


UNMASKED

ANDREW NORFOLK, THE TIMES NEWSPAPER AND ANTI-MUSLIM REPORTING — A CASE TO ANSWER

A REPORT BY BRIAN CATHCART
AND PADDY FRENCH | JUNE 2019

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‘Central allegations in three series of articles by Andrew Norfolk in the *Times* were unfounded and the articles contained further serious inaccuracies. Common threads in the reporting raise serious questions about Norfolk’s impartiality and motivation and suggest that he has, knowingly or unknowingly, breached standards of conduct and ethics that we believe responsible journalists would observe.’

CONTENTS

INTRODUCTION	2
SUMMARY OF FINDINGS	4
CASE 1: ‘MUSLIM FOSTER CARE’	7
CASE 2: JUST YORKSHIRE	25
CASE 3: ROTHERHAM COUNCIL AND THE RAPIST	38
THE TIMES, ITS EDITOR JOHN WITHEROW, AND IPSO	49
NORFOLK, THE TIMES AND ‘POLITICAL CORRECTNESS’	
BY PROF JULIAN PETLEY	59
CONCLUSION	64
APPENDIX: LETTER TO TIMES EDITOR JOHN WITHEROW	66

**UNMASKED: Andrew Norfolk, The *Times* Newspaper And Anti-Muslim Reporting
– A Case To Answer**

With the support of MEND (Muslim Engagement and Development), Hacked Off,
Media Reform Coalition, Byline and Press Gang.

June 2019

INTRODUCTION

This report examines three series of articles by the chief investigative reporter of the *Times*, Andrew Norfolk. Published over 15 months in 2017 and 2018, the articles made grave allegations and in our view tended to encourage fear of Muslims. Their accuracy has been questioned elsewhere but both Norfolk and his newspaper have defended them and they have not withdrawn them. This report finds that central allegations in all three series of articles were unfounded and that the articles also contained further serious inaccuracies. Common threads in the reporting raise serious questions about Norfolk's impartiality and motivation and suggest that he has, knowingly or unknowingly, breached standards of conduct and ethics that we believe responsible journalists would observe.



Photo: Graham Turner for the Guardian

Andrew Norfolk, chief investigative reporter of the *Times*

Norfolk has won the Orwell Prize and the Paul Foot Award and was named journalist of the year in the British Journalism Awards of 2014. He is chiefly known for his reporting of child sexual exploitation (CSE) scandals in Rotherham and other northern English cities – reporting which made the case that there was a disproportionate involvement of men of Pakistani background. That work is not addressed here, nor is this report intended as a contribution to debates about CSE or about Islamophobia in general. Nor do we hold a brief to defend the reputations of any of the individuals or bodies mentioned by Norfolk.

Our focus has been on specific recent published articles by him and we have assessed them in the context of journalistic ethics, asking whether they were fair and accurate and whether he conducted himself as a responsible journalist should. We have tried to be fair and accurate and we have given the reporter the benefit of the doubt where appropriate. The importance of our findings is proportionate to Norfolk's influential status in British journalism – his record and his senior position at the *Times* ensure that when he breaks a news story it tends to be treated with more seriousness and to gain wider national attention than it otherwise would.

The authors of this report are experienced journalists.

Brian Cathcart was a reporter at Reuters for eight years, a reporter and later senior editor at the *Independent* papers for 11 years and a writer and assistant editor at the *New Statesman* for five years. He has written books of journalism, including the award-winning *The Case of Stephen Lawrence* (1999), and he has been professor of journalism at Kingston University London since 2006. He was a founder and the first director of Hacked Off and has served as specialist adviser to the House of Commons Select Committee on Culture, Media and Sport. He blogs on journalism matters at Byline.com.



Paddy French was an award-winning current affairs producer at ITV Wales for ten years and has also made programmes for Channel 4 and the BBC. He edits the Press Gang website and gave evidence to the Leveson Inquiry that former *News of the World* investigations editor Mazher Mahmood had lied to the inquiry. He also warned Rupert Murdoch and Scotland Yard that Mahmood was a serial perjurer four years before he was jailed for conspiracy to pervert the course of justice.



Julian Petley, who contributed the chapter on ‘Political Correctness’, is professor of journalism at Brunel University London and a former chair of the Campaign for Press and Broadcasting Freedom. He has written widely about media policy and regulation, and his most recent book, co-authored with James Curran and Ivor Gaber, is the revised and extended second edition of *Culture Wars: the Media and the British Left* (Routledge 2019).

This report has been prepared exclusively at the initiative of its writers and independently of influence from any other parties. We are grateful for support from MEND, Hacked Off, Media Reform Coalition, Byline and Press Gang.

SUMMARY OF FINDINGS

Over 15 months in 2017 and 2018 Andrew Norfolk, chief investigative reporter of the *Times*, published three series of articles purporting to expose scandals. These articles, written in a period when Muslims were experiencing historically high levels of hate crime, had in common that they were emotive in tone and presented Muslims as threatening.

Our examination of the facts leads us to conclude that the scandals Norfolk described did not occur.

- In August 2017 Norfolk alleged that Tower Hamlets council placed a white, five-year-old Christian girl with Muslim foster carers alleged to have behaved like bullies and bigots, presenting this as a breach of the council's duty to find appropriate placements. Every relevant, credible authority now agrees that the claims against the carers were unfounded and that they treated the girl well, while it is clear that the child in question was actually far more familiar with a Muslim home environment than a Christian one. (See pages 7–24)



- In July 2018 Norfolk accused a human rights charity, Just Yorkshire, of publishing a report about the Labour MP for Rotherham, Sarah Champion, that was so scathing it provoked death threats against her. The *Times* has since admitted there was no evidence that the report led to death threats. The charity — most of whose trustees were Muslims — was forced to close. (See pages 25-37)



- In November 2018 Norfolk accused Rotherham council of seeking to place a vulnerable boy at the mercy of a convicted rapist by encouraging the rapist, a British Pakistani who was the boy's biological father, to seek a legal right to visits and a role in his upbringing. All official bodies now agree that the council followed court rules that apply to all local authorities requiring it to notify the father of care proceedings but that it provided no encouragement to participate. (See pages 38–48)



In these articles, facts that would have led readers to question central elements of what was being alleged – facts which we are satisfied any responsible reporter would have established before publishing – tended to be minimised or ignored. For example, in the ‘Muslim foster care’ case Norfolk mainly relied on the evidence of one witness while failing to set out information suggesting that this witness was untrustworthy (see page 11).

He portrayed Just Yorkshire as extreme but failed to mention its calls for reconciliation in Rotherham, its praise for Sarah Champion MP or its call for her to have sufficient police protection (page 34). In the third case, involving the rapist, he placed near the bottom of his reports facts that cast doubt on his interpretation of events while giving prominence to the fact – irrelevant in our view – that the man concerned was of Pakistani background (page 44). Whether deliberately or not, Norfolk appears to us to have shown a tendency to stress information that was critical of Muslims and to ignore or give little weight to information which was not. Such a tendency, in our view, is not consistent with fair journalism.

Every journalist makes mistakes, but we find it difficult to understand how a single senior reporter could have made, or been allowed to make, errors of judgement of this kind in articles of such importance and such obvious sensitivity.

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Champion of acting like a ‘far-right murderer’ when what it had argued was that she gave expression to the same assumption that had led two men to murder a Yemeni Muslim (page 32). And, in the Rotherham rapist case, a remark by a prominent figure that an individual had been placed in a ‘perverse situation’ became an accusation that a local authority made a ‘perverse’ decision (page 46).

Norfolk also took quotations out of context in ways that left them open to misinterpretation. Thus he wrote that Just Yorkshire accused

Every journalist makes mistakes, but we find it difficult to understand how a single senior reporter could have made, or been allowed to make, errors of judgement of this kind in articles of such importance and such obvious sensitivity.

The owners of the *Times* assert:

All News UK titles strive for the highest standards of accuracy and all editorial staff are expected to follow standard journalistic best practice in verifying stories. When reporting events not witnessed at first hand all possible steps should be taken to establish the credibility and reliability of any sources, and to corroborate their accounts.¹

The *Times*, in our view, failed to maintain these standards. It vigorously promoted Norfolk’s accusations, placing them on its front page, endorsing them in editorials and subsequently

1. <https://www.ipso.co.uk/media/1105/news-uk-annual-statement-for-publication.pdf>

resisting complaints and criticisms in defiance of the evidence. It has not apologised for or corrected the significant inaccuracies in any meaningful way, still less has it taken down articles from its website (see pages 49-58). It is noteworthy here that what the reporter alleged conformed to a long-established editorial line of argument at the paper (pages 59-63). Meanwhile Ipso, which presents itself as the paper's regulator, failed to respond effectively to complaints or to ensure that the correct facts were placed before *Times* readers (pages 53-58).

We have written to *Times* editor John Witherow setting out the findings of this report and inviting him and Andrew Norfolk to respond. They did not do so (see page 66).

The errors described in this report are in our view breaches of journalistic standards that require full and formal investigation with the possibility of disciplinary action to follow if appropriate. Given that the paper as a whole has identified itself so closely with these reports it would be impossible for the public to have confidence in any internal process.

What is required, in the interests of the reputation of the newspaper and of all of those who work there and contribute to it – as well as of journalism generally – is a credible, independent, external investigation into the conduct of this journalist and of the *Times* as a whole – and specifically into where the responsibilities lie.

We urge the *Times* to initiate such an investigation.

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CASE 1: 'MUSLIM FOSTER CARE'

On 28 August 2017 the *Times* published an article on its front page under the headline: 'Christian child forced into Muslim foster care'. Written by Norfolk, it described the case of a white, English-speaking, Christian girl aged five who spent six months in the care of two Muslim foster families in the London borough of Tower Hamlets.²

Citing sources close to the mother and reports by a care worker, Norfolk presented a series of claims that the carer who looked after the child for the first four months had behaved towards her in a bullying manner suggesting religious intolerance and had also apparently attempted to indoctrinate her. He reported that, at contact meetings with her mother, the child had been very distressed at the prospect of returning to this carer. The child was moved to another Muslim foster carer who wore a burka. Norfolk suggested that Tower Hamlets failed in its obligation to find a foster home for the child that was appropriate in religious and ethnic terms.

This article caused a sensation. Other national newspapers echoed the claims on their front pages in even more alarming terms than the *Times*. *Telegraph* columnist Alison Pearson wrote that the case resembled 'something from a dark, dystopian drama'³ while Trevor Phillips declared in the *Sun* that it was 'akin to child abuse'.⁴ MPs voiced outrage and the Children's Commissioner, Anne Longfield, was reported saying she would contact Tower Hamlets.⁵ Over the following weeks and months, however, a very different picture of the case emerged. The accusations against the foster carers were investigated and dismissed, indeed the foster families were warmly praised for their efforts for the girl, and when the truth about the girl's religious heritage became public it could be seen that her previous upbringing had in reality been more Muslim than Christian. What follows is the fullest account⁶ yet published of the case.



- <https://www.thetimes.co.uk/article/christian-child-forced-into-muslim-foster-care-by-tower-hamlets-council-3gcp6l8cs>
NB The *Times* operates a paywall. However, most libraries have searchable databases, such as Newsbank, where the articles can be read without payment.
- <https://www.telegraph.co.uk/women/politics/place-christian-child-muslim-foster-carers-emotionally-tone/>
- <https://www.thesun.co.uk/news/4357747/trevor-phillips-christian-girl-muslim-foster-care-like-child-abuse/>
- <https://www.thetimes.co.uk/article/tower-hamlets-council-under-fire-for-fostering-christian-girl-with-muslims-n3j9xww8v> (paywall)
- This account relies principally on: East London Family Court Case Management Order No 7, hereafter 'CMO' <https://www.judiciary.uk/wp-content/uploads/2017/08/case-management-order-lbtw-cd-and-ors-20170830.pdf>, a statement of 1 November by Tower Hamlets, hereafter 'TH statement' <https://wp.me/p3kXx7-1Q6> [Appendix 2] and the summary of the final judgment, hereafter 'judgment summary' <https://www.byline.com/column/68/article/2282>

A mother and her child

On a Thursday morning in March 2017 a manager at a London hotel called in the police. A couple had been drinking in the bar through much of the night and staff were concerned for the five-year-old girl who was with them. When the police arrived they decided the man and woman were drunk. The man was not the girl's father, but the woman, who was in her thirties, was the mother. She was arrested and criminal proceedings were initiated against her for being drunk in charge of a child.

The little girl was taken from her mother and made the subject of an emergency protection order and then of an interim care order. It appeared that no father was on the scene: the mother stated that she was not in contact with him. For the child a separate legal process began as the family court set out to determine who should look after her in the medium and long term. As is usual, a guardian from the independent organisation Cafcass⁷ was appointed to represent the child's interests, and for the moment she was placed with a foster family by the relevant local authority, which was Tower Hamlets in east London.

The mother sought the return of her daughter to her own care but at a court hearing that month this was rejected. To make the right decision for the child the court needed all the facts and that could not be rushed. In the meantime the mother was allowed to see her daughter in sessions supervised by a local authority care worker. Also in March the mother raised concern about the cultural appropriateness of the foster placement, saying that her child was Christian while the carers were Muslims. Care workers told her it had been an emergency and no better cultural match had been available. The mother also reported that her daughter had told her that a necklace she wore, with a Christian cross or crucifix, had been removed at the foster home.

Tests on the mother had shown not only 'chronic and excessive use of alcohol' but also that she had used cocaine.

The family court

In late June, almost four months after the child had been taken into care, the East London Family Court held its first substantive hearing on the case, with Her Honour Judge Khatun Sapnara presiding, while the mother, the child and the local authority were represented by lawyers. By now matters were progressing in important ways.

Tests on the mother had shown not only 'chronic and excessive use of alcohol' but also that she had used cocaine. The mother insisted she was now alcohol- and drug-free and applied to the court to be fitted with a 'Scram' monitoring bracelet that would demonstrate this. Within three days of the fitting of the bracelet it showed she had been drinking.

All parties were conscious that days after the hearing the girl was due to leave the foster home she had lived in since early March. The placement, which had begun as an emergency one, had lasted four months, but now the foster family were going away on holiday. The local authority's plan was to transfer the girl, for what was expected to be a short spell, to another foster family.

With this in prospect the mother changed her view on what should happen next. She no longer sought the immediate return of her daughter but asked instead that, for an interim

7. Children And Family Court Advisory and Support Service. In care proceedings a Cafcass guardian is an important figure.



ANATOMY OF A MYTH

The opening paragraph of Andrew Norfolk's sensational article created the myth of the Christian child forced into the care of alien foster carers.

Christian into Muslim
A new Norfolk Investigative Reporter
A white Christian child was taken from her family and forced to live with a niqab-wearing foster carer in a home where she was allegedly encouraged to learn Arabic.
The five-year-old girl, a native English speaker, has spent the past months in the care of two Muslim households in London. The parents were made aware of the girl's situation.

CHRISTIAN The child was at least as Muslim as she was Christian. Though baptised, she had not regularly attended church and she spent much of her life in the care of her practising Muslim grandparents.

