

The Leveson Inquiry

Witness Statement for Part 1, Module 1

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WITNESS STATEMENT OF GARRY FLITCROFT

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I, Garry Flitcroft, c/o Collyer Bristow LLP, 4 Bedford Row, London WC1R 4DF, will say as follows:

Documents  
referred to

1. I make this statement in connection with my role as a Core Participant in the Leveson Inquiry.
2. For the purposes of this statement, I refer to a small paginated bundle of documents marked "GF1". Where I refer to page numbers in this statement, I am referring to pages in "GF1".

**Background**

3. I am a football manager and retired professional footballer.
4. I have 3 children, aged 8, 10 and 14. My wife (the mother of my children) and I have been separated for some years but are not divorced. I live with my girlfriend, Sarah Lancashire.
5. I played in the first team at Manchester City for several years before joining Blackburn Rovers in March 1996. I served as captain for over 3 seasons. I made my 250th appearance for the club during the 2003-04 season, following which I was transferred to Sheffield United on 12 January 2006. I was forced to retire in July 2006 due to a knee injury.
6. Since May 2010 I have been managing Northern Premier League club, Chorley FC.

**My experience of media misconduct – privacy injunction**

7. My experience with the media started in 2001 when I was granted an injunction on 27 April 2001 by the High Court to restrain a story about my private life being published.

8. The injunction prohibited the Sunday People from publishing two stories which it intended to run on 29 April 2001 containing details about an affair I had had with a woman. The woman in question had sold her story to the newspaper and the proposed articles contained salacious descriptions of the sexual activities between us.
9. My case became extremely well-known as the injunction was set aside by the Court of Appeal in March 2002 and publication was allowed. The name of my case was "A v B" and it was one of the first major privacy decisions. Although, even at the time, there was much criticism of the judgment (particularly in legal circles) and it is now generally accepted that it was wrongly decided or would be differently decided today, this is no consolation nor does it repair in any way the damage which it has caused to me and my family. Once something private has been made public, the damage is done. Let me explain.
10. In April 2001, I was living with my wife, Karen, and my eldest child. Karen and my family did not know of the affair.
11. I first became aware that the woman in question intended to tell people about our affair when she delivered a package to my parents' house out of the blue. The package contained copies of all the text messages we had sent each other and a hotel room card with my name on it. She then telephoned me and threatened to send a similar to package to Karen unless I paid her money. I did not comply with her demands.
12. I then found out from a friend that the woman had sold her story to the press and that the Sunday People were intending to publish it.
13. I was mortified at the idea that intimate details about the private relationship I had with this woman would be revealed to the public and my family in a Sunday tabloid. I could not see any reason for the press reporting about my relationship with her, which was entirely private. Whilst I was a relatively successful football player, I was not in the public eye; I did not court the press and was by no means a 'celebrity'. I kept my private life, private. Apart from giving press conferences in relation to matches and providing sports journalists with football related commentary, I had no dealings with the national press. I did not talk about my private life. I was simply a professional footballer.

14. I felt extremely strongly about the fact I had been blackmailed and that details of my personal life should be kept private for my sake and for the sake of my family. It was for these reasons that I sought to protect my privacy by applying for an injunction to prevent publication of the details of the affair I had with this woman.
15. As I have said, I was granted an injunction by the High Court. However, as soon as I obtained it, the Sunday People launched a 'dirt digging' exercise. For reasons I do not quite understand it seemed that details of my affair (even though it had been over for some time) was of huge interest to the paper and they were doing everything they could to add colour to their existing story by trying to dig up more dirt on me.
16. Their investigations led to the discovery that I had had an affair with a second woman. She was contacted by the paper and asked to sell her story. As a result, she telephoned me and asked for £5,000 in return for not selling her story.
17. I cannot think how the paper found out about this second affair. As far as I was aware, no one else knew. It had been over for some time and on the occasions we had met it had always been at her apartment where she lived alone. In particular, the two women concerned did not see each other and the second woman could not have known that the first woman had sold her story to the Sunday People.
18. Having given this considerable thought, I strongly suspect (although I have no evidence at this stage) that my phone was hacked by journalists and that as a result the second woman was contacted and asked to sell her story to the paper.
19. Subsequently, the High Court upheld the original injunction in relation to the stories of both of these women since revealing details in a national newspaper would be an unjustified intrusion into my privacy. The injunction was anonymised so as to prevent the public from being able to identify me. Obviously if the injunction had named me then there would have been no point to it because anyone would have guessed what it was being prohibited from publication.
20. Despite the injunction having been upheld, the Sunday People deliberately published enough details of the subject matter behind the injunction (without naming me or the women) so as to spark

speculation as to which Premiership footballer had obtained the injunction.

