

***Dr Julian Lewis MP v The Daily Telegraph / The Sunday Telegraph and website***

Clauses noted: 1

Dr Julian Lewis MP complained to the Press Complaints Commission that coverage of his expenses claims in The Sunday Telegraph, The Daily Telegraph and on telegraph.co.uk - first published in The Sunday Telegraph on 17 May 2009 headlined "Cash secrets of MPs who tried to stop you seeing their expenses" - was inaccurate and misleading in breach of Clause 1 (Accuracy) of the editors' Code of Practice.

Following an offer to publish a clarification by the newspaper, no further action was required.

The complainant said that - following the redecoration of his London flat in 2006 - he was aware that some, but not all, of the work would have been claimable on expenses as part of his Additional Costs Allowance. He therefore submitted the full estimate relating to about half a dozen items to the House of Commons Fees Office with a request for guidance, in accordance with recommended procedures. He was told that any claim for a wooden floor (£5,995 + VAT) would not be appropriate. He did not challenge this advice, and did not submit a claim for this item.

The article of 17 May said the complainant 'wanted to claim £6,000 for a floor', but that he had been told by officials that such a claim 'could be seen as extravagant'. On 20 May, in a list of Conservative MPs whose expenses had been investigated by the newspaper, telegraph.co.uk said that 'Julian Lewis attempted to claim £6,000 in expenses for a wooden floor at his second home'. And on 20 June, the Telegraph published a magazine with details of all MPs' expenses in which the complainant was grouped with other MPs under the headline: 'Making a mockery: 102 MPs who tried to stretch the rules'. The complainant complained that these references inaccurately implied that he had attempted to claim for the floor, when in fact he had not. Letters from senior Commons officials confirmed that this was the position.

The Consulting Editor replied on behalf of all titles. He said that the complainant had submitted an itemised estimate for the proposed works for guidance, with the £6,000 cost of the flooring included on the list. Evidently his intention was to claim for whichever items the Fees Office said he was able to. It was not relevant, or significant under the Code, that the intention to claim for the floor was blocked before he got to the stage of submitting an actual claim. The contention that he neither wished nor sought to claim for the floor was disingenuous.

He added that - in the context of its coverage - the act of 'making a claim' could not be construed so tightly as to exclude the sort of preliminary discussion the complainant had with the Fees Office. These discussions, together with the actual claim form he submitted, were part of a single process.

Nonetheless, the newspaper did propose the publication of a clarification on the matter, the wording of which was as follows:

*Further to our MPs' expenses coverage (June 2009) we are happy to make clear that Dr Julian Lewis never submitted a £6,000 claim for a wooden floor. Dr Lewis asked the Fees Office whether he could make such a claim and was told it would be 'extravagant'. He accepted that advice and no claim was made.*

The complainant said that, when he submitted the estimate to the Fees Office, he had not resolved to claim for every item he was given clearance for: indeed, he did not habitually claim for many things for which he was eligible. The newspaper's offer was unacceptable.

*Adjudication*

It was common ground between the parties that the complainant had asked the Fees Office for advice about what he was entitled to claim in relation to the redecoration, and had been told that a claim for a £6,000 wooden floor would not be likely to be accepted. As a result, the complainant had not submitted a formal claim for the floor.

The view of the newspapers was that, even if this was not a formal claim, it amounted to an attempted claim. The view of the complainant was the opposite. To some extent, whether or not it could be construed as an 'attempted claim' was a matter of interpretation, which readers would have been able to judge for themselves providing they were in possession of the facts.

In this context, the Commission noted that the original article made the complainant's position clear, quoting him at length, and the later one-line reference to the complainant 'attempting' to claim for the floor on the website was linked to this piece. It was unlikely that readers would be materially misled by these references. On the other hand, the newspaper had also included the complainant in a list of MPs accused of 'making a mockery' by trying to 'stretch the rules' of the expenses system. Although the text of the complainant's short entry in this section seemed to be accurate, the general presentation of this item was more explicit in suggesting to readers that wrongdoing had occurred by those included in the list.

To avoid any confusion arising from this, it was therefore appropriate for the newspaper to clarify what had actually occurred, and the Commission welcomed its offer to do so. It hoped that the publication of the clarification by the newspaper, together with the publication by the Commission of this ruling, would advertise the full circumstances more widely. In the Commission's view, this was a proportionate response, and no further action was therefore necessary.

Adjudication issued 05/11/2009