FAMILY The family is divided: the mother is a single parent and the Russian father had little or no day-to-day involvement in his daughter's life. The child's grandmother was concerned at the mother's lifestyle and praised the foster carer for the way she looked after her grand-daughter.

NIQAB-WEARING Andrew Norfolk said that the wearing of the niqab, the head-dress where only the eyes are visible, is a sign of conservative Islamic values. An investigation by the local authority found the foster carer only wore the hijab, which does not cover the face.

TAKEN The child was lawfully removed from her mother because of the mother's alcohol problems which had led to several criminal convictions. The family court concluded after careful assessment she was not capable of looking after her daughter properly.

ARABIC Not only was the child allegedly encouraged to learn Arabic, she claimed the foster carer's family 'don't speak English'. The local authority found that English is the main language of the foster carer's home. An expert told Norfolk carers are required to have good spoken English. He warned him: 'you shouldn't go near this story — it just doesn't ring true.'

period, the girl be placed with her maternal grandmother, who had arrived in the UK since the March incident. The judge declared at the hearing that this would be premature. The court did not know enough about the grandmother so the local authority was instructed to establish whether she would be a fit carer. This would take time since most of the relevant information was held in the grandmother's home country. In the meantime the transfer to the second foster carer was to go ahead.

The mother was unhappy about these arrangements and at the June hearing she made a formal complaint. The intended second carer, like the first one, was a Muslim. Local authorities are required to consider the cultural and religious appropriateness of placements and the mother said that, her daughter being Christian, this requirement had not been met. She also made specific allegations about the carers:

- that her daughter's cross or crucifix had been removed;
- that the child was being denied food she liked, prepared by her mother, which contained bacon;
- that her daughter had suggested in a contact session that she wanted to become a Muslim;
- that the second carer wore the burka, the head-to-toe Muslim women's garment that also covers the face.

The judge ordered Tower Hamlets to look into these complaints and the child's Cafcass guardian said she would do so too. Tower Hamlets reported back on 4 July⁸, eight days later, that having investigated it did not accept the mother's complaints. In particular it found that when the child was first taken into care she had not been wearing a necklace with a cross, nor did she have one in her possession. It was also recorded that the child had been visited at the home of the second carer and was settled and playing happily. At the conclusion of the June session the judge set the date for the next full hearing: 29 August. This was expected to settle the child's future.

In July the mother was found guilty at a magistrates' court on the charge of being drunk in charge of a child. This meant that by now the court was aware that the mother's record showed four drink-related criminal convictions over the previous decade. Two, from some time before, were for driving under the influence of alcohol and the third, dating from 2013, was for attacking a security officer in a London casino when drunk.

Contact with Norfolk

At some stage during the summer, contact was made between the mother and Andrew Norfolk. Who initiated this and whether it was face to face or through an intermediary has never been made clear.⁹ The paper has only ever said that it 'became aware' of the case and Norfolk has never quoted the mother directly or said that he had spoken to her. Instead he quoted 'friends' of the mother. Court documents would later show that other parties in the case, including the independent guardian, suspected that the mother was directly involved in contacts with the press.¹⁰

8. Referred to in CMO, Order number 2.

9. Evidence was presented by Martin Barrow (see below p51) at an employment tribunal hearing in Edinburgh in May 2019 suggesting that the story was first brought to the editor of the *Times* by a wealthy acquaintance. The editor denied this. We have not been able to establish how the connection was made.

10. Judgment summary, see 'Background'.

Whatever was the case, we know that Norfolk was told of the mother's position: she was horrified that her white, Christian, English-speaking daughter, aged just five, had been fostered with Muslim families, and she made allegations against one or both of these families. These included both the complaints mentioned above and some additional ones. The first foster mother was said to wear the niqab – a Muslim head-dress covering all of her face except her eyes – and the second carer wore the burka outside the home. In contact meetings the child was said to have told her mother that 'Christmas and Easter are stupid' and that 'European women are stupid and alcoholic'. The child was also said to have stated that when she was given her favourite dish, pasta carbonara, to take back to the foster home, the foster carer would not allow her to eat it because it contained bacon. And Norfolk was told of the alleged removal of the cross.

He also obtained a document or documents written by a 'contact supervisor' in the case – a care worker who attended meetings between mother and child. Norfolk has never quoted more than fragments, but according to his subsequent articles they recorded:

- that the supervisor had heard the child say, in relation to the first of the two foster families, that they did not speak English at home and that they had suggested she learn Arabic;
- that she heard the child speak words in Arabic and then tell her mother that these words would ensure that 'when you die you go to heaven';
- that the child had said her carer took away a cross.

Norfolk would also write that the supervisor described the child's distress when meetings with her mother came to an end, saying she 'started crying and saying that she doesn't want to go back'.

Further particulars

Reporters at national news organisations receive such approaches fairly often and obviously they don't rush into print without learning more background. So what more did Norfolk know or find out?

We have investigated these matters to the best of our ability but it is not possible here to set out all the facts that we have uncovered or to describe in detail how we know what we know. This is because of the risk of revealing information that is not already in the public domain and that might tend to identify the child and breach the confidentiality of the court. Given what we know, and given our understanding of what a responsible journalist would do in such circumstances, these are our conclusions.

We believe that any responsible reporter would have made it his or her business to know the circumstances in which the girl was taken away from the mother and that the mother had recently been convicted of being drunk in charge of her child.

We believe that any responsible reporter would have made it his or her business to know the circumstances in which the girl was taken away from the mother and that the mother had recently been convicted of being drunk in charge of her child. For Norfolk this information would have been readily accessible. Equally, we believe that a responsible reporter would quickly have learned further information about the mother which was also readily accessible to Norfolk and which pointed to a history of alcohol abuse and of telling lies about herself. In

our view this information underlined the need to verify scrupulously everything the mother said and to be open with readers about the status of her evidence.

Norfolk needed to establish what was happening in the courts. The mother, as a party to the case, would have been fully up to date, so either directly or through the intermediary of her friends Norfolk was in a position to ask for the relevant information. How much he would have learned in this way is uncertain, since by disclosing court information to him the mother would have risked placing herself in contempt of court. It must be relevant here, however, that Norfolk has considerable expertise and experience in matters involving courts and other official bodies. He told an interviewer in 2015:

*Legal issues, in both criminal and civil proceedings, take up far too much of my professional life and have featured heavily in the past four years. And how could you begin to grasp the labyrinthine layers of power and accountability with a story like Rotherham's [child sexual exploitation scandals], where you're trying to assess who knew what, and when, without first understanding the structure of local authorities, departmental responsibilities, multi-agency working, safeguarding boards, etc?'*¹¹

At the very least, we believe that Norfolk, deploying these skills, could and should have learned that the case was proceeding in the family courts, albeit slowly, that the grandmother was being assessed for her suitability as a carer and that the judge was aiming to bring matters to a conclusion on 29 August. A responsible journalist with an open mind would also have sought to establish whether the mother's complaints had already been officially investigated. The fact was that some of the complaints had been investigated by Tower Hamlets and had been rejected.

Matters to verify

What did he need to confirm? At first glance it might appear that Norfolk already had confirmation for the mother's claims in the form of the contact supervisor's evidence, but things were not so straightforward. The contact supervisor was a strong witness when it came to the distress of the child at the end of the contact meetings, but since distress is by

*... a conscientious journalist
could and would have established
that the grandmother normally
lived abroad.*

no means unusual in such contact sessions this was of limited significance. The mother and the contact supervisor also seemed in agreement on the removal of the necklace, but beyond that their evidence did not directly overlap except in the sense that it seemed to be to the discredit of the foster carers. A further problem here was that most of the claims, whether made by the mother or in the

documents, rested on the word of the child. This was true, for example, in relation to the cross, to the carbonara meal and to the matters of language. That two adults were reporting these did not make them any less the claims of one five-year-old.

Next was the matter of the child's religion. The mother said the foster placements were inappropriate because her daughter was Christian, but was this true? Basic background research would have left no doubt that the mother's ethnic and religious heritage and nationality were not straightforward. She had not been born or educated in Britain and she

11. <https://www.pressgazette.co.uk/journalist-year-andrew-norfolk-owes-his-success-bullying-bastard-news-editor-wouldnt-leave-me-alone/>

was not Russian, though she used her partner's Russian surname. At least once in the past she had written that she was from the Republic of Cyprus but this provided no certainty on the point of religion: Cyprus as a whole is mainly Christian but North Cyprus is predominantly Muslim and its citizens are entitled to Cypriot passports. Further, a conscientious journalist could and would have established that the grandmother normally lived abroad. Where did she live? The answer would presumably reveal where the mother was brought up. Since Norfolk was in contact (directly or indirectly) with the mother, he could ask to see passports, birth certificates and baptismal records for both mother and child. If such documents were refused that would obviously be grounds for concern. And if for any other reason he was unable to get hold of that kind of proof he had the option of further online research.

By online research we were able, without difficulty, to identify the grandmother's home country. In doing this we relied on basic information that may not be disclosed here but which was available to Norfolk at the time he was investigating. The country in question is overwhelmingly Muslim, a fact which in turn made it overwhelmingly likely that the child's grandmother was a Muslim. By extension it was also likely that the mother had been brought up a Muslim even if she now identified herself and her daughter as Christian. These were facts that, at the very least, weakened any claim that a Muslim home was inappropriate for the child. This information was available to Norfolk by at least two routes, online and through the mother, and we believe that any competent and conscientious reporter would have found it out.

*'I told him he should be
be very careful'*

Norfolk makes calls

Norfolk contacted a man who was doubly qualified to advise him. Martin Barrow had been his news editor at the *Times* for many years. Barrow and his wife are experienced foster carers and, after he left the paper in 2013, Barrow became an active public advocate of fostering. Barrow told us that Norfolk discussed the case with him in some detail. Significantly, he said:

He [Norfolk] knew that the child's heritage was complex and that she was the daughter of migrants on both sides. He had enough information to work out that some members of the family may also be Muslim.'

Norfolk sought Barrow's opinion on the case and this, we were told, was the response:

As a foster carer, I challenged many of the claims made about the foster carers in Tower Hamlets. I questioned the reasons why the crucifix might have been removed: we [as foster parents] probably would have done the same, mainly for the child's safety given her age. I explained that birth families routinely — and understandably, perhaps — find fault in foster carers or make false allegations. I also explained that family contact sessions are often difficult and generally don't reflect the quality of the placement. I told him he should be very careful.

Barrow suggested that Norfolk also seek the views of Andy Elvin, the chief executive of The Adolescent and Children's Trust (TACT), the country's largest fostering charity. We have spoken to Elvin and he described his conversation with the *Times* reporter.¹²

12. Emails and telephone calls with the authors.

Norfolk put to Elvin a number of the claims made in the case. On the suggestion that the foster carers did not speak English, Elvin told him this must be untrue: all foster carers are required to be fluent in English. Norfolk also asked about the removal of the cross and again he was told there were likely to be sound reasons for this. On whether the placement was inappropriate, Elvin told Norfolk that in emergency placements such as this one the number of available foster carers would be limited and social workers had to take into account the nature of the foster carers' home situation and their ability to give the little girl a stable home environment. Norfolk said his sources included council reports and concerns raised by friends of the mother. Elvin said he didn't think this was enough. He says he told Norfolk: 'You shouldn't go near this story – it just doesn't ring true.' At this point, Elvin told us, Norfolk accused him of being 'defensive'.



Andy Elvin, Chief Executive of The Adolescent and Children's Trust

Norfolk also put questions to Tower Hamlets. He would later write that the local authority 'refused to respond' to even the most general inquiries and that it 'cited confidentiality obligations' as the reason. Whether or not this was a legally correct stance by the council, the brush-off should not have surprised Norfolk. The family courts are known for placing

*'You shouldn't go near this story
— it just doesn't ring true'*

a high priority on the privacy of children, so not only is a child's name usually a court secret, but so by extension are the names of many associated with the child. Breaches of confidentiality are treated extremely seriously, as he would have known from his

long experience in this field. Further, the local authority had to consider data protection law, so it is understandable that it was cautious. Even so, journalists are generally trained not to take no for an answer. There was an argument to be made that Tower Hamlets could answer *some* questions and also that providing some information would be in the public interest. Whether Norfolk went back to the local authority to make that case we do not know.

Norfolk writes his story

On Sunday 27 August, two days before the family court hearing, Andrew Norfolk completed an article about this affair for publication in the *Times*. By now the processes overseen by the court had advanced significantly. All of the parties – the mother, the local authority, the guardian and the grandmother – were in agreement that the best solution was for the child to be placed for the moment in the care of the grandmother, whose credentials as a suitable carer had been confirmed. Preparations were thus in hand to transfer the child once the judge gave approval in court. There is evidence that Norfolk was aware of this. His former colleague Martin Barrow, the foster carer whom he consulted at this time, told us:

He knew that the maternal grandmother had applied for custody and was being viewed favourably by social services.

There was a complication. The grandmother had apparently expressed a wish to take the child to her home abroad, to be cared for there. The court could not allow this to happen in the absence of a parallel legal care framework to protect the child in the grandmother's home country, and establishing this would be difficult and would take time. There was agreement, however, that this should not prevent the grandmother caring for the child in London in the interim.

The article

On Monday, 28 August 2017 the *Times* published Andrew Norfolk's article under the headline 'Christian child forced into Muslim foster care':

A white Christian child was taken from her family and forced to live with a niqab-wearing foster carer in a home where she was allegedly encouraged to learn Arabic.

The five-year-old girl, a native English speaker, has spent the past six months in the care of two Muslim households in London. The foster placements were made, against the wishes of the girl's family, by the scandal-ridden borough of Tower Hamlets.

In confidential local authority reports seen by *The Times*, a social services supervisor describes the child sobbing and begging not to be returned to the foster carer's home because "they don't speak English".

The reports state that the supervisor heard the girl, who at times was "very distressed", claiming that the foster carer removed her necklace, which had a Christian cross, and also suggested that she should learn Arabic.

It is understood that the child told her mother that when she was given her favourite Italian food to take home, the foster carer would not allow her to eat it because the carbonara meal contained bacon.

More recently, the girl is said to have told her mother that "Christmas and Easter are stupid" and that "European women are stupid and alcoholic".

In any decision regarding a foster placement, local authorities are required to give due consideration to the child's "religious persuasion, racial origin and cultural and linguistic background".

Tower Hamlets refused to respond to requests to explain why it had chosen to place a white, English-speaking Christian child with Muslim foster carers, including one household where she was unable to understand the language spoken by the family.

Her first carer, with whom the girl lived for four months, is believed to have worn a niqab outside the family home. The carer at her present foster placement wears a burka, fully concealing her face, when she accompanies the child in public.

The wearing of a niqab or burka generally indicates adherence to a



The pixelated photo of the little girl that appeared on the cover of the *Times* on 28th August 2017

conservative, Salafi-influenced interpretation of Islam that is often contemptuous of liberal western values.

