

Mr David Kidney MP v The Daily Telegraph

Clauses noted: 1

Mr David Kidney, Member of Parliament for Stafford, complained to the Press Complaints Commission that an article headlined "MPs made inflated council tax claims", published in The Daily Telegraph on 20 June 2009, was misleading in breach of Clause 1 (Accuracy) of the editors' Code of Practice.

The complaint was not upheld.

The article reported that dozens of MPs had made 'phantom', 'inflated' and 'dubious' claims for council tax on their parliamentary expenses. The article made reference to the complainant, who was said to have 'repaid more than £2,500'.

The complainant said that it was correct that he had repaid around £2,500 to the Fees Office, as the result of a mix-up. However, the article implied that he had in some way misbehaved in regard to the council tax claims, which was not the case. The circumstances of the repayment did not warrant its inclusion in an article about 'inflated', 'phantom' or 'dubious' claims: it was caused by a mistake made by the Fees Office, which had apologised.

The newspaper said that the complainant had made an Additional Costs Allowance claim for rent, water rates and council tax in March 2007. Despite the fact that this had been submitted without the necessary supporting documentation, the claim was paid in full by the Fees Office. The complainant then made a duplicate claim for the same costs, in addition to a further amount for telecommunications. On this occasion, he had not submitted the invoice for the council tax, so the Fees Office deducted this from the claim but did reimburse the bills for water, rent and telecommunications. The Fees Office asked for documentation to support the council tax claim, and once it had received this from the complainant it inexplicably paid the amount not once but twice. The complainant's council tax had therefore been paid three times, and his water bill twice.

The newspaper said that - while it did not suggest that the duplicate claim had been made knowingly - the complainant had fallen short of the standard of care required for seeking reimbursement from public funds. There could be no question that the duplicate claim was anything but an over-claim for which the complainant was personally and entirely responsible. It could rightly be described as 'inflated', 'phantom' or 'dubious', in the sense that it was questionable. It was unfair for the complainant to lay the blame wholly at the door of the Fees Office.

On the day of the article under complaint, the newspaper had also published a magazine which contained details of all MPs' expenses. Readers who wished to be aware of the precise circumstances of the overpayment would have checked the complainant's entry in this. He had not complained about this summary of events, which referred to a "mix-up".

The complainant said that his personal situation was the result of incompetence by the Fees Office, a mix-up and his own failure to scrutinise his financial records sufficiently closely. Nonetheless, he maintained that the newspaper was wrong to include his claim as part of wider coverage that criticised MPs for inappropriate behaviour.

Adjudication

Given that the complainant had accepted that the specific reference to the repayment in the article was accurate, the question for the Commission was whether it was misleading to include it in an article discussing 'phantom', 'inflated' and 'dubious' claims.

In circumstances where it was not in dispute that the complainant had - for whatever reason - submitted a duplicate claim, the Commission considered that the newspaper was entitled to present the matter in the context of other claims which should not have been made, and which were therefore labelled 'inflated', 'phantom' or 'dubious'. The paper had not said that he had deliberately over-claimed, but rather had simply said that he had 'already privately repaid over-claimed council tax to the Commons fees office', which appeared to be a statement of fact. In addition, the reference to the complainant had been brief, with a more detailed explanation - referring correctly to a "mix-up" - contained within the magazine which had been published the same day.

The complaint was not upheld.

Adjudication issued 01/10/2009