21. Word had also got out to a number of players through sports journalists that the person behind the injunction was me which meant fellow players and colleagues at Blackburn Rovers took the 'Mickey' out of me in the dressing rooms.
22. By the time the injunction was lifted by the Court of Appeal in March 2002, it was widely suspected that the person behind the injunction was me.
23. This was an extremely stressful time for me. Over the course of almost a year, from when I obtained the injunction to when it was set aside, the speculation generated by the tabloid press was such that despite there being a High Court order in place preventing publication, I was convinced my identity would become known at any time. I was constantly on edge and under immense pressure as I was extremely worried about the effect the revelation would have on my wife, my marriage and my family. I wanted to protect Karen, not only from the stress and the heartache that it would cause her but also because she was already under a huge amount of pressure caring for her father who was struggling with Parkinson's Disease, of which he later died. My father was also unwell at the time and I was worried about the effect it would have on him (I expand on this below).
24. After the Court of Appeal decision, I was given advance warning that the injunction would be lifted and so I decided to go home and break the devastating news to Karen. I did not want her to first learn of my affairs through the national press, which would have been truly awful for her. When I arrived home, there was already a Daily Mail reporter ringing on the gates to my house asking to speak to Karen.
25. Once the story broke, we as a family instantly became the target of a horrible media circus.
26. My house can only be accessed by a private drive which leads to my house and 2 others. There were about 20 to 25 reporters and photographers camping outside the gates to our house trying to take photos of us and speak to us. My neighbours asked the reporters to leave since this was causing a real nuisance and the road was private access only but to no avail. They were simply

ignored. No doubt the prize of getting another story was too great to worry about anything else.

27. Reporters even turned up outside my parents, my parents-in-law and Karen's sister's house to interview them and take photographs. As stated above, my father-in-law was suffering from Parkinson's disease at the time and it was particularly distressing for him to be subjected to this barrage.
28. As a result, I had to take Karen, our son, Karen's family and my family to the Lake District to escape the media attention. My club was very supportive of the situation and told me to take Karen and my family away for 4 days.
29. I was later told by neighbours that there was also a helicopter flying over our house taking photos. These photos later appeared in the newspapers.
30. Following the lifting of the injunction, the national press ran a series of follow-up articles revealing the nature of the injunction and the subject matter behind the injunction. As a result of the Sunday People having sparked so much speculation about who was behind the injunction over the preceding months, when the injunction was lifted, there was a feeding frenzy in the press.
31. I attach a small sample of the articles published at the time;
  1. The Sun, 'Love rat is Garry Flitcroft!', 30 March 2002;
  2. The Telegraph, 'Saga of the 'love rat' footballer leaves one question: Garry who?', 30 March 2002;
  3. The Observer, 'How captain Garry ignored all advice and scored own goal', 31 March 2002;
  4. Sunday Mirror, 'I just didn't have a clue', 31 March 2002
32. On the afternoon the news broke I was playing (and captain) in the Blackburn Rovers game against Leicester City. As captain, I would usually take part in a press conference after the match but the press coverage of the lifting of the injunction was so bad that the decision was taken that I should not participate on this occasion.
33. This was an extremely difficult game for me. As can be imagined, throughout the match, the fans of both teams chanted abuse at me and mocked me.
34. Luckily, Blackburn Rovers were extremely supportive and took the view that my private life had nothing to do with my professional career and issued a press release to that effect. They refused to

condemn me to the papers or discuss any of my private matters with the press.

35. The Professional Football Association was also extremely supportive of my situation and assisted me in pursuing the injunction, which was extremely expensive. The costs incurred in pursuing the injunction to the Court of Appeal were in excess of £300,000. The PFA paid half of the fees incurred; the PFA felt very strongly that information about my private life should remain private.
- 36.

#### **My experience of media misconduct - general**

37. I also found out that in 2005, the tabloid press were still carrying out secret surveillance on me in an attempt to uncover 'another' sensational story.

38. I received a voicemail out of the blue from a lady (who I shall refer to as "X" – my solicitors in the inquiry have the details of her name). I had never met her before or heard of her. She left a voicemail to the effect that

had approached her about trying to get a story about me and was trying to 'stitch me up'.