To protect the child, *The Times* has chosen not to identify her or the unusual circumstances that led to her being taken into care earlier this year.

The girl's mother is said by friends to have been horrified by the alien cultural, religious and linguistic environment in which her daughter has spent the past six months.

"This is a five-year-old white girl. She was born in this country, speaks English as her first language, loves football, holds a British passport and was christened in a church," said a friend.

"She's already suffered the huge trauma of being forcibly separated from her family. She needs surroundings in which she'll feel secure and loved. Instead, she's trapped in a world where everything feels foreign and unfamiliar. That's really scary for a young child."

The remainder of the article provided general background on fostering and on Tower Hamlets and was not specific to the case of the child.¹³

Omissions

No ordinary reader of the *Times*, seeing this, could have been in any doubt that the local authority and the foster carers had a compelling case to answer. There was no hint of doubt in the writing – on the contrary, the reporter presented his story to his readers as the truth of the case, pure and simple.

To anyone familiar with the background, however, the report must be striking for its omissions. Here are some of the things Norfolk did not mention:

- the circumstances in which the child was taken into care, including the mother's drinking binge and her subsequent criminal conviction;
- her history of dishonesty, her other convictions and the fact that she had once been declared bankrupt;
- that the first foster placement had been made as an emergency measure;
- that two fostering experts had told him that in such cases it was wrong to rely on the evidence of a distressed parent and a single care worker;
- that the same experts told him some of the claims about the carers probably had innocent explanations;
- that the child had Muslim heritage and that her grandmother lived in a Muslim country where the mother had probably been raised;
- that a court hearing was due next day at which it was likely that the judge, with the mother's approval, would order the immediate transfer of the child out of foster care and into the care of her own grandmother.

In our view all of this information was accessible to Norfolk and a responsible journalist would have made it his or her business to have found it out before publication.

To have included these facts in his article, with due prominence, would without doubt have altered his readers' understanding of the case. The black-and-white picture would have

13. <https://www.thetimes.co.uk/article/christian-child-forced-into-muslim-foster-care-by-tower-hamlets-council-3gcp6l8cs> (paywall)

appeared, far less dramatically, in shades of grey. But the matter of omission is not simple, because to have disclosed this information at this stage would in some cases have been a breach of the court's legal confidentiality requirements. In other words, Norfolk was not free to paint the picture in all its shades. This did not, however, justify publishing the article as it appeared, indeed in our view a fair-minded journalist seeking to present readers with an accurate account of the case would have recoiled from publishing so unbalanced an account. Such a reporter would either have done whatever was necessary within the law to make readers aware of the imbalance in the evidence or would have refrained from publishing until it was possible to present a fair account. Norfolk, however, omitted the information above and the only indication he gave that the picture was incomplete was this:

To protect the child, The Times has chosen not to identify her or the unusual circumstances that led to her being taken into care earlier this year.

Claiming victory

The next day, Tuesday, 29 August, as his story reverberated around the political and media worlds, Norfolk followed up with an article under the headline 'Parents begged Tower Hamlets council to let child in Muslim care stay with grandmother'.¹⁴ The local authority, he alleged, had persistently blocked attempts by the child's distraught family to have her moved into the care of 'close family or relatives' and most recently of her grandmother. The remainder of his article repeated most of the earlier claims.

In addition the article promoted an idea of unity and common cause among the girl's parents and family that was at variance with the facts. So far as the court was aware at this stage the girl's father was not on the scene and not in contact with the mother, so only one parent, rather than 'parents', was formally involved. Equally, the suggestion that the 'family' wanted the girl released into the care of 'close family or relatives' encouraged a false impression of unity. As we shall see, and as a conscientious reporter would have known, the child's mother and grandmother, who were the only relatives engaged with the court proceedings, took different and frequently opposing views of the case and the grandmother did not endorse the mother's complaints.

At midday that day another article by Norfolk appeared on the *Times* website, with the headline: 'Tower Hamlets under fire for fostering Christian girl with Muslims'. This asserted that the council was to be 'forced by the children's commissioner to explain its decision'. He quoted the commissioner, Anne Longfield, as saying she was 'concerned at these reports' and that her office would contact the council.¹⁵ The commissioner's office has since confirmed to us that a call was made to Tower Hamlets. A spokesman said: 'Their [the council's] version, while addressing the story as it appeared in the *Times*, added a number of important facts that gave a fuller and much less concerning picture of what the situation was.' He said no action was taken, noting that the matter of the child's care was settled later that day by court order.

The court hearing occurred on that same Tuesday, with Norfolk present, and as expected the judge authorised the transfer of the child to the care of her grandmother. This duly took place later that day.¹⁶ Norfolk's report appeared in the *Times* the following morning, Wednesday,

14. <https://www.thetimes.co.uk/article/parents-begged-tower-hamlets-council-to-let-child-in-muslim-care-stay-with-grandmother-k089xlsdc> (paywall)

15. <https://www.thetimes.co.uk/article/tower-hamlets-council-under-fire-for-fostering-christian-girl-with-muslims-n3j9xww8v> (paywall)

16. Because of the press of photographers and reporters outside the carer's home when this occurred police had to be called in and the child was prevented from saying goodbye properly to the carer. See judgment summary.

under the headline: 'Judge rules child must leave Muslim foster home', with the sub-heading: 'The *Times* praised for exposing council's failure'.¹⁷ His opening paragraphs were:

A girl at the centre of a care dispute was removed from her Muslim foster parents yesterday and reunited with her family as a judge urged councils to seek 'culturally matched placements' for vulnerable children.

The five-year-old, a native English speaker from a Christian family, was taken to her grandmother's home after a court ruled that she should not remain in the placement organised by the London borough of Tower Hamlets.

Judge Khatun Sapnara, a practising Muslim, said it was in the girl's best interests to live with a family member who could keep her safe, promote her welfare and meet her needs 'in terms of ethnicity, culture and religion'.

The judge ordered the council to conduct an urgent investigation into issues reported by the *Times*, saying that the newspaper had acted responsibly in raising 'very concerning' matters of 'legitimate public interest'.



On this rendering the court would appear to have taken the actions that any reasonable person who had read the first *Times* article would have wished to see. The girl's reported ordeal at the hands of inappropriate carers was over and she was back with her family, while the claims about the carers' conduct were to be investigated. It was, it seemed, a victory for the *Times*. On the very day of this report, however, Andrew Norfolk's story about the 'Christian child forced into Muslim foster care' began its long public unravelling.

Case Management Order No. 7

Unexpectedly, the judge published the official record of the hearing of 29 August, presenting a different account of the case thus far from the one given by Norfolk. Entitled 'Case Management Order No. 7',¹⁸ it included many details not previously in the public domain and in effect the judge was saying that these details were not subject to confidentiality restrictions and could be discussed freely. They included, notably, the facts that the child had been removed from her mother's care by police for her protection and that because this had been an emergency measure no 'culturally matched' placement had been available.

The order also revealed that:

- since being taken into care the child had seen her mother three times a week and had had telephone contact with her. She had also been seeing her grandmother and an aunt;
- the local authority disputed the mother's claims about the foster carers;
- the independent Cafcass guardian, having visited the child at the home

17. <https://www.thetimes.co.uk/article/judge-rules-child-to-leave-muslim-foster-home-as-times-is-praised-for-raising-concerns-r20lppb7s> (paywall)

18. <https://www.judiciary.uk/wp-content/uploads/2017/08/case-management-order-lbtw-cd-and-ors-20170830.pdf>

of the second carer and spoken to her alone, had no concerns about the child's welfare;

- documents presented to the court stated that the maternal grandparents were Muslims, albeit non-practising¹⁹, though it was also recorded that the mother asserted they were of Christian heritage;
- the grandmother's first language was not English and documents were having to be translated for her;
- the child had been the subject of wardship proceedings apparently in another country.



The case management order further revealed, in relation to the mother, that she:

- had undergone tests for both alcohol and cocaine abuse;
- had also been involved in family court proceedings relating to her older child;
- had at no stage asked the court for a change of foster carer.

Finally, the order stated bluntly that the judge's key ruling was not influenced in any way by press reporting:

For the avoidance of doubt, the court makes it clear that the decision to approve the new care arrangements for the child to live with the grandmother under an interim care order is as a result of the application of the relevant law to the evidence now available to the court and not as a result of any influence arising out of media reports.

Significantly, this phrasing – ‘not as a result of any influence arising out of media reports’ – is more emphatic than the form of words said in Norfolk's reporting to have been used by the judge in court – ‘Judge Sapanara said her decision to order the child's removal from foster care was not taken “as a result of *undue* media involvement”.’ (Our italics) The judge's order appears to exclude the possibility that Norfolk's reporting had affected the outcome in any way.

The Tower Hamlets investigation

A month later the family court sat again and on this occasion a number of journalists attended. Several news articles were published²⁰ and although confidentiality restrictions still applied some significant new evidence was made public, chiefly arising from a report by Tower Hamlets that was presented to the court. According to the news articles, the report asserted that the child, who had dual nationality, had been christened but had not attended church. The grandparents, though they did not attend a mosque, prayed at home. The council also asserted that the girl had been well cared for by the foster families and missed

19. It would later be established that although they did not attend a mosque they prayed at home.

20. These reports are listed and discussed at <http://www.transparencyproject.org.uk/the-muslim-foster-carer-case-again-what-else-has-emerged>. The *Times's* report, which included some of these points, is here: <https://www.thetimes.co.uk/article/muslims-fosterers-gave-warm-care-to-tower-hamlets-christian-girl-wxd33nqn> (paywall)

them. Counsel for the mother said she disputed some of these findings while the judge was reported as saying that they provided an ‘alternative narrative’ to that presented in the *Times*. The judge ordered Tower Hamlets to prepare a version of its report for publication and this appeared a month later, on 1 November. It chiefly provided the findings of its investigation into the various claims set out in Norfolk’s first article (claims which had subsequently been endorsed by the mother in court).²¹ It found that:

- the first foster carer did not wear the niqab, covering the whole head with the exception of the eyes, but the hijab, which covers only the hair;
- a cross had been taken from the child by the second foster carer on the ground that its ‘size and value were not appropriate for a child’ and it was given to the grandmother, who confirmed this;²²
- neither foster carer had rejected food on religious grounds;
- though the first foster mother spoke Arabic as her first language, the language of the home, and the language in which she addressed her own children, was English;
- claims that the foster carer had made derogatory comments to the child about Christian festivals and European women could not be substantiated, though it was found that the child did not know what the word Europe meant;
- far from mocking Christian festivals, the first foster family held an Easter egg hunt for the girl and she had brought her Easter egg to a contact meeting with her mother.

These findings, the report noted, were ‘not accepted’ by the mother, though no details were given of her objections. The child’s grandmother, however, was recorded as saying that the allegations against the foster carers were ‘false and lies’ and that she was ‘distressed and angered’ by them. The report went on: ‘She [the grandmother] has a good relationship with the carers and is grateful for the excellent care she says that they have provided to the child.’

... though the first foster mother spoke Arabic as her first language, the language of the home, and the language in which she addressed her own children, was English

Further, Tower Hamlets stated it was:

... satisfied that at all times the foster carers provided warm and appropriate care to the child. The Local Authority has been impressed with the care and commitment shown by the carers to the child. This is reflected in the child’s description and reaction to the carers and the MGM’s [maternal grandmother’s] positive relationship with them.

The *Times* reported this statement at the time.²³

21. <https://wp.me/p3kXx7-1Q6>, Appendix 2.

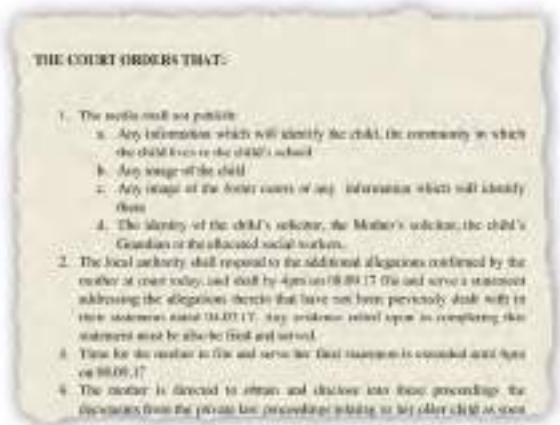
22. It appears that more than one cross was involved. The child reported one cross missing in March, but the council said she had not had it in her possession when taken into care. The evidence suggests that it may have been left in the grandmother’s home by the child before she came to London in January 2017. A second cross was given to the child by her mother while she was in care and this was removed by the second foster carer in the circumstances described here.

23. <https://www.thetimes.co.uk/article/tower-hamlets-council-rejects-concerns-about-muslim-foster-homes-for-girl-5-l0tk25wfs> (paywall)

After this the local authority complained to the body which purports to be the *Times's* regulator, the Independent Press Standards Organisation (Ipsos), whose ruling on the case was given the following April.²⁴ The detail of this is reviewed in a separate section (see pages 54-56). In summary, the complaint was a limited one relating, not to Norfolk's original report but to his report of the hearing: the third day of his coverage. Ipsos found that the *Times's* failure to mention on that day that the grandmother was Muslim did not constitute an inaccuracy but that the newspaper had distorted facts when it claimed the court's decision to place the child with her grandmother represented a failure by the council. The *Times* was required to publish, on an inside page, a summary of the ruling. This it did on 25 April 2018, on page 6, along with a short passage on the front page. There was no correction or apology.²⁵

The judgment summary

It was not until early February 2018 that the court approved the child's move to the grandmother's home country, the judge issuing detailed orders limiting the mother's access to her child in her new home. No journalists attended this 10-day hearing but the judge ordered that a summary of her final judgment should be prepared by Tower Hamlets and then agreed by all parties in the case and by her. This document, finally issued by Tower Hamlets on 7 September 2018, placed on record a fresh array of information about the case and in particular about the child's mother and father.²⁶ Setting out details of the mother's previous convictions and drink and drugs problems, it also noted that she had appealed successfully in October 2017 against her conviction for drunkenness while in charge of a child. Here it observed that the:



... court found that the mother had knowingly presented misleading evidence, including the evidence of an expert toxicologist, in support of her appeal in the Crown Court. This expert reported without knowledge of the results of the mother's hair strand tests which showed positive for cocaine and chronic and excessive use of alcohol by the mother for the highly relevant period of September 2016-May 2017.

This was nothing less than an accusation against the mother of perverting the course of justice.

For the first time, light was shed on the role of the Russian referred to by the court as the 'putative father', who was not married to the mother and whose name did not appear on the child's birth certificate. The mother claimed to have had no contact with him since 2013 but the court concluded that he continued to exercise financial influence over her and had been 'a significant presence on the periphery of the case'. There was, the judgment added, 'some evidence' that it was the father who was interested in the child's religious needs and that the concerns about the foster carers had originated with him and not the mother. The summary

24. <https://www.ipsos.co.uk/rulings-and-resolution-statements/ruling/?id=20480-17>

25. <https://www.thetimes.co.uk/article/ipsos-upholds-complaint-against-times-for-its-report-of-court-hearing-in-tower-hamlets-fostering-case-306qjp87p> (paywall)

26. Judgment summary

further stated as a cause for concern in relation to the child that:

'The relationship between the mother and putative father had been characterised by incidents of domestic violence (some very serious) over a number of years ...'

