuracies once they have been recognised. In this case, the articles were clearly strongly negative about the involvement of Essex County Council in the particular cases highlighted. That was not in itself enough to amount to a breach of the Code in the absence of significant inaccuracies. In fact, the Commission concluded that – save for one instance in the September Mail on Sunday article – no inaccuracies of any significance had been established and that the articles did not breach the terms of the Code.

Dealing first with the three general complaints, the Commission concluded that the newspapers' coverage constituted their own interpretations of the position. It was clearly their view that the setting of any targets for adoption was wrong and overly simplistic, and their view that children were removed from their homes too readily and largely because of parental learning difficulties. The Commission concluded from the coverage that readers generally would have been aware that the papers' position was not the only viewpoint on the matter.

To some degree the Commission concluded that the dispute rested on an irreconcilable difference of view between the parties. The Council took the view that their Social Services were acting properly under the law and carrying out their work as required by the relevant legal responsibility in the framework of government policy. The position of the newspapers was different. Their belief was that the actions of the Social Services in this case – and the actions of all those associated with the adoption, including the courts – were morally wrong, whether or not they complied with governmental recommendations and legislative requirements. The newspapers were entitled under the Code to communicate this view to their readers.

The Commission then turned to the specific areas of complaint. The complainant had objected to the negative comparisons with Soviet and other regimes. However, while the complainant doubtless found such a point of view to be extreme, it was not something that raised a breach of the Code, and the Commission did not believe that readers would have concluded that councils were literally seeking to reproduce the harsh policies of the Soviets or others. Rather, the comparisons were part of the newspapers' attempts to underline their strong views about the treatment of the children highlighted in the article.

In relation to the complaint that the council had not taken out an injunction against Councillor Barry Aspinell, the Commission noted that while it may have been the case that the Council itself had not initiated an injunction, one had been taken out in the Council's name. It did not seem to the Commission in these circumstances that there was a significant inaccuracy on this point.

The complainant had alleged that the newspapers had given the misleading impression that two children had been removed from their home and put up for adoption solely because their parents had learning difficulties or low IQs, when there were in fact other relevant factors. It was apparent to the Commission, which had reviewed all the material relating to the complaint, that this was the newspapers' own view of the matter, based on their reading of the evidence and the testimony of the parents involved. In any case, articles of 7 and 14 May and 15 August in the Daily Mail, and one on the 14 August in the Mail on Sunday, stated the Council's position that this was a sad case in which it had taken the necessary steps to protect the children's wellbeing. The complainant had been quoted as saying that 'putting a child up for adoption...is not a recommendation a social worker will make lightly and it is not a decision the courts will take lightly'. Considering the coverage

as a whole, therefore, the Commission did not consider that readers would have been left with the misleading impression that there was no alternative view on the matter to that of the newspapers. The complainant had also contested the accuracy of some of the comments made by supporters of the family at the centre of the case – in particular those made by Eric Pickles MP and by Councillor Aspinell. The Commission was satisfied that readers generally would have been aware that the quoted remarks of these two individuals constituted their own opinions about the case, which the newspapers were entitled under the Code to publish.

The Commission did find one significant inaccuracy: the statement in the Mail on Sunday article of 18 September which suggested that the couple had been given leave to appeal against the decision to have their children adopted against their will. This turned out not to be correct, although there was a dispute as to whether the erroneous information had been confirmed by the Council itself. Either way, it was appropriate for the newspaper to offer some form of remedy to this part of the complaint, and the Commission was satisfied that the newspaper's marking of its records and its offer to run a clarification on the point was a proportionate response. The precise wording of a clarification would have been a matter for debate had the Council sought conciliation.

There were also a number of complaints about inaccuracy on relatively minor points: whether the couple (rather than just the father) were prepared to let their children live with the father's parents; whether the Council had 'conceded' that the children were loved, clean and well-dressed and fed; and whether the father had been described as having learning difficulties (which the Daily Mail maintained was the case). However, the Commission did not conclude that these were matters of such significance in the context of the coverage as a whole as to raise a breach of the Code.

Relevant ruling

Asylum Rights Campaign and others v Daily Mail, 2000

Adjudication issued 2006