39. Having subsequently spoken to X, I understand that approached her in the following circumstances:
40. X was working for a company which required her to sell gym equipment to football clubs. She had attended a meeting at Blackburn Rovers and for some reason the press had carried out surveillance on her and obtained her home address and telephone number.
41. X was then contacted by who accused her of having an affair with me, and that I was having an affair with another girl called Sarah Lancashire (who is actually my girlfriend).
42. X then went on holiday with her husband and when she came back she was approached by photographers and reporters outside her house asking her about the alleged affair with me.
43. At about the same time, I am told that X's mobile phone went dead and so she rang her mobile company, Orange, to get to the bottom

of it. She was informed that someone had telephoned the company a couple of days previously asking about certain mobile phone numbers called and received by X (none of which was my number because we did not know each other).

44. X subsequently telephoned [redacted] and confronted him. He confirmed that he had telephoned Orange as he had been trying to access information about her mobile phone usage and this had led to her phone being cut off. He also said something along the lines that he wanted to 'catch me out again'

[redacted] X obviously told [redacted] that the allegation was rubbish and a story was never printed.

45. Sadly, X has since told me that this unprovoked intrusion by the press almost cost X her marriage as she had to convince her husband that there was no truth behind the allegations [redacted] had made. X has told me that this was a very difficult time for her and her husband and took them some considerable time to get over it.
46. Since I retired as a player I have had no contact with the national press save for when I provide football commentary to sports journalists. Otherwise, I have no dealings with the press.

#### Impact on me and my family

47. I accept that my actions in relation to the two women I had an affair with were wrong. However this was a matter entirely between my wife and I. There was absolutely no justification for revealing the fact of my affairs to millions of readers and putting my family through such a terrible ordeal. It was absolutely nothing to do with the Sunday People and they had no business publishing the stories, which were done purely to sell newspapers. The fact that much of the press commentary after my identity was revealed referred to the fact that who had heard of Garry Flitcroft only underlines this point.
48. Whilst personally the impact on me was enormous, it is the damage which all of this being revealed so publicly did on my family which was so unbearable. The journalists involved did not seem to care who they hurt. I have 2 brothers and a sister and as a family we are very close. We are also very private people and the revelations in the press in March 2002 caused my whole family immense distress.

49. However the worst part of the media coverage was the humiliation and embarrassment it caused Karen and my children. For example, when the news broke, Karen was photographed by the press taking the children to school. Up until this point she had had no dealings with the press and was completely unknown. As I have said I was always very private. This was very unfair on her. Indeed, the Sunday Mirror published a lengthy article which contained quotes purportedly obtained from Karen. Karen had not provided the quotes.
50. Furthermore, the stories in the press naturally led to gossip locally and particularly amongst the other mums at our daughter's school. The press hounding and ridicule became so bad that she stopped taking the children to school and instead arranged for her mother to do the school run.
51. To this day, if you type Karen's name into Google, links to the story comes up, which is completely wrong, particularly since the children may look her up on Google.
52. Of course, in the glare and pressure of all this publicity, my relationship with Karen did not recover and we separated.
53. My father also took the coverage very badly. My father had always been a very private person and he found the fact that personal information about me had been published all over the papers very difficult to deal with.
54. My father had watched me play at all my games since the age of 7. After the story broke he found the chanting and mockery from fans too humiliating and stopped coming to watch me.
55. My father was a long term sufferer of depression and he found the whole experience utterly devastating. In 2008 he committed suicide.
56. What I also find so difficult is the fact this story never leaves me. It is 9 years on and articles about the affairs are still on the internet. If you type my name into Google, several of the top links are to these articles from 2002. I do believe that publications such as these should expire after time rather than being left on the internet indefinitely for everyone to see, if not for me, then for my children and family.
57. My children are getting to the age where they are more inquisitive and all they have to do is type my name into Google and all of the lurid details of my private life pop up. The information online is not a

Documents  
referred to

true reflection of me; the focus is on my personal life rather than what I should be known for, which is my football.

58. What strikes me is the hypocrisy. I was not a high profile individual at the time the papers ran the story about me. The tabloids sought to argue that the story about my private life should be published because it was in the public interest. To this day, I cannot see how it could possibly have been in the public interest. The Telegraph even ran the story, 'Saga of the 'love rat' footballer leaves one question: Garry who?', which made a tongue in cheek reference to the fact that all the fuss concerning the injunction was only about a relatively little known footballer.
59. I have been following the development of privacy laws over recent years with interest. As I said at the outset, it seems widely accepted that had the appeal been decided today, the injunction would have been upheld. It was a gross invasion of my privacy and the privacy of both our families. The story should never have been printed since the damage and trauma caused to my family is irreparable.

#### Statement of Truth

I believe that the facts stated in this witness statement are true.

DATED the 8<sup>th</sup> day of November 2011

SIGNED

Garry Flitcroft