There was also an account of the child's life. Between April 2012, shortly after she was born, and January 2017, when she moved to Britain to start school,²⁷ she had spent 'a lot of time' and 'lengthy periods' living in the grandmother's mainly Muslim home country. The report stated plainly:

The maternal grandparents are Muslim ... The maternal grandmother chose to take an oath on the Qur'an before giving oral evidence. The grandparents say that they do not attend mosque but they do pray at home.

But the grandmother's care had not been continuous:

... she [the child] also spent significant periods of time with her mother and ... during those periods of time the child and the mother visited the father on a number of occasions and the child was otherwise exposed to disruption arising out of the mother's lifestyle which included changes of carers, different partners with whom the mother formed intense relationships very quickly and other changes in her life.

The summary noted one incident from 2012, when a hotel manager in Bulgaria had contacted the British embassy with concerns that the mother was using alcohol and drugs while in charge of her child, who was then a baby.

Finally, under the heading of 'welfare findings' came the following account of the mother and her family:

The court had no doubt that the mother had taken the course she had in these proceedings, driven by the natural desire to be reunited with her daughter. On a subjective analysis she genuinely believes that the child will be better off in her care. Sadly, in the court's judgement that motivation was also tinged with a degree of wounded pride. The mother's position was not borne out on an objective assessment of the evidence and in light of the court's threshold findings.

The court concluded that the grandmother loves her daughter and is committed to her. It is likely that the maternal family have felt frustrated, disappointed and saddened by the mother's conduct at times in the past, but the court was struck by what it perceived to be a depth of love for the mother and the child and a commitment to them by the grandmother and maternal family over the years despite the cost to them at times.

27. Though apparently born in the UK, the child had not stayed. She arrived in London with her mother two months before she was taken into care.

The matter of religion

Norfolk's series of articles from 28 August onwards painted a picture of a Christian child at the mercy of Muslim bullies, a picture that we can now see was incorrect. This was a particularly sensitive time. Hate crimes had been increasing in number for years, with a sharp rise after the 2016 EU referendum²⁸ and in 2017 the Islamist attacks at London Bridge, Manchester Arena and Westminster Bridge provoked further peaks.²⁹ The *Times* itself reported in June: 'Finsbury Park mosque attack is latest in wave of Islamophobic hate crimes'.³⁰ Given that Norfolk published against this background, we should consider evidence of possible prejudice in his articles.

In the later, more general part of his 28 August article Norfolk wrote:

In some areas of the country, a longstanding shortage of foster carers from ethnic-minority backgrounds frequently leads to non-white children being, of necessity, placed with white British foster parents. It is far less common for the reverse to take place.

He thus knew that ethnic minority children find themselves with white carers far more frequently than white children with ethnic minority carers, yet he chose to raise the alarm about a rare instance of the latter. In our view it is difficult to escape the conclusion that he considered the case of a single white child to be more alarming and newsworthy than the many cases involving ethnic minority children.

He thus knew that ethnic minority children find themselves with white carers far more frequently than white children with ethnic minority carers, yet he chose to raise the alarm about a rare instance of the latter.

Where non-white children were placed with white foster parents Norfolk explicitly presented this as something that happened 'of necessity', yet in highlighting this case of a white child and non-white foster parents he made no allowance for necessity – even though he must have known that the placement had been an emergency one.

Norfolk implied that the crucifix necklace was taken from the child for reasons of religious intolerance and made no explicit allowance for the possibility of an innocent explanation – even though, as we have been told, he had spoken to an experienced foster carer who told him he too would probably have removed the necklace.

The notion that the foster carer allegedly encouraged the child to learn Arabic – mentioned in both the first and fourth paragraphs of the 28 August article – was presented as intrinsically sinister. It is hard to believe that this assumption would be made about any other language.

Norfolk implied that the foster carers held extreme or hardline religious views on this basis:

... wearing of a niqab or burka generally indicates adherence to a conservative, Salafi-influenced interpretation of Islam that is often contemptuous of liberal western values.

28. <https://www.bbc.co.uk/news/uk-politics-37640982> and <https://www.independent.co.uk/news/uk/home-news/racist-hate-crimes-surge-to-record-high-after-brexit-vote-new-figures-reveal-a7829551.html>

29. <https://www.bbc.co.uk/news/av/uk-40346457/reality-check-is-islamophobia-on-the-rise>

30. <https://www.thetimes.co.uk/article/finsbury-park-mosque-attack-is-latest-in-wave-of-islamophobic-hate-crimes-5xjktnlmg> (paywall)

Conservative in outlook though they may generally be, most wearers of the niqab and the burka live blameless lives as full contributors to, and respecters of, Britain's society, laws and culture. Norfolk did not mention this.

Nor did he verify the claim that the first carer wore the niqab. Had he done so he would have found that she did not.

Although the 28 August article presented a case of Christians and Muslims in apparent opposition, not one Muslim voice was heard. Norfolk did not quote any Muslim organisation or individual.

We find this a very worrying catalogue. Any news journalist in 21st century Britain, no matter what their ethnicity, needs to be alert to the need for care in reporting about other cultures. Norfolk is a very senior journalist and, as we say above, he was writing at a time of particular sensitivity. He ought to have seen and addressed these problems before publication and, if he failed to do so, it was the task of his editors.

The conduct of Andrew Norfolk

Norfolk's first article of 28 August was clearly wrong both in its general thrust and in its detail. It was constructed on weak foundations – the mother was an unreliable witness and the contact supervisor's evidence had limited merit – and it was published in defiance of expert advice to which no reference was made. Further, Norfolk omitted or failed to establish a substantial amount of information that was available to him without special effort and which we believe would have been likely to alter substantially the perception of this affair among *Times* readers.

We believe that no responsible journalist would have acted in this way in the researching and writing of even a relatively minor report. We are all the more surprised that this should have happened in the case of a front-page article on a subject of such obvious sensitivity. That it was published in the form it took seems to us to raise the question of whether there is an anti-Muslim agenda at the *Times*.

CASE 2: JUST YORKSHIRE

On 25 July 2018 the *Times* published a front-page article by Norfolk headlined ‘Terror police boost MP’s security over criticism of Asian sex gangs’. Norfolk wrote that a report issued by a Rotherham-based human rights group, Just Yorkshire, had ‘led to death threats’ against the town’s Labour MP, Sarah Champion.³¹ This allegation – its impact no doubt enhanced by memories of the 2016 murder of another Yorkshire Labour MP, Jo Cox – was repeated in other national news media and in further reports in the *Times* over several days.

Just Yorkshire, a small charity with an annual income of £80,000, found itself cast as a dangerous, extremist organisation. Its only employee and its three trustees, most of whom are Muslims, began to receive hate mail.³² In December 2018, five months later, the *Times* admitted that ‘in fact ... no death threats made at that time were attributable to the report’.³³ The most dramatic assertion in this series of articles by Andrew Norfolk was therefore unfounded. By that time, the charity’s funding had dried up and it was later forced to close.

The background

The starting point of this affair was a controversial article by Sarah Champion in the *Times*’s sister newspaper the *Sun* on 10 August 2017.³⁴ On the previous day a group of men had been convicted in Newcastle of a catalogue of offences related to child sexual exploitation and, as in other such cases highlighted in media reports, they were predominantly Asian by background.³⁵ This revived a long-running controversy over the role of race in such crimes. Champion’s intervention, as published, was uncompromising. The headline declared: ‘British Pakistani men ARE raping and exploiting white girls... and it’s time we faced up to it’. The article continued: ‘There. I said it. Does that make me a racist? Or am I just prepared to call out this horrifying problem for what it is?’ Farther down came the sentence: ‘These people are predators and the common denominator is their ethnic heritage.’ Champion was MP for the town most closely associated with the form of CSE labelled ‘on-street grooming gangs’ and she was also the Labour Party’s shadow equalities secretary. Her blunt commentary provided the basis for a number of reports and articles in the *Sun* over the days that followed.

There was widespread criticism of the *Sun*’s coverage, and notably of an article by columnist Trevor Kavanagh which asserted among other things that Champion helped make



31. <https://www.thetimes.co.uk/article/terror-police-boost-security-for-mp-sarah-champion-over-criticism-of-asian-sex-gangs-iz3ftp8b9> (paywall)

32. On 29 September 2018, for example, Just Yorkshire received this: ‘You filthy ignorant and inbred Muslim Paki cunts will be butchered. This is your last warning. Filth.’

33. <https://www.thetimes.co.uk/article/corrections-and-clarifications-5phnn0xh2> (paywall)

34. <https://www.thesun.co.uk/news/4218648/british-pakistani-men-rape-exploiting-white-girls/>

35. <https://www.thesun.co.uk/news/4218980/asian-grooming-gangs-racially-aggravated-tougher-sentences/>



it acceptable to say that ‘Muslims are a specific rather than a cultural problem’.³⁶

Champion herself came under fire. Bradford West Labour MP Naz Shah said: ‘Such an incendiary headline and article is not only irresponsible but is also setting a very dangerous precedent and must be challenged.’³⁷ Labour leader Jeremy Corbyn said that while child abuse was a crime and must be dealt with, ‘you cannot blame an entire community, an entire nation or an entire ethnic community’.³⁸ Champion distanced herself from the article, accusing the *Sun* of altering what she had written. She said it was ‘stripped of nuance’ and acknowledged that the headline and opening sentences were ‘highly inflammatory’ and

‘could be taken to vilify an entire community on the basis of race, religion or country of origin’.³⁹ The *Sun* said she had approved the article. A few days later Champion resigned from the opposition front bench saying: ‘I apologise for the offence caused by the extremely poor choice of words in the *Sun* article on Friday.’⁴⁰

The Temperature Check Report

Among the critics of the Champion article at the time of publication was Just Yorkshire (sometimes known as Just West Yorkshire), a charity set up in 2003 to promote racial justice, civil liberties and human rights. A press release issued on the day after it appeared condemned the ‘incendiary’ language used by the MP. It also called for calm, saying: ‘We condemn any form of threat made towards Sarah Champion for speaking out — and we urge local enforcement agencies to provide the maximum protection.’⁴¹ This press release did not attract any national publicity and only local radio gave it exposure.

The charity remained concerned about the impact of the article in Rotherham, where religious and racial tension has been high for years. In consultation with various groups and individuals it decided to seek responses from the town’s 7,600-strong Pakistani-heritage community, which it saw as the article’s target. This it did by conducting an online survey in late September and October. It received 165 responses and these were presented and analysed in an 82-page report published on 15 March and entitled ‘A Temperature Check Report: Understanding and assessing the impact of Rotherham MP Sarah Champion’s comments in the *Sun* newspaper on 10 August 2017’.⁴²

The report opened with a preface by Professor Gus John followed by an explanation of the background and the research methods used and then a short list of ‘provisos’. Among these was that this was ‘a temperature check report at best’, that the difficult atmosphere

36. <https://www.thesun.co.uk/news/4235655/now-philip-hammond-is-finally-out-he-must-shut-the-door-behind-him-and-take-control-over-our-laws-our-trade-and-especially-immigration/> See also: <https://www.independent.co.uk/news/uk/politics/over-100-cross-party-politicians-demand-action-over-muslim-problem-article-in-sun-newspaper-a7895211.html>

37. <https://www.newstatesman.com/politics/uk/2017/08/labour-mp-sarah-champion-resigns-over-grooming-gang-piece-sun>

38. <https://www.bbc.co.uk/news/uk-politics-40959387>

39. <https://www.theguardian.com/politics/2017/aug/16/sarah-champion-complaint-sun-article-british-pakistani-men>

40. <https://www.bbc.co.uk/news/uk-politics-40952224>

41. <https://justyorkshire.org.uk/2017/08/11/just-yorkshire-condemns-incendiary-statement-by-sarah-champion-mp/>

42. <https://justyorkshire.org.uk/wp-content/uploads/2018/03/Version-10--Final-Sarah-Champion-Impact-Report-Rotherham-.pdf>

in Rotherham 'cannot be directly attributed' to Champion's comments and that only the police and the council could establish definitively whether those comments had resulted in increased racism. There was also praise for Champion's work supporting some victims of child sexual abuse. The views expressed in the survey responses were then presented at length. They were highly critical of the MP and the *Sun* article, and the report's analysis was correspondingly hard-hitting. It stated bluntly:

An overwhelming number of respondents considered the comments to be racist.

And:

The impact of Sarah Champion's comments on the Pakistani community of Rotherham has been myriad, affecting almost all the different demographic components that make up the British Pakistani community. One of the most concerning and worrying impact[s] of the comments was identified to be upon women and school-age children, who have experienced a perceptible spike in racist and Islamophobic comments and responses.



The Just Yorkshire Report published on 15th March 2018

The report ended with recommendations that there should be a 'grassroots-led inquiry', backed by expert researchers, to fully analyse the effects of the child sexual exploitation scandals in Rotherham, and that Champion should issue a direct apology to 'all those people that may have been affected by her opinion piece'. Finally, it called on the local authority, the police, elected officials and the Pakistani community to work together for better race relations.



Sarah Champion, Labour MP for Rotherham

Before publishing, the charity sent copies of the report, seeking comment, to the Home Secretary, Sajid Javid, and Sarah Champion as well as to local politicians, community groups, media and police. According to Just Yorkshire, Champion's copy was sent to her 16 days before publication, but she did not respond. It says she was twice invited to private meetings and also invited to the launch meeting on 15 March 2018, but did not attend any of these. On the day of the launch, however, Champion sent a statement to Labour supporters in Rotherham saying:

*The report by Just Yorkshire is based on an extremely limited survey, distributed and promoted through networks that are not made in any way clear in the report. It lays the blame for the hate crime faced by the Pakistani community, past and present, at my feet. They are entitled to their opinions, but it is disappointing they did not consult with me over their findings or give me the right to reply before the report was circulated.*⁴³

The report attracted no national publicity and the only local media to report it were Radio Sheffield and *The Big Issue North*. A month later Just Yorkshire published a short follow-up entitled *Build Bridges & Move Forward* which received no publicity of any kind. It quoted Champion's 15 March statement in full.

The First Norfolk Article

On 25 July 2018, more than four months after the publication of Just Yorkshire's report, Norfolk published an article in the *Times*. 'Terror police boost MP's security over criticism of Asian sex gangs' was the headline on the front page, and on page seven: 'Security stepped up after scathing report led to death threats'. The article began:

An MP who received death threats after condemning the sexual abuse of girls by groups of British Pakistani men has been given increased security amid fears that hard-left and Muslim opponents are trying to force her from office.

Sarah Champion was accused by activists in her Rotherham constituency of 'industrial-scale racism' for highlighting the 'common ethnic heritage' of most of those implicated in the town's sex-grooming scandal.

Criticism of the former Labour frontbencher has been led by a racial justice charity that claims to speak on behalf of the local Pakistani community...

