

Statement of 03/04/14, by Rory MacKinnon

The following is transcribed directly from a statement I wrote down immediately following my disciplinary hearing at the People's Press Printing Society's offices in London, with the aid of notes I had taken throughout the hearing. Company secretary Tony Briscoe [TB] brought the charges against me, while the Morning Star's editor Richard Bagley considered the charges. I was represented by my branch representative with the National Union of Journalists.

TB began with presenting the facts of the case, seeking step-by-step confirmation from me. I was satisfied that his version of events correlated with my own statement of 08 March. TB played video footage held by RMT [the Rail Maritime and Transport union] from the conference in which Alan Pottage [AP] concluded his speech on women organising in the union. The chair asks, "Any questions for Alan?" and a pause ensues before the chair calls on me and I am seen and heard identifying myself by name and news organisation and asking about how the perception of the union and the role of women in the union may have been affected by the unresolved nature of Caroline Leneghan's [CL] case against the RMT's assistant general secretary Steve Hedley on grounds of alleged domestic violence. The footage continues, showing AP responding to my question and the chair inviting further questions.

Here TB ended the playback. No footage was presented of my interactions with Ms Webb and Mr Connor. TB then described the interval between the chair's invitation and my putting my hand up as "about ten seconds". TB went on to correlate with my statement, with only two corrections: that AP had referred in his speech to an incident in 1994, not 1991, and that I accepted that the officials who approached me were Jessica Webb and Dennis Connor, not Grahame Smith and Ann Henderson. When asked by RB why I might have referred to the latter in my statement, I explained that I occasionally have difficulty distinguishing facial features and must rely on contextual clues. This elicited no further comment.

TB then asked what I had done after leaving the conference hall. I replied that I had left the building and then published a series of tweets informing my followers of what had just happened. I then immediately sought to contact my line manager Will Stone [WS] and inform him of the developments.

TB then continued his questioning. TB asked when I had first heard of CL's allegations; I responded 8 March 2012 – International Women's Day.

TB asked if I had planned before the conference to ask questions about it. I said that I had witnessed the matter being raised privately among RMT members earlier that day and had thought to ask questions about it should the opportunity present itself, in order to pursue a story for the paper.

TB asked if I had told my line manager (WS) about my intentions. I said no, adding that reporters at the Morning Star have never been expected to submit their questions for vetting.

TB then asked what I hoped to "achieve" with the question. I responded that I hoped to obtain a story for the newspaper. TB replied, "That's not what I'm asking," and repeated his question. I replied that I did not understand what his line of questioning had to do with the charges of "actions" and "behaviour". TB insisted the question was relevant.

[REDACTED – my union rep] replied that the line of questioning had no bearing. RB then declared that I had substantively addressed the question in my statement of 8 March and instructed TB to

move on.

TB then asked why I had decided to ask a question “at a delegate-based conference”. I replied that the chair had opened the session to questions, saying, “Any questions for Alan?”. TB repeated the question. I replied that the Morning Star had always had a unique relationship with such unions and cited my experience at an RMT BME [black & ethnic minority] conference in Glasgow in 2013, where I had been invited to introduce myself to delegates. I added that I was not told by either RMT officials or Morning Star management **not** to ask any questions. I added that I believed I had acted with integrity and used my best judgement at the time, but given the strength of feeling evident from this disciplinary hearing, were that scenario to arise again (a chair opening a union's main conference session to questions from the floor) I would not ask questions at that time.

TB then asked why I had tweeted about my removal from the conference. I replied that it was standard practice among journalists to inform the public where they had been obstructed, impeded or dissuaded from carrying out their work, citing [sections 1 & 8 of the National Union of Journalists' code of conduct](#). RB asked whether I had a copy of the code present and noted it was not included among the case papers. I replied that I did not have a copy but added that the code was a matter of public record, by which I meant that it was publicly available information.

TB then asked why I had challenged the union's right to remove me, alluding to my tweets. [My union rep] and I replied that we rejected the premise – that each of the tweets presented was a statement of fact about the preceding events, and would be reasonably expected of a journalist. I also made note of the evidence I had presented of journalists taking to Twitter or otherwise making public reports of such incidents.

TB then asked me what I personally felt had been the reason for my exclusion. Having already noted that Ms Webb had categorically denied when asked that my removal was related to the question I had asked earlier, and having noted Ms Webb's inconsistent rationale that the conference had “always been closed” (despite the email chain produced as evidence in which she personally approved my attendance) – that taking this into account, it would be reasonable for me as a journalist to infer that my removal was in fact a response to my line of questioning.

TB then asserted that my tweets had cast the paper into serious disrepute on the basis that I had not characterised Ms Leneghan's testimony as “allegations”. [My union rep] and I rejected this as factually incorrect, noting that both tweets in the case papers which referred to the subject were couched as “Steve Hedley domestic violence allegations” and “Hedley dom violence alleg.” respectively. I also reiterated that it was in line with the NUJ's code of conduct to report incidents such as my removal in a fair and accurate manner.

