

Mr Roger Knapman v The Sunday Times

Clauses noted: 1, 3, 10

Roger Knapman MEP, the leader of the UK Independence party, complained to the Press Complaints Commission that an article, published in The Sunday Times of 7th May 2006 headlined "Anti-migrant UKIP leader hires Poles", was inaccurate in breach of Clause 1 (Accuracy), intrusive in breach of Clause 3 (Privacy) and followed the use of subterfuge in breach of Clause 10 (Clandestine devices and subterfuge) of the Code.

The complaint was not upheld.

The article reported that the complainant had been employing Polish workers to renovate his house. It suggested that this was hypocritical, given his party's stance on immigration.

The complainant complained that subterfuge had been employed by the journalists. One reporter had approached his son – who runs a Polish-registered company that sources East Europeans for jobs in Britain – pretending to be interested in buying a property. Another reporter came to the complainant's home, claiming to want to use the same builders as he was using. The quotes from the conversation were used in the article. The complainant argued that subterfuge was clearly unnecessary as he had never made any secret of the fact that his house was being renovated by some Polish workers, who were temporarily living there. Had the journalists spoken to him openly, he would have given all the necessary information, and they should at least have given him the opportunity to do so. There was no possible public interest to justify the subterfuge, which related to an activity that was both legal and private.

The complainant also alleged that the article contained inaccuracies, primarily relating to the length of time of the employment, the pay, and living conditions of the workers. He said that they had not been working for the past 11 months, but on two contracts of 12 and 10 weeks; were not living 'dormitory-style in [the] attic' but in an attic guest suite; and were earning nearly double the '£50 a day' figure quoted in the newspaper. In fact, he said, the wages worked out at around £12.50 per hour or £4000 for six weeks per worker. The complainant offered to provide all necessary documentary evidence to prove the point. He added that UKIP was not "anti-migrant" as its policy was to limit immigration to around 150,000 a year and welcome guest workers on a work permit basis. The Polish workers, the complainant made clear, were not immigrants and remained ordinarily resident in Poland. The foundation of the article, and the newspaper's justification for the subterfuge, was therefore incorrect. Finally, he objected to the claim that he had 'boasted' about his ability to help to supply Polish labourers.

In reply, the newspaper said that the purpose of its enquiries was to determine whether the complainant was guilty of political hypocrisy. UKIP had forthright views on immigration, arguing that 'the first responsibility of a British government is to its own population, not to those who would like to settle here'. It pointed to a recent party leaflet which contained a cartoon entitled 'Overcrowded Britain', showing East Europeans pouring into an entrance labelled 'Channel Funnell'. The newspaper suggested that a direct approach to the complainant would be bound to fail, as no political leader would be likely to assist in a newspaper exposing his own hypocrisy. The newspaper enclosed examples from a UKIP unofficial forum of those who considered the complainant indeed to be guilty of hypocrisy.

Similarly, it argued that any claimed intrusion under Clause 3 of the Code was justified by the fact that it was in the public interest to reveal the difference between the complainant's private behaviour and his public political stance.

Turning to the complaints of inaccuracy under Clause 1, the newspaper offered to publish a correction on the amount of time for which the workers had been contracted. It provided a transcript of the recorded conversation between the reporter and the complainant's son that touched upon the

amount they were paid. The transcript showed that, while the complainant's son had initially quoted a figure of £12.50 per person an hour, he had subsequently suggested that two workers would receive £4000 for six weeks work, consisting of six 10-hour days a week. This came to around £50 a day. The newspaper also did not consider it to be a matter of dispute that the workers lived in the complainant's attic or that UKIP was 'anti-migrant'. Moreover, the complainant's effusiveness about the Polish workers justified the article's claim that he had 'boasted' about his ability to help supply such workers.

Adjudication

The thrust of the complaint fell under Clause 10 of the Code, which states that 'engaging in misrepresentation or subterfuge can generally be justified only in the public interest and then only when the material cannot be obtained by other means'. The Commission noted that it was not in dispute that the reporters had used subterfuge to obtain information about the complainant's employment of Polish workers.

The reference in Clause 10 to subterfuge 'generally' only being justifiable when the material cannot be obtained by other means allows the Commission to find no breach of the Code in some circumstances when material obtained by subterfuge may otherwise potentially be available. It may take into consideration, for example, the seriousness of the alleged subterfuge and whether or not it was proportionate in terms of the story, or whether there were reasonable grounds for concluding that pursuing other means would jeopardise future enquiries.

There was no way for the Commission to determine whether a direct approach from the newspaper would indeed have been successful and have removed the need for misrepresentation, although it did note the newspaper's argument that a politician would be unlikely voluntarily to reveal information that would expose him to charges of hypocrisy. But in any case, the Commission was satisfied that there was an element of public interest in the newspaper's pursuit of this story, given the perceived difference between the complainant's political position as leader of UKIP and his practice of employing non-UK workers. The subterfuge used did not strike the Commission as being disproportionate or unnecessarily intrusive in the context of confirming a story of some public interest. It therefore did not conclude that there was a breach of Clause 10.

Neither did the Commission consider that there were any issues to pursue under Clause 3 of the Code. In stating that he would have been happy to discuss the matter with the newspaper, the complainant had clearly suggested that he did not regard the matter to be private. Indeed, he had said that the details were well known, both locally and to senior members of UKIP. Moreover, the Commission would not normally consider that publicity about renovation works at an individual's home would amount to an invasion of privacy.

In terms of the complaint under Clause 1 of the Code, the Commission was satisfied that there was one point of established inaccuracy: the length of time the workers had been employed. The newspaper had rightly offered to correct this point, something the Commission considered to be a proportionate remedy under the Code.

On the outstanding complaints of inaccuracy, there was no breach of the Code. The newspaper had provided evidence – in the form of a transcribed conversation between the reporter and the complainant's son – in support of its claim over the amount the workers were paid, which appeared to substantiate the figure quoted in the article and demonstrated that care had been taken by the newspaper to avoid inaccuracy on this point. Additionally, it was clearly the newspaper's opinion, distinguished as such, that UKIP was 'anti-migrant' and that the complainant had 'boasted' about his employment of Polish workers, and it was not in dispute that they had stayed in his attic.

Relevant ruling

HH Saudi Research & Marketing (UK) Limited v Sunday Telegraph, 2005

Adjudication issued 27/07/2006