What followed had two elements: the allegations against Just Yorkshire and a claim that members of Rotherham's Muslim community were trying to discredit and unseat Sarah Champion. These were the passages that related to Just Yorkshire:

The strongest public attacks on Ms Champion, who campaigns for the victims of child sexual exploitation, have been made by a Rotherham-based racial justice charity, Just Yorkshire.

The charity's leader has accused the MP of 'industrial-scale racism' and 'inciting and inviting hatred against minorities'. One of its leading figures is a radical academic, Waqas Tufail, whose research speciality is Islamophobia and the 'racialisation of crime'.

Recent tweets by Dr Tufail, who accused Ms Champion of 'promoting racism', congratulated the new Duchess of Sussex on 'joining the institution that epitomises white supremacy'. He also mocked the England football team during the World Cup, describing its three lions emblem as a colonial legacy that would more appropriately be of 'three hedgehogs'... Tensions increased [in Rotherham] last August when Ms Champion told the Sun that Britain 'has a problem with British Pakistani men raping and exploiting white girls'.

The furore forced Ms Champion to resign from the shadow cabinet. She later accused some on the left of cowardice in refusing to acknowledge the significance of race and culture in street-grooming sex crimes.

Since 2008 Just Yorkshire has received more than £550,000 from the Joseph

43. Champion's statement was quoted in full in the Just Yorkshire report *Build Bridges and Move Forward Together*: <https://justyorkshire.org.uk/wp-content/uploads/2018/05/Build-Bridges-and-Move-Forward-Together-1.pdf>

Rowntree trust, which has also given £230,000 to The Monitoring Group (TMG), a London racial justice charity with which Just is associated. TMG says its formation was ‘inspired by’ the US Black Panther movement.

In March Just Yorkshire published a report on Ms Champion that it said was commissioned by a ‘grassroots partnership’ of activists and organisations including the Rotherham Taxi Association and the Rotherham Council of Mosques. The study, backed by TMG, was said to reflect an online survey in which 165 people were asked to describe the impact on the local Pakistani community of Ms Champion’s remarks.

Co-authored by Nadeem Murtuja, the chairman and acting director of Just Yorkshire, it said that British Pakistanis felt ‘scapegoated, dehumanised and potentially criminalised’ by their MP, who had ‘crossed a point of no return’. Its foreword accused her of ‘fanning the flames of racial hatred’ and acting like a ‘neo-fascist murderer’.

The Times understands that the report led to death threats against Ms Champion. Scotland Yard’s counterterrorism unit increased her security risk level and she was advised to accept extra protection. The MP declined to comment.

Ms Champion apologised to the Rotherham Pakistani community ‘for any hurt or adverse reaction I inadvertently caused’, but said that Just Yorkshire’s findings were ‘based on an extremely limited survey, distributed through networks not made in any way clear in the report’. ...

Mr Murtuja is a Labour supporter but said any suggestion that his charity was part of a plot against Ms Champion was ‘completely wide of the mark’... ‘This is a community that has felt under siege and we wanted to make sure its voice was properly heard. We now want to move forward and build bridges’.

The Joseph Rowntree trust declined to comment. It is not suggested that the death threats came from anyone who is seeking to force the MP to stand down.⁴⁴

Most readers of this article would have understood that Just Yorkshire was guilty of promoting hostility towards Sarah Champion and encouraging a climate in which people threatened to kill her. Norfolk asserted that criticisms of the MP were ‘led by’ Just Yorkshire, which was responsible for ‘the strongest attacks’ on her. He directly linked the publication of the charity’s report with the death threats and with a police decision to increase her security risk level, and he used a phrase from Just Yorkshire – ‘industrial-scale racism’ – in his second paragraph as the primary illustration of the kind of rhetoric said to have prompted the threats.

Death threats

Five months later, on 24 December 2018, in a paragraph on page 24 headed ‘Corrections and clarifications’, the *Times* admitted:

*Our article about Sarah Champion MP’s security protection being increased (News, 25 July) suggested that a report by the charity Just Yorkshire had led to death threats against Ms Champion. In fact, as was made clear elsewhere in our coverage, while the report led police to increase her security protection, no death threats made at the time were attributable to the report.*⁴⁵

This was a substantial retreat, which may have been prompted by the prospect of legal

44. <https://www.thetimes.co.uk/article/terror-police-boost-security-for-mp-sarah-champion-over-criticism-of-asian-sex-gangs-jz3ftp8b9> (paywall)

45. <https://www.thetimes.co.uk/article/corrections-and-clarifications-5phnn0xh2> (paywall)



Nadeem Murtuja, the interim director of Just Yorkshire at the time the "Temperature Check" report was published.

action by Just Yorkshire. Death threats had been referred to in the first six words of the first sentence – ‘An MP who received death threats ...’ – and they were also the subject of the second headline: ‘... scathing report led to death threats’. Moreover Norfolk’s text explicitly linked them to the report, as in ‘The *Times* understands that the report led to death threats ...’ Yet when the *Times* was challenged by Just Yorkshire to provide evidence of death threats that were made as a consequence of its report it was unable to do so – ‘no death threats made at the time were attributable to the report’. The most eye-catching and newsworthy element of Norfolk’s attack on Just Yorkshire, therefore, had no basis in fact.

elsewhere in its story. This issue is addressed in the chapter on the role of the paper, see page 52)

(There is no foundation to the *Times*’s claims to have made the true position clear

Use of quotations

Norfolk presented *Times* readers with a series of brief quotations attributed to the charity that, as published, might be taken to suggest it had extreme attitudes capable of inciting violence. These quotations were used selectively and taken out of context in a manner which, we believe, did not conform to good journalistic practice.

The most eye-catching and newsworthy element of Norfolk’s attack on Just Yorkshire ... had no basis in fact.

Four of the quotations conveyed roughly the same message. Champion was accused of ‘promoting racism’, of ‘inciting and inviting hatred against minorities’, of ‘fanning the flames of racial hatred’ and of making British Pakistanis feel ‘scapegoated, dehumanised and potentially criminalised’. These were serious charges but in context they cannot be construed as extreme. The whole debate about the *Sun* article had been about whether it promoted racism. Some said it did and some said it did not: Just Yorkshire’s ‘Temperature Check Report’, reflecting the great majority of the published responses to its online survey, was among those that said it did.

Significantly, these quotations were scarcely more forceful in their language than the comments made by Sarah Champion herself after the publication of her *Sun* article, when she stated that the headline and opening sentences were ‘highly inflammatory’ and ‘could be taken to vilify an entire community on the basis of race, religion or country of origin’.⁴⁶ That was an explicit acknowledgement by the MP that the article was capable of promoting racism; Just Yorkshire could not reasonably be considered extreme for making similar observations.

Three quotations cited by Norfolk remain: the group’s interim director, Nadeem Murtuja,

46. <https://www.theguardian.com/politics/2017/aug/16/sarah-champion-complaint-sun-article-british-pakistani-men>

was said to have accused Champion of ‘industrial-scale racism’; the preface of the report allegedly accused her of acting like a ‘neo-fascist murderer’, and the report itself was said to have asserted that she had ‘crossed a point of no return’.

Norfolk’s second paragraph stated:

Sarah Champion was accused by activists in her Rotherham constituency of ‘industrial-scale racism’ for highlighting the ‘common ethnic heritage’ of most of those implicated in the town’s sex-grooming scandal.

The context in which the phrase was used by Just Yorkshire was this:

To attempt to define the issue of child sexual abuse/grooming along ethnic lines, and to see the Pakistani community through the prism of paedophilia and criminality is frankly racist – or even claiming there is something inherent in their heritage is bordering on industrial scale racism.⁴⁷

The sentence is not clearly phrased but it is none the less plain that the term was not used simply in relation to Champion’s action in highlighting a common ethnic heritage among perpetrators, as Norfolk asserted it was. Instead it referred specifically to the ‘claim’ that ‘child sexual abuse/grooming’ is ‘inherent’ in that heritage. This is a significant distinction – the difference between saying that Pakistani men were disproportionately responsible for these crimes, for which there might be many explanations, and asserting bluntly that they committed the crimes because they were Pakistani, a claim which would implicate all Pakistanis. Norfolk’s account was in our view inaccurate and presented the charity’s comment as more extreme than it was.

Norfolk’s account was in our view inaccurate and presented the charity’s comment as more extreme than it was.

The phrase ‘industrial-scale racism’, moreover, did not appear in the ‘Temperature Check Report’ of March 2018 but in Just Yorkshire’s statement of August 2017, directly after Champion’s *Sun* article. Norfolk’s case in his article was that the *report* led to death threats and increased security, yet here he

relied on a quotation from a different document that was seven months old at the time. A conscientious reporter would have taken care to make the different provenance and timing of the quotation very clear to readers. Further, in the August statement Just Yorkshire had written of actions ‘bordering on industrial-scale racism’, but Norfolk in his article clipped off the qualifying phrase ‘bordering on’. However marginally, this had the effect of making the charity comment appear more categorical than it was in reality.

The preface to the report, Norfolk wrote, accused Champion of acting like a ‘neo-fascist murderer’, but the context shows the phrase in a different light. This passage was written by Professor Gus John, a veteran campaigner and author on education and race issues who is of sufficient public standing to have been offered a CBE (which he turned down). It referred to the murder of Muhsin Ahmed in Rotherham in 2015. Aged 81 and of Yemeni background, Ahmed was attacked on his way to mosque by two white men who were heard to call him a ‘groomer’ – that is, they accused him on the basis of his appearance of participating in child sexual exploitation. He died of his injuries. John pointed out that Champion’s *Sun* article was

47. <https://justyorkshire.org.uk/2017/08/11/just-yorkshire-condemns-incendiary-statement-by-sarah-champion-mp/>

published two years to the day after the attack and he suggested that she would have done much better on that day to show solidarity with the family and their community. He wrote:

Here was a Member of Parliament, a Labour MP, whom the Ahmed family and the Pakistani community had a right to expect to conduct herself differently, effectively doing exactly what the neo-fascist murderers of their loved ones [sic] had done, motivated as they were by hatred of Muslim / Pakistani men, as a collective, for sexual exploitation of white girls.

The point is made in strong terms and doubtless many would dispute it, but when John accused Champion of ‘effectively doing exactly what the neo-fascist murderers ... had done’ he was not accusing her of any tendency to violence. He was saying that she had made the same assumption that the killers made, which was that all Muslim and Pakistani men were in some way guilty of child abuse. In our view Norfolk, by presenting the phrase in isolation, enabled it to assume a different and more sinister character. Again he clipped off a qualifier, ‘effectively’, and he also clipped the letter ‘s’ off the end of ‘murderers’ to improve the fit.

*In our view Norfolk,
by presenting the phrase in
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character.*

Norfolk wrote that the Just Yorkshire report said that Rotherham Pakistanis felt their MP had ‘crossed a point of no return’. This quotation appears to have been included because it might be thought threatening. The phrase appeared in the report after a passage in which it was explained that:

From the survey, it is evident that Ms. Champion was perceived by many local respondents as one of their own, as she was someone who the community had trusted and voted for ...

Then came illustrative quotations from survey responses, followed by:

The survey identified that there seems to be a sense within the community that Ms Champion’s comments have somehow crossed a point of no return. The anger, hurt and sense of betrayal felt by the Pakistani community, and conveyed in the findings of this survey, has been palpable, as has been their bewilderment.

The expression ‘point of no return’ was therefore not used in any threatening sense. Instead the likeliest reference was to trust in Champion and to people’s willingness to vote for her again.

Omissions

As in the case of ‘Muslim foster care’, Norfolk’s reporting was noteworthy for what it omitted. The reporter failed to mention a catalogue of relevant information which, if explained, would have given *Times* readers a different impression of Just Yorkshire.

The report

Norfolk did not quote the short title of the report, 'A Temperature Check Report', which might have given readers an idea of the relatively tentative tenor of much of its content. The title in full was 'Understanding and assessing the impact of Rotherham MP Sarah Champion's comments in the *Sun* newspaper on 10 August 2017'. Rather than reproduce this, and so demonstrate the report's focus on the *Sun* article, Norfolk encouraged the impression that Just Yorkshire attacked her in a more general way, for activities that he, and not Just Yorkshire, attributed to her – 'condemning the sexual abuse of girls by groups of British Pakistani men', 'campaign[ing] for the victims of child sexual exploitation', and 'highlighting the common ethnic heritage of most of those implicated in the town's sex-grooming scandal'.

Norfolk also chose not to quote or mention the five 'provisos' listed near the beginning of the report. These gave a different impression of the document from the one he conveyed to *Times* readers. They were:

- 'That this report is nothing more than a temperature check report that is only focusing on one segment of the local community.
- That the atmosphere that exists in Rotherham cannot be directly attributed to Ms Sarah Champion's comments; and
- In that context, it is very difficult to assess if the impact of Ms Sarah Champion's comments has directly resulted in an increase in racism, Islamophobia or community tensions etc. This can only be determined by South Yorkshire Police and Rotherham Council through their community tensions monitoring processes;
- Therefore, this report is a temperature check report at best – providing the local Pakistani community a platform to respond directly to Ms. Sarah Champion's comments and have their voice heard.
- To acknowledge that Ms Sarah Champion should be commended for the invaluable support she has provided to some victims of the CSE scandal.'

Nor did Norfolk refer to the report's principal conclusions, which included proposing a 'grassroots-led' inquiry, urging openness about the scale of hate crime, calling on Champion to apologise to those affected by her article and urging police and officials and the Pakistani community to work together for better understanding.

In the same selective spirit, though Norfolk quoted from the statement issued by Just Yorkshire the previous summer, he failed to mention that it explicitly condemned any threats to Champion and urged the police to provide her with 'maximum protection'.

Champion's position

Perhaps the most significant omission from Norfolk's first article, however, was Sarah Champion's own position on the *Sun* article. To repeat, soon after it was published she said: 'I apologise for the offence caused by the extremely poor choice of words in the *Sun* article on Friday'.⁴⁸ She said it was 'stripped of nuance' and acknowledged that the headline and opening sentences were 'highly inflammatory' and 'could be taken to vilify an entire community on the basis of race, religion or country of origin'.⁴⁹ So not only did Norfolk fail to

48. <https://www.bbc.co.uk/news/uk-politics-40952224>

49. <https://www.theguardian.com/politics/2017/aug/16/sarah-champion-complaint-sun-article-british-pakistani-men>

acknowledge that the Just Yorkshire report was explicitly about the *Sun* article but he also failed to acknowledge that Champion herself had effectively disowned the most controversial passage of that article.

A small group

When Norfolk stated that the attacks on Champion were 'led by' Just Yorkshire and that it made the 'strongest attacks', he offered no authority for this. It was apparently his own opinion, even though other critics of Champion had included, for example, MPs and at least one prominent Rotherham politician. He bolstered his case by encouraging the impression that Just Yorkshire was a powerful, well-funded group: 'Since 2008 Just Yorkshire has received more than £550,000 from the Joseph Rowntree trust ...' Readers might have been impressed by that figure but it equates to an average annual income from the trust (which had helped establish the organisation) of £55,000. This was in other words a small charity and, as the report itself made clear, its resources were stretched by the effort of organising, researching and producing the report. Significantly, it also struggled to get the report noticed by the media.