TB then asked why I had not consulted with my line manager before tweeting. I replied that there had never been any expectation expressed to me that I should submit tweets for vetting, adding that the Morning Star did not present employees with either an 'acceptable use' IT policy or best practice guidance for its reporters on social media. I said that in the absence of such instruction, I had acted according to standard journalistic practice and the NUJ code of conduct and immediately sought to contact my line manager as my next course of action, relying on reasonable judgement.

TB then asserted that my failure to remove said tweets on notice of my suspension was a self-evident breach of the disciplinary procedure's ban on public comment. I rejected this, replying that I could not be reasonably expected to infer from RB's notice of suspension that I should delete evidence underpinning the investigation itself and preceding the notice by around 24 hours. I added that deleting such material without specific instruction could readily be seen as obstructing the investigation. [My union rep] added that until Monday I had received no confirmation that the

investigation specifically centred on the events of 8 March. RB replied that he believed the notice of suspension comprised part of an email chain in which he had earlier requested my version of events on 8 March.

I added as a matter of record and as evidence of my conciliatory commitment to the disciplinary procedure that I had deleted all such tweets as soon as I inferred from TB's charges on Monday that the tweets were considered an aggravating factor.

TB then gave way to [my union rep], who presented my defence as follows:

- That TB had failed to specify exactly what breach of trust had taken place: that the allegation was so vague as to be meaningless. This, he said, precluded the first charge.
- That I had demonstrably not challenged the union's rights, merely reported the state of affairs, and that TB had failed to present evidence of any loss of reputation for the paper other than “suggestion”. To the contrary, my evidence had shown tweets such as mine to be standard practice among reputable journalists.
- That “etiquette” does not exist as a coherent concept among working journalists, who rely instead on policy, guidance and instruction: subsequently that it was a reasonable expectation for me to take advantage of an opportunity to ask questions in pursuit of a story for the paper in the absence of any instruction otherwise from either the RMT or Morning Star management.
- That the Morning Star has neither an 'acceptable use' IT policy or best practice guidance for social media. While the NUJ chapel would be open to negotiating such policies, none currently exist and therefore there was no instruction to be breached.
- That I had demonstrably refrained from making public comment and had not been instructed to remove tweets dating from before my suspension. I had only been able to infer such desires from the fifth charge when it was delivered on Monday, rendering it baseless.

TB then moved to his closing summary:

- That the very fact of my ejection was evidence enough that I had in some way dealt damage to the reputation of the paper: that my removal itself was “bad news for our relationship”; that the RMT's reaction could have “spin-off” implications for the paper's relationship with other trade unions; that he did not know whether the RMT would continue to accept myself or any other Morning Star reporter at its conferences in light of the affair.
 - “I would have thought the role of the Morning Star reporter was to progress the aims and goals of the paper.”
 - “I would expect that sort of question to be asked in the *Daily Mail* or the *Sun*.”
- That I “ought to have known better” than to ask a question during the Q&A, “let alone one of this nature.”

“This isn't the sort of journalistic etiquette that I would expect of a Morning Star reporter.”

And:

“I would say the public has no right to know about the ins-and-outs of the relationship between Leneghan and Hedley.”

[My union rep] then offered my own closing argument, restating that the charges were either vague, factually inaccurate or entirely lacking in demonstrable effect. [He] also took exception to elements of TB's closing argument, saying that he hoped a reputable news organisation such as the Morning Star would not ignore something as serious as domestic violence allegations simply because it involved “someone we liked”.

RB then asked me several further questions:

- Whether I had asked questions from a conference floor before (no),
- Whether I thought it was the role of a Morning Star reporter to pursue “internal” stories (I replied that he had previously instructed the news team not to shy away from polarising issues within the union movement, so long as they were reported in a fair and accurate manner. RB said he could not recall that conversation),
- Whether I had pursued such stories at conferences before (yes, I had investigated controversial issues),
- Whether such stories had been published in the Morning Star (I replied that that was a matter for my line manager),
- Whether I thought it the role of the paper to report on such “internal” issues (I replied that this was a philosophical question beyond my remit as a reporter),
- Why I thought it worthwhile to ask questions about the Leneghan allegations given there had been no “progression” with the case since last April (I replied that while there had been no public comment, I had myself witnessed that the issue remained a hot topic among women members of the RMT who were aware of the allegations),
- Why I thought it appropriate to ask questions at a conference rather than passively observe (I replied that a journalist's job was distinctly different from a stenographer).

Richard then deferred his judgement to sometime in the next week and the hearing ended.

I would also like to note for the record that TB repeatedly qualified his assertions with the admission that he had no training or experience in journalism. He also stated that he had little understanding of journalists' work and was not familiar with the NUJ's code of conduct.

At one point TB sought to introduce claims about the RMT's reaction, attributing them to a conversation with Ms Webb. No notes or transcript of this conversation were produced or had been previously declared in line with the Morning Star's disciplinary procedure and so RB instructed RB to desist from this line of argument.

I write this statement unaided and of my own volition, referring to notes from the hearing and

offering my recollections to the best of my ability, on Thursday 3rd April 2014

Rory MacKinnon
03/04/14