Further articles on 25 July

Norfolk published a second article on 25 July 2018 under the headline: 'MP faced fury for sex gangs article'. This was a defence of Sarah Champion's 2017 *Sun* article and a further attack on Just Yorkshire.⁵⁰

Norfolk stated:

Nowhere in the [Just Yorkshire] report was it acknowledged that the MP stressed in her article that in highlighting the ethnicity factor she was referring to a specific model of child abuse, the grooming and exploitation of 'mainly white pubescent girls' by organised groups of men.

This was incorrect. Page 11 of the Just Yorkshire report stated that in her article Champion 'described the perpetrators of the abuse as predators, working in gangs, and said that their common denominator was their ethnic heritage, namely British-Pakistani. She identified their victims as 'mainly white pubescent girls who were being sexually groomed'.

A third, brief article in the *Times* that day under Norfolk's byline had the headline 'Cash awards by Joseph Rowntree Charitable Trust are questioned'. Referring to the guiding principles set down by the trust's founder, Norfolk wrote:

Some observers have questioned whether grant recipients have upheld his values.

50. <https://www.thetimes.co.uk/article/mp-sarah-champion-faced-fury-for-sex-gangs-article-in-the-sun-9xrm3d3hv>

In our view Norfolk should not have published this without naming and quoting from these ‘observers’.

Articles on 26 and 28 July

The next day Norfolk wrote a front page story headlined ‘Javid orders research into ethnic origin of sex grooming gangs’.⁵¹ It began:

The home secretary has ordered research into why men convicted of grooming-gang sex crimes are disproportionately of Pakistani origin.

Sajid Javid, whose own family roots are in Pakistan, said that establishing the ‘particular characteristics’ of the perpetrators was ‘critical to our understanding’ of offending in places including Rotherham, Telford and Newcastle. He made the commitment in a letter to Sarah Champion, the Labour MP who was strongly criticised for stating that the country ‘has a problem with British Pakistani men raping and exploiting white girls’.

The Times revealed yesterday that Ms Champion was receiving increased security detail after her comments led to death threats and alleged moves by hard-left and Muslim opponents to force her from her Rotherham constituency.

The article noted:

Counterterrorism officers increased Ms Champion’s security risk level in March after she received death threats. A report by a Rotherham-based racial justice charity had accused her of ‘fanning the flames of racial hatred’ and acting like a ‘neo-fascist murderer’.

Thus the death threats remained at the centre of Norfolk’s case though again he failed to provide a substantive source for them. The juxtaposition of the reference to ‘death threats’ to the report by Just Yorkshire would leave the ordinary reader to causally link the two.

Further, though Norfolk wrote, as his news introduction, that the home secretary had ordered research, farther down the article he quoted Javid saying: ‘If there is a need for further research, we will take it forward.’ The research appears from this not to have been new, but already under way.

Two days later, on 28 July, the *Times* published another front page story about the funding activities of the Joseph Rowntree Charitable Trust.⁵² Although this was mainly about Rowntree’s involvement in Irish charities there was also a section about Just Yorkshire:

The Times reported this week that the Quaker organisation had given £550,000 to a group that accused a Labour MP of ‘industrial-scale racism’ for highlighting the sexual abuse of girls by gangs of British Pakistani men.

Michelle Russell, the Charity Commission’s director of investigations and enforcement, said yesterday that it had opened an investigation into Just Yorkshire for its attack on Sarah Champion, the MP for Rotherham. ‘We are examining the administration of the charity and scrutinising some of its activities,’ she said.

A spokesman for the Charity Commission stated: ‘I can confirm that the Commission did not use the word *attack* in its press statement’. What Michelle Russell had actually said in

51. <https://www.thetimes.co.uk/article/sajid-javid-orders-research-into-ethnic-origin-of-sex-grooming-gangs-v97lc5mdk>

52. <https://www.thetimes.co.uk/article/terror-link-to-joseph-rowntree-trust-over-funding-of-irish-republicans-klmw7h7x5> (paywall)

relation to Andrew Norfolk's articles was: '... we have contacted the charity for its response to the concerns raised'. The Commission told the authors that it had received complaints about Just Yorkshire, including one about the 'Temperature Check Report', but these had been received before the *Times* articles were published. The Commission was in 'regulatory engagement' with the charity and its inquiries were not yet complete.

The conduct of Andrew Norfolk

Norfolk published a group of articles making sensational allegations, the most eye-catching of which proves to have been untrue. The allegation was made without identifying a source, and again Norfolk bolstered his story by giving an account of the background, in this case the report, that omitted significant information and lacked balance. Quotations, presented in short fragments, tended to give an impression of extreme or hardline attitudes at Just Yorkshire that was not confirmed when they were read in context. And again his articles presented Muslims as a threat. It is ironic that while Just Yorkshire's report prompted no death threats against Champion, Norfolk's reporting did provoke death threats against Just Yorkshire, and that the paper did not see fit to report this fact.

It is ironic that while Just Yorkshire's report prompted no death threats against Champion, Norfolk's reporting did provoke death threats against Just Yorkshire, and that the paper did not see fit to report this fact.

CASE 3: ROTHERHAM COUNCIL AND THE RAPIST

On 27 November 2018 the *Times* published on its front page an article by Norfolk under the headline: 'Jailed rapist given chance to see his victim's child'. A smaller headline read: 'Council investigated over "perverse" decision'. The text began: 'A council invited a jailed sex offender to play a part in the future of the child of a woman he raped, the *Times* has learnt.' Although this article appeared to relate to an issue of parents' rights and not of race, Norfolk made prominent reference to the fact that the sex offender alleged to have posed a threat to a child was Pakistani and by implication Muslim. Once again the report prompted widespread outrage but once again the facts bore scant resemblance to Norfolk's account. Following a review, the Ministry of Justice has acknowledged that the council simply followed court procedure rules requiring it to notify the father, which did not involve offering him encouragement to engage.



The background

In February 2016 Arshid Hussain, a Rotherham man known as 'Ash', was jailed for 35 years for a catalogue of crimes related to child sexual exploitation committed over 16 years. Two of his brothers and an uncle were convicted with him but he was the ringleader, accused of inflicting appalling harm on 13 victims, often school-age girls, whom he brutally raped, battered, intimidated and psychologically controlled. The judge praised the bravery of the young women who had come forward to testify against him, and in particular he praised Sammy Woodhouse.

Cultivated by Hussain from the age of 14, Woodhouse was raped and abused by him and others over several years, and was also drawn by him into committing criminal acts. At 15 she had a son by him. Eventually she escaped his influence and in 2013 she made a leading contribution to the public exposure of large-scale child sexual exploitation in Rotherham, notably by telling her story anonymously in reports published by Andrew Norfolk in the *Times*.⁵³ Her revelations helped prompt police investigations and inquiries, leading ultimately to the jailing of the Hussains and their associates. She went on to become a campaigner on issues relating to her experiences. Over the years, however, her son found life difficult and she struggled to cope. Early in 2017 Woodhouse agreed to an application by Rotherham council to take him into care so that both he and she could have more support. This involved a hearing at the family court.

53. 'The happy teenager who was transformed by Rotherham sex abuser', *Times*, 23 August 2013

Notifying fathers

The conduct of such cases is governed by the Family Procedure Rules⁵⁴, which are written by a panel made up largely of senior judges and lawyers. The rules state that anyone deemed to have ‘parental responsibility’ for a child who is the subject of a care hearing is automatically a party to the case and may participate and be represented. The rules also identify a second category of person, which is anyone believed to be a parent who does *not* have parental responsibility. Such people have no automatic right of participation, but Practice Direction 12C lays down (in section 6 of paragraph 3.1) that where there are care proceedings they should be notified. To be precise, section 6 states that where a court is considering a care order, notice ‘is to be given’ to ‘every person whom the applicant [in this case the local authority] believes to be a parent without parental responsibility for the child’. Arshid Hussain was never married to the boy’s mother, nor is his name on the boy’s birth certificate: he did not have parental responsibility. He was, however, the biological father, so was a parent without parental responsibility, and under the rules he had to be informed.

*Once again the report
prompted widespread outrage but
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bore scant resemblance to
Norfolk’s account.*

The exact manner in which this notification should be made is set down in official guidance issued by the HM Courts and Tribunals Service.⁵⁵ This states that relevant parties should be served with Form C6A, adding: ‘This is the **only** form you serve. Do not serve copies of any other papers with form C6A.’ The form is a brief text printed on two sides of a single page.⁵⁶ The front states the nature of the hearing and its date, location and likely duration. Turn it over and there are two short notes, the first of which reads:

You do not have the right to take part in the proceedings, at present.

If you want to take part (become a party to the proceedings) you must apply to the court on Form C2. In all correspondence quote the case number and the child’s number. You can obtain Form C2 from a court office. A booklet is available which will tell you more about the orders you can apply for and help you to make your application. The application must be made to the court sending you this notice.⁵⁷

The job of notifying the parties usually falls to a local authority, in this case Rotherham Metropolitan Borough Council. It duly informed Hussain, in prison, that the care hearing involving the boy who was his biological son was to take place. He made no application to become a party; in other words he showed no interest in participating in the court proceedings.

That was not the end of the matter. The hearing was held in the early months of 2017. In an interview in December 2018, Sammy Woodhouse said she had expected this to be little more than a formality.⁵⁸ Since the parties to the case were in agreement on what needed

54. https://www.justice.gov.uk/courts/procedure-rules/family/rules_pd_menu

55. <http://www.thecustodyminefield.com/flapp/forms/cb003-eng.pdf>

56. <http://www.legislation.gov.uk/ukxi/1994/3156/made>

57. Form C2 is an application to the court to be considered as a party to proceedings. The second note to Form C6A gives advice on how to find appropriate legal advice.

58. <https://www.thetimes.co.uk/article/sammy-woodhouse-he-was-prince-charming-when-he-raped-me-i-felt-like-it-was-my-fault-pkwx3js6j> (paywall)

to be done, all that was needed was the judge's formal approval and the signing of some documents. This, however, is how she described her experience:

When I got to court I thought it would be easy, then the social worker said, 'Ash [Hussain] is not coming,' and I was like, 'What?' I was in complete shock. He's in prison for 35 years, but they were saying he had parental rights and could see him. He could have walked into that room and no one would have warned me. I needed to keep my son away from him.

It had not occurred to her that her long-time abuser, who had been jailed barely a year earlier, might have had any chance of applying to be a party to the case and of attending. The abrupt discovery that this might even have been a possibility left her, as she put it, 'in complete shock'. It was not until more than 18 months later that this became public, and that was in the form presented by Andrew Norfolk on the front page of the *Times* on 27 November 2018.

The first article

Above his report that morning were the words: 'Times investigation: Jailed rapist given chance to see his victim's child' and 'Council investigated over "perverse" decision'. Then came this:

A council invited a jailed sex offender to play a part in the future of the child of a woman he raped, the *Times* has learnt.

The rapist, who was part of a grooming gang, had no parental responsibility for his son but the local authority contacted him in jail and gave him a chance to seek visits from the boy.

Campaigners said that the 'perverse' decision amounted to an offer to 'retraumatise' his victim. The Ministry of Justice said that it was investigating whether it was the result of a social worker's error or systemic failings.

To protect the child, this newspaper is not naming the council or his parents. They featured in a criminal trial in northern England in which several men of Pakistani origin were found guilty of dozens of sex offences against girls, including the boy's mother.

She was 'extremely distressed' to learn that the man who groomed, raped and made her pregnant at the age of 15 was being encouraged to stake a claim in her son's future. She was warned that she might have to face him again in court, having previously given evidence against him.

'I was gobsmacked,' she said. 'The council knew what he did to me and to other vulnerable girls. They knew he was behind bars and a risk to my son, who wanted nothing to do with him, but they bent over backwards to include him in the case. I felt angry and scared for my son.'

Louise Haigh, the shadow police and crime minister, said that the council's decision to offer the multiple rapist a role in the proceedings was 'appalling insensitive'. She added: 'They handed him an invitation to retraumatise his victim. No man who has fathered a child through abuse or rape should have the right to apply for custody or visitation rights in the family courts.'

Baroness Newlove, the victims' commissioner for England and Wales, described it as 'a perverse situation', saying: 'This appears to be a case in which a victim of the worst sexual violence faced the prospect of continuing to be abused by her perpetrator, this time via the family courts.'

A family court judge heard the child's case last year. The council was

ANATOMY OF A MYTH

FICTION Andrew Norfolk claimed Rotherham council had been favourable to the jailed rapist — and that its actions had been criticised by the Victims' Commissioner.

Jailed rapist given chance to see his victim's child

Council investigated over 'perverse' decision

TIMES INVESTIGATIONS
Andrew Norfolk
Local Investigative Reporter

A council investigated over a decision to allow a jailed sex offender to play a part in the future of the child of a woman he raped, *The Times* has learned. The council, which was not responsible for the decision, has no parental responsibility for the child and was not given a chance to see the child before the decision was made.

Conservative MP Andrew Norfolk said that the "perverse" decision was made by the Ministry of Justice. He said that a new investigation should be set up to look at the council's role in the case. Norfolk said that the council's decision was "perverse" and that it was "wrong" to allow the rapist to see the child. He said that the council's decision was "perverse" and that it was "wrong" to allow the rapist to see the child.

INVESTIGATION
Andrew Norfolk
Local Investigative Reporter
A council invited a jailed sex offender to play a part in the future of the child of a woman he raped, *The Times* has learned. The rapist, who was part of a grooming gang, had no parental responsibility for his son but the local authority contacted the father in jail and gave him a chance to see the child. Campaigners said that the council's decision was "perverse".

FACT Andrew Norfolk provided no evidence that Rotherham had favoured the rapist.

Council leader Chris Read said: 'The Ministry of Justice have confirmed... there was no suggestion Rotherham council had operated outside of the current practice guidelines.'

FACT The Victims' Commissioner did not criticise the council.

The commissioner's office told us: 'Baroness Newlove used the word "perverse" as a description of the situation in which victims were finding themselves. She did not use it to describe the decision of the local authority to notify the father in this particular case. To have done so would have given a very different meaning to her stated position.'

seeking a care order with the support of his mother, who was unable to cope with the troubled boy's complex needs and agreed that he would receive greater protection in a residential placement.

By law, a local authority making such an application is obliged to give notice of the proceedings to all "respondents" in the case. These include anyone with "parental responsibility" for the child.

The serial rapist who fathered the boy was not named on his birth certificate and was never married to the child's mother.

The council is said to have stated in court documents that the man had no parental responsibility for the boy and also to have noted that the child's mother was emotionally, sexually and physically abused by his father while she was pregnant.

It is understood that court papers also reported that the boy refused to acknowledge his paternal family and was caused great anxiety whenever they were mentioned. The child's father was nonetheless listed as a 'respondent' in the case.

The local authority told him in prison of his rights and promised to keep him informed of all future proceedings.

At a hearing early last year the child's mother was told that her former abuser would be allowed to attend court and seek legal representation, should he wish to do so. He would have been entitled to request visitation rights or for the boy to be placed in the custody of his relatives.

In the event the rapist chose not to take any part in the court proceedings. The council declined to answer questions about the case. It said that the law prevented it 'from disclosing information in relation to proceedings heard in private in the family court'.

A spokesman said that its policy in making care order applications was to comply with family court practice directions, which included a requirement to give notice of proceedings to 'every person whom the applicant believes to be a parent without parental responsibility for the child'.

A senior Ministry of Justice official met the mother last week and has promised to explore whether it was 'a case of an individual social worker making a mistake or a systemic error'.

A government spokesman said court rules made it 'very clear that applicants in care proceedings should only ever notify people who have parental responsibility for the child.

'Pakistani'

By pointing out in his fourth paragraph that the rapist was a man of Pakistani origin Norfolk gave prominence to an ethnic and religious dimension of the case. On the face of it he had a strong reason *not* to do this. Clause 12 (ii) of the Ipsos Editors' Code of Conduct, to which the *Times* voluntarily adheres, states:

Details of an individual's race, colour, religion, gender identity, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.⁵⁹

Was it 'genuinely relevant' to Norfolk's accusations against the council that the biological father was a man of Pakistani background? It was relevant that he was a rapist convicted of crimes against children, but we find it very difficult to see how his ethnic heritage was

59. <https://www.ipso.co.uk/editors-code-of-practice/#ReportingOfCrime>

relevant to the issues of whether or not, or in what manner, he should have been notified.

It may be significant that in other circumstances Norfolk might easily have made readers aware of the father's ethnicity by less explicit means such as giving his name – Hussain – or publishing his photograph. Here, however, since at this stage what he was reporting was still covered by court confidentiality, that option was not available. In our view this explicit, blunt reference gives rise to a strong impression that Norfolk was determined to ensure his readers knew that the man he was presenting as an imminent threat to a vulnerable child was of Pakistani and by association Muslim heritage.

Inaccuracies and delayed information

Re-read the headlines and the opening paragraphs – those parts of the article that are likely to have been seen by the greatest number of people. It appears from these that the council deliberately chose to take the side of the rapist against his victims, the mother and her son. It also appears that the council's actions created a real possibility, even a probability, that a violent, predatory rapist would be allowed to spend time with the child and would become, in effect, the child's joint parent. These appearances arose as a result of inaccuracies in the reporting and because information that was essential to a fair understanding of the case did not appear until near the end of the article.

The language used by Norfolk indicated eagerness on the council's part. It 'invited a jailed sex offender to play a part in the future of the child'; it 'gave him a chance to seek visits from the boy'; it 'encouraged [him] to stake a claim in the boy's future' and it 'promised' to keep him informed. This was not an accurate reflection of the procedure as it occurs in such cases. As explained above, under the rules and guidelines – which Norfolk could have read online, and which in our view any responsible journalist would have read – councils are obliged to send Form C6A, and only Form C6A, to fathers such as Hussain. That form states (in bold type) that these fathers have no automatic right to take part in the proceedings, and that if they wish to do so they must get hold of another form and apply to the court.

The language used by Norfolk indicated eagerness on the council's part. It 'invited a jailed sex offender to play a part in the future of the child'; it 'gave him a chance to seek visits from the boy'; it 'encouraged [him] to stake a claim in the boy's future' and it 'promised' to keep him informed.

Norfolk quoted the child's mother (whom at this stage he did not name) as saying that the council had 'bent over backwards to include him [the father] in the case', but there was no sign in what he wrote that he had verified this assertion. No further information from the mother was supplied to explain what she meant and no corroboration was supplied from any other source. We believe that a responsible reporter would have taken care to provide at least one of these. Nor did Norfolk make clear to his readers that the assertion came from a single source; instead in his opening paragraph he gave it the general authority of his newspaper: '... the *Times* has learnt'.

Norfolk also painted an alarming picture of a vulnerable boy who had been placed in danger of having to visit a father who was a violent sexual abuser of children. Yet Form C6A doesn't mention the possibility of contact between father and child, and nor does Form C2. To have

any chance of contact, a father in such circumstances would have to persuade a judge (a) that he should be accepted as a party to the case, (b) that he was a fit person to have contact with the child and (c) that this was in the best interests of the child. Since Hussain had only recently been sentenced to 35 years in jail for multiple crimes of sex and violence, many of them committed against children, it is highly unlikely that he could have succeeded.⁶⁰

Further, Norfolk encouraged the impression in his opening paragraphs that the council had significant powers in this case, for example the power to authorise or make arrangements for visits. That power resides with the family court, but it was only in the ninth paragraph of the article, as given above, that a court was first mentioned.

... Hussain never sought to attend the hearing, let alone to have contact with the child or a role in his future. In reality, therefore, any threat to the child, as evoked in Norfolk's opening, had only ever been hypothetical.

This was not the only instance in this article where information that was presented in the later paragraphs, and especially in the final paragraphs, had the capacity to call into question the portrayal of events in the opening paragraphs.

It was not stated until near the end (and in the print edition well after the reader has been asked to turn to an inside page) that 'in the event' the rapist had made no application. In other words, Hussain never sought to attend the hearing, let alone to have contact with the child or a role in his future. In reality, therefore,

any threat to the child, as evoked in Norfolk's opening, had only ever been hypothetical.

Similarly, Norfolk withheld until the ninth paragraph the information that the case was more than a year old. In other words, whatever potential danger might have existed, the matter had since been resolved and there was no specific cause for alarm. Indeed, in his 15th paragraph Norfolk revealed that the hearing in question took place 'early last year'. Since he was writing in late November 2018, that meant at least 18 months previously.

The legal position

No one reading the first article could be in any doubt that Norfolk was accusing the council of doing something morally wrong in informing Hussain, but how wrong? Had it broken the law? His 10th paragraph began 'By law ...' and here he appeared to explain the legal position. In such cases councils were obliged to notify anyone with 'parental responsibility', he wrote, but 'the council is said to have stated in court documents' that the biological father did not meet that standard. He continued:

The child's father was nonetheless listed as a 'respondent' in the case. The local authority told him in prison of his rights and promised to keep him informed of all future proceedings.

Norfolk was thus asserting that the council breached, or at least went beyond, the terms of its obligations. Two paragraphs later, however, Norfolk wrote:

A [council] spokesman said that its policy in making care order applications was to comply with family court practice directions, which included a requirement to give notice of proceedings to 'every person

60. <http://www.transparencyproject.org.uk/was-a-council-acting-perversely-over-its-decision-to-offer-a-jailed-rapist-a-chance-to-see-his-victims-child/> The Transparency Project went on to blog about this affair several times.

whom the applicant believes to be a parent without parental responsibility for the child’.

So Norfolk had approached the council before publishing and the council had said in plain terms that it had had no choice about notifying Hussain. But the matter did not end there. Norfolk wrote in his final paragraph:

A government spokesman said court rules made it ‘very clear that applicants in care proceedings should only ever notify people who have parental responsibility for the child’.

Thus a council spokesman and a government spokesman (Norfolk did not specify from which department) said contradictory things. Both could not be right, so which was it? A conscientious reporter would have felt obliged to clarify the point, and the means to do so were to hand. All Norfolk had to do was look up the court rules to which he had been referred, and if he was not confident in his ability to interpret them he had access to lawyers to help him. It is relevant here again that he has in the past claimed special expertise in such matters.⁶¹ However, instead of doing this he chose to give emphasis in his opening paragraphs to the interpretation that presented the council in a damaging light.

Norfolk did not restrict himself to asserting that Rotherham council had unjustifiably notified Hussain of proceedings. He indicated that the council must have gone further than this, notably asserting that it ‘gave him a chance to seek



Andrew Norfolk's second front page article on the Rotherham rapist case

visits' and 'told him in prison of his rights' and 'promised to keep him informed of all future proceedings'. The official guidance⁶² states that a parent who has no parental responsibility should be served with Form C6A and nothing more, so any briefing about rights and visits and any promise of updates would be a breach. Did that happen?

The first answer must be that Norfolk provided no evidence in the 27 November article or subsequently to support his accusations, besides the quotation from the mother. No document or witness was quoted as saying that the council raised visiting rights with Hussain or undertook to keep him informed about the case. The second answer is that the council insists it followed the required procedure and according to the Rotherham council leader, Chris Read, the Ministry of Justice has since accepted this. Read told a meeting of Rotherham council on 5 December:

*The Ministry of Justice have confirmed that their previous statements regarding "failings" were given prior to a review of the case, and they were now considering potential issues with practice directions in England and Wales. They have said there was no suggestion Rotherham Council had operated outside of the current practice guidelines.*⁶³

61. <https://www.pressgazette.co.uk/journalist-year-andrew-norfolk-owes-his-success-bullying-bastard-news-editor-wouldnt-leave-me-alone/>

62. <http://www.thecustodyminefield.com/flapp/forms/cb003-eng.pdf>

63. <https://moderngov.rotherham.gov.uk/documents/g14228/Printed%20minutes%2005th-Dec-2018%2014.00%20Council%20Meeting.pdf?T=1> We approached the Ministry of Justice for confirmation of this and were referred back to Rotherham council.

For the avoidance of doubt we asked a council spokeswoman whether, in the council's view, the current practice guidelines would allow any discussion of rights or any promise of updates. She said they did not.

In short, both the council and the Ministry of Justice, having reviewed what happened, say that there was no discussion of visits with Hussain, no briefing on his rights and no promise of updates about the case. Norfolk, for his part, offered no evidence to contradict this.

A 'perverse' decision?

Norfolk's way of summarising his case against Rotherham council was to accuse it, prominently, of making a perverse decision. Thus the second headline read: 'Council investigated over "perverse" decision'. And the third paragraph began: 'Campaigners said that the 'perverse' decision ...'



The word perverse, so far as we know, had been used only once in this context, as described in Norfolk's eighth paragraph:

Baroness Newlove, the victims' commissioner for England and Wales, described it as 'a perverse situation', saying: 'This appears to be a case in which a victim of the worst sexual violence faced the prospect of continuing to be abused by her perpetrator, this time via the family courts.'

We consulted the commissioner's office on what she meant by this and received the following reply:

Baroness Newlove used the word 'perverse' as a description of the situation in which victims were finding themselves. She did not use it to describe the decision of the local authority to notify the father in this particular case. To have done so would have given a very different meaning to her stated position. She understands that the local authority was adhering to the Family Courts Procedural Rules.

Norfolk thus took the adjective 'perverse', which the baroness had attached to a specific noun, 'situation', with the intention of making a particular point, and he attached it to another noun of his own choice, 'decision', thus

The fact is that no 'campaigners' told Norfolk that there had been a perverse decision.

making a different point. We believe this to be bad journalistic practice. The fact is that no 'campaigners' told Norfolk that there had been a perverse decision.

Genuine causes for concern missed

Most people, told of Sammy Woodhouse's experience at the family court hearing, would agree that something was probably wrong. A conscientious journalist would have established the true position with respect to the family procedure rules and would probably then have asked a number of questions. Why are rapist fathers automatically notified in cases of this kind? Can the rules be changed? Should they be changed? And are these rules being made by the right people?

There are, in addition, questions a responsible journalist would have put to Rotherham council. The first was whether the council considered applying to the family court for permission *not* to notify Hussain. That course of action was available, though it would have been unusual.⁶⁴

Then there was the question of liaison. Woodhouse asserted that the first she knew of the matter was when a social worker told her at the hearing: 'Ash is not coming.' Did the council accept that this was what happened? If so, was it satisfied? Should it have briefed a vulnerable mother so that she fully understood the possibilities? Did the local authority follow best practice guidance?

In evaluating Norfolk's journalism in this case it needs to be noted that he did not raise any of these matters in his 27 November article. His focus was on attacking the council and on evoking the idea of a convicted Pakistani rapist posing a threat to the child of his victim.

What followed

Norfolk's article prompted a political and media frenzy that lasted several days. Soon after it was published, Sammy Woodhouse posted a video online revealing that she was the mother in question and telling a little of her story.⁶⁵ She echoed the message of Norfolk's article, complaining of the fact that 'my rapist has been offered [the chance] to apply for parental rights over my child', but this was not her main thrust. Declaring that 'this is happening all over the country and it needs to stop', she announced that she was launching a campaign with Labour front bench MP Louise Haigh calling on the government to change the law.

Norfolk's article prompted a political and media frenzy that lasted several days.

By publicly identifying herself Woodhouse removed the risk that news media discussing the case might breach court confidentiality rules relating to her privacy or her son's, and so the debate opened up. Freed from these constraints, the *Times* updated its report to identify the participants, while other newspapers – the *Telegraph*, the *Mail*, the *Express* and others – repeated the contents, sometimes with embellishments. The *Express* headline was: 'Fury of Rotherham grooming victim as rapist *gets parental access* to her child' [our italics].⁶⁶

Sammy Woodhouse's intervention had a second effect. By stressing that this was a national problem rather than one specific to Rotherham she put forward an alternative interpretation to Norfolk's. Doubts on this point increased as the council firmly restated that it had merely

64. It has been suggested that Rotherham Council should have been aware of this court ruling: <https://www.baillii.org/ew/cases/EWFC/HCJ/2017/34.html> In that case the judge found that a council should not have to notify a father who had a history of domestic violence. However, that ruling was made in late May 2017, some weeks *after* the Rotherham hearing.

65. <https://twitter.com/sammywoodhouse1/status/1067552629537103877>

66. <https://www.express.co.uk/news/uk/1051379/Rotherham-rapist-given-rights-victims-child-victim-pleads-law-change>

followed the family procedure rules and specialist lawyers came forward to endorse this view.⁶⁷ While there was general agreement that no mother should suffer the experience described by Woodhouse and that the rules should be closely examined, the focus shifted away from Rotherham.

The conduct of Andrew Norfolk

The original 27 November article made serious accusations that were without foundation. In making these unfounded accusations, Norfolk appears to us to have relied on insufficient sourcing, delivered an emotive interpretation of events that was called in question by information he placed towards the end of his article, misused a quotation and highlighted the ethnicity of the father when it was irrelevant. Norfolk knew that Rotherham council and the Ministry of Justice were saying apparently conflicting things about the legal position and we believe that as a reporter he had an obligation to establish before publication which of these interpretations was correct. If he had done so – and the answers were readily available – he would have found that the council was in the right.

That the 27 November article did not identify the council, the mother, the child or the rapist does not make it any less a misrepresentation of the facts. The same allegations appeared under Norfolk's byline, complete with those details, the next day. Nor can it be held to justify his reporting that, by publishing, he helped draw attention to the requirement – surprising and even shocking to many – that councils notify rapist fathers of care proceedings. Norfolk could have written that story at the outset if he had chosen, and he could have done it accurately, clearly and in the public interest. Instead, in our view, the approach he adopted actually distracted attention from the real matters of public concern.

67. See the blogs of the Transparency Project, and also <https://www.theguardian.com/society/2018/nov/28/mps-call-for-change-of-law-on-rapist-fathers-after-rotherham-case>

THE TIMES, ITS EDITOR JOHN WITHEROW AND IPSO

News editors, production staff and lawyers at the *Times* passed Norfolk's articles as fit for publication. They added flawed headlines and placed many of the articles on the front page. Many *Times* employees are thus implicated, but none more so than the paper's editor, John Witherow, who bears responsibility for the paper's standards. The company that owns the *Times*, News UK, publicly asserts:

*All News UK titles strive for the highest standards of accuracy and all editorial staff are expected to follow standard journalistic best practice in verifying stories. When reporting events not witnessed at first hand all possible steps should be taken to establish the credibility and reliability of any sources, and to corroborate their accounts.*⁶⁸



John Witherow, editor of the *Times*. (Photo: PA)

Highest standards of accuracy... best practice in verifying... reliability of sources... all possible steps to corroborate... these were not delivered in the cases described here. And not only did Witherow preside over the publication of successive inaccuracies but he also threw the moral weight of his paper behind them.

A leading article of 29 August 2017, entitled 'Fostering Failures', repeated Norfolk's version of the facts.

Any carer who opens their home is to be commended for offering refuge to vulnerable children. Yet when the process is bungled, children suffer. That is what the Times has exposed in the London borough of Tower Hamlets. A Christian girl was taken from her family and made to live with Muslims who often did not speak English at home. The child begged through tears not to return, but she was ignored. As we reveal today, her grandmother offered to take her in, to no avail.

As we have seen there was no bungle. The girl was not simply Christian. She was not taken from her 'family' but from a mother officially judged to have posed a danger to her. Her tears

68. <https://www.ipso.co.uk/media/1105/news-uk-annual-statement-for-publication.pdf>

were not ignored. And her grandmother waited (and so far as we know was content to wait) while officials established that she was a fit carer. This story told in a *Times* editorial was a travesty of the facts.

Four days later, on 2 September, as the truth of the case began to emerge, came another leading article entitled, remarkably, 'Truth Hurts', attacking those who had questioned the paper's reporting.⁶⁹ Norfolk, it said, had 'reported the story with care' and it pointed to the 'essential light' cast on the case by the 'observations compiled by social services employees' (the plural 'employees' suggesting that these supposed corroborations came from more than one care worker). Critics, the *Times* declared, were 'less concerned with children's welfare than with superficial social harmony', adding:

The Guardian claims that the mother of the child at the heart of this story 'is herself the child of Muslim immigrants'. For the record, she is not.

While it was correct that the mother was not the child of Muslim immigrants, whether the parents were immigrants was beside the point. The essential fact was that they were Muslims, because the religious heritage of the child was at issue and it followed from this fact that to describe the child simply as Christian was not the full story. Since the *Times* knew that the grandmother was a Muslim (in the unlikely event Norfolk had not known before, he had heard her described as such in court on 29 August⁷⁰) this lofty put-down of the *Guardian* strikes us as disgraceful.



Ever since, and no matter how high the contrary proofs have piled up in the case of the 'Christian child forced into Muslim foster care', the *Times* has done all it could to ensure that the truth did not hurt its reputation or that of its chief investigative reporter.

When Tower Hamlets complained to Ipsos months later the paper claimed that the thrust of its story had been about failure to place children appropriately, and that in the Tower Hamlets case its concern was that the foster carers 'seemed ill-suited to meeting the needs of this particular child'. This hardly reflected the catalogue of serious allegations levelled against the carers by Norfolk or the tone of his reporting. Additionally, when it came to the child's family background the paper hid behind selective quotations from the court hearing and the published Case Management Order, and behind the need to respect the child's privacy – as if Norfolk had not known of the family's Muslim heritage.

The release of the summary of Judge Sapnara's final judgment last September removed any last doubts about the truth of the case and offered the *Times* an opportunity to put the record straight for its readers. It did not even report the summary. Approached for comment by the journalist Nesrine Malik, writing for the *New Statesman*, the paper's spokesman responded: 'We ran the Ipsos adjudication on the front page in April and in more detail on page two.'⁷¹ The implication was that the paper had already put the record straight but that was not the case.

69. <https://www.thetimes.co.uk/article/truth-hurts-5n0dszt3m> (paywall)

70. <https://www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=20480-17> See Par 5.

71. <https://www.newstatesman.com/politics/media/2018/09/the-times-muslim-christian-child-foster-care-tower-hamlets-court-ruling-ipso>

What appeared on the front page on that occasion was this short statement:

Tower Hamlets borough council complained to the Independent Press Standards Organisation that the Times breached Clause 1 (Accuracy) in an article headlined 'Judge rules child must leave Muslim foster home', published on August 30, 2017. The complaint was upheld and the Times has been required to publish the ruling as a remedy.

This was not a correction or an admission of error or an apology, nor did it set the factual record straight on the paper's many unfounded allegations. And neither did the summary of the ruling that appeared on page two, which related only to one specific aspect of the reporting of 29 August, the third day of Norfolk's series of articles. To be clear: neither Norfolk nor the *Times* has ever corrected or apologised for any aspect of his report of 28 August, or for the serious and unfounded accusations levelled against the innocent foster carers, or for wrongly presenting the placement as scandalously inappropriate.

This was not a correction or an admission of error or an apology, nor did it set the factual record straight on the paper's many unfounded allegations.

So vigorous was the *Times's* endorsement of the foster care story, and so stubborn its resistance to correction, that the question arises of whether the paper and its editor, Witherow, rather than Norfolk himself, might have been the driving force in publication. This suggestion was made in evidence to an employment tribunal hearing in Edinburgh in May 2019 by Martin Barrow, the former *Times* news editor who spoke to Norfolk before the first article was published. Barrow said that Norfolk told him at the time that he had 'significant misgivings' about the story, and that he (Barrow) believed the reporter was acting under pressure from Witherow.⁷² Norfolk did not give evidence at the hearing, but Witherow denied putting him under pressure.

We have not been able to determine the truth of this matter, but even if it were true that Norfolk acted reluctantly this would not absolve him of responsibility for every word that he published. He put his name to the relevant articles, or allowed his name to be placed on them: that is, in journalistic terms, a declaration of personal responsibility. We found it very hard to see how a journalist of Norfolk's status – the chief investigative reporter of the paper and perhaps the most famous news reporter currently at work in the national press – could reasonably plead that he had been bullied into publishing.

In the Just Yorkshire case the paper at editorial level can again be seen marching in step with its reporter. A leading article, 'True Champion', criticised the Joseph Rowntree Charitable Trust for funding a group that accused Sarah Champion of 'inciting and inviting hatred against minorities'. 'As a result,' it declared, 'Ms Champion's police protection has had to be increased.' It went on to assert that 'when Ms Champion told the *Sun* that Britain "has a problem with British Pakistani men raping and exploiting white girls" she was doing no more than stating a truth'. In keeping with the approach adopted by Norfolk, the leading article did not mention that Champion had apologised for this article or that she acknowledged its opening sentences were 'highly inflammatory' and 'could be taken to vilify an entire community'.

72. Witness statement of Martin Barrow. Employment Tribunal, Edinburgh, Case 4107419/2018. A report of Witherow's evidence can be found here: <https://www.byline.com/project/86/article/2463>

When Just Yorkshire challenged the *Times* to provide evidence for its claim that the ‘Temperature Check Report’ led to death threats, the paper responded in a different manner. Its lawyers admitted in private correspondence that ‘the death threats made against Ms Champion since the report was published have not been directly linked to the report’. It then proposed that it would address this by publishing, on an inside page, a single paragraph that failed to acknowledge that Norfolk had got this vital fact wrong. It admitted only that the *Times* had ‘suggested’ that Just Yorkshire’s report led to death threats, even though a headline had stated in terms: ‘Security stepped up after scathing report led to death threats’. And Norfolk had also written: ‘The *Times* understands that the report led to death threats against Ms Champion.’ These were not ‘suggestions’ and they were damaging, yet the *Times* wished to pass this off as no more than a ‘slip’.

In correspondence the *Times* explained this ‘slip’ as follows. Norfolk had been told that counter-terrorism police had had ‘concerns’ about the Just Yorkshire report and had, as a result, recommended increased security for Champion. He assumed – mistakenly – that if there were concerns there must have been death threats. In our view, if he made such an assumption and failed to explain to readers that this was the basis of his claim that was no mere slip; it was very poor journalism on the part of an experienced reporter. The police position on the report is as follows.

Counter-terrorism police have told Just Yorkshire – as, it appears, they had told Norfolk – that ‘action was taken to safeguard’ the MP as a result of the ‘Temperature Check Report’, but they have given no indication of how serious this action was or what the specific grounds were. Meanwhile a spokesman for Metropolitan Police Assistant Commissioner Neil Basu, in charge of counter-terrorism, also told Just Yorkshire that the police had not conducted any investigation into the report.⁷³



Counter-terrorism police have told Just Yorkshire – as, it appears, they had told Norfolk – that ‘action was taken to safeguard’ the MP as a result of the ‘Temperature Check Report’, but they have given no indication of how serious this action was or what the specific grounds were. Meanwhile a spokesman for Metropolitan Police Assistant Commissioner Neil Basu, in charge of counter-terrorism, also told Just Yorkshire that the police had not conducted any investigation into the report.⁷³

The *Times* insisted on including in the proposed paragraph an assertion that its coverage ‘made clear’ that no death threats were attributable to the report. This was not the case. There were some references to death threats where no explicit link was made to the Just Yorkshire report but in those cases no other cause was specified and in our view most *Times* readers would have assumed a connection with the report.

To cap it all, though Just Yorkshire insisted the paragraph was not a sufficient remedy the *Times* published it anyway – on page 24 of its edition of 24 December 2018 – Christmas Eve, perhaps the day of the year when it was least likely to be noticed.

When it came to Norfolk’s attack on Rotherham council, the *Times*’s editorial column once again cheered him on, this time under the title ‘Rotherham Redux’, a form of words that implied this was a re-run of the scandals of the past.⁷⁴ *Times* readers were told this was ‘the shocking story of a council that had invited a jailed sex offender to play a part in the future of the child of a woman he had raped’, and, the paper declared, ‘that anyone ever thought it appropriate to consult Hussain on the boy’s care beggars belief’. As Norfolk had done, the

73. Email to Nadeem Murtuja of Just Yorkshire from Nick Bonomini, staff officer to Assistant Commissioner (Specialist Operations) Neil Basu QPM, 3 September 2018

74. This was the original title, as it appeared in the print edition. The online edition currently shows a different heading.

editorial presented the narrative to suggest that Rotherham had made a choice to inform the biological father. This ‘decision’, it said, was ‘profoundly troubling’. Only after this did it acknowledge that the legal position was ‘not clear’ and admit that the council might have had a ‘legal requirement’ to act as it did. This, it declared, raised the ‘alarming possibility’ that this was not an isolated case.

This editorial appeared on 29 November, a full day after Norfolk launched his attack, by which time the *Times* had had ample opportunity to consult experts and learn the true legal position, which was that Rotherham had obeyed the court rules and had done no more than notify Hussain in minimal terms. Sammy Woodhouse herself had appeared on television saying this was a national problem, by implication not specific to Rotherham. Yet the paper concluded that it was Rotherham’s responsibility to clear things up: ‘... the council ... needs to review the extent to which Ms Woodhouse’s experience is unique’.

Across these three series of news articles, therefore, it can be seen that the *Times* newspaper as a whole played a vigorous part, adopting, repeating and even amplifying many of Norfolk’s assertions, and when challenged it chose to stonewall and obfuscate.

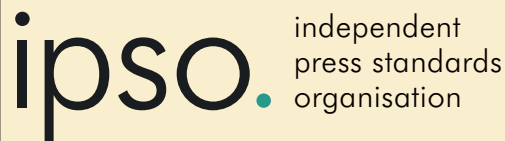
The role of Ipso: foster care

The *Times* says that it is regulated by the Independent Press Standards Organisation (Ipso). Of the three case studies examined in this report, two have given rise to Ipso rulings. The first related to a limited aspect of the foster care case and the second was in response to a fuller complaint by Just Yorkshire. There have been no rulings in relation to Norfolk’s ‘Rotherham Rapist’ reporting.

More than 250 individuals and organisations complained about ‘Muslim foster care’, most on the basis that it breached Clause 1 of the Editors’ Code of Conduct, which begins: ‘The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.’ Ipso refused to consider any of these complaints. It told us:

Without the involvement of an individual in the position to know the facts of this case, we considered that it would be difficult to effectively investigate the alleged inaccuracies.

This meant setting aside 250 complaints about a series of articles that, given the information already on the public record, was obviously deeply flawed. However, after some delay Tower Hamlets Borough Council, at the prompting of independent council members, complained first to the *Times* directly and then in December 2017, having failed to get satisfaction there, to Ipso. Since the council was clearly ‘in a position to know the facts’ Ipso had to act. The council’s complaints, however, were limited in scope. Notably, they did not include any reference to the first article, dated 28 August. Instead they focused on Norfolk’s article on the third day of coverage, 30 August 2017, which



The Independent Press Standards Organisation was set up by the main newspaper companies in 2014 in defiance of the recommendations of the Leveson Inquiry report into press standards. It does not meet Leveson standards of independence from the industry or of effectiveness. Though it is meant to have powers to investigate newspapers and impose fines, it has never done so.

carried the most explicit criticisms of the council, under the headlines ‘Judge rules child must leave Muslim foster home’ and ‘The *Times* praised for exposing council’s failure’. Tower Hamlets said it was inaccurate to say there had been a ‘failure’ on its part and it said that Norfolk had manipulated the facts to create the false impression that the council had sought to prevent the grandmother becoming the child’s primary carer. Ipso upheld this part of the claim:

*Read as a whole, the article gave the impression that the judge had found that the placement was a ‘failure’ by the council; and that this was why she was ‘removing’ the child from her current foster carers, and placing the child with the grandmother. This was a distortion.*⁷⁵

The second part of the complaint concerned the paper’s decision not to make clear in the same article that the child’s grandmother was a Muslim. The council said this was misleading and unfair to the foster carers. The *Times* told Ipso that ‘its approach to what information to include in the 30 August article was governed by its obligation not to publish any details which might identify the child’.

Ipso found that the decision by the *Times* to exclude the fact that the child had a Muslim grandmother did not constitute an inaccuracy. It said:

The concern raised in the previous two days’ coverage [before the court hearing] was that foster placements organised by the complainant were not culturally matched with the child, due to the religious practices of the foster parents. It appeared to be accepted by all parties however that the grandmother was not a religiously observant Muslim, and that she was a culturally appropriate placement. For these reasons, the Committee did not find that the omission of information about the grandmother’s background in the article constituted a failure to take care over the accuracy of the article.

Read as a whole, the article gave the impression that the judge had found that the placement was a ‘failure’ by the council; and that this was why she was ‘removing’ the child from her current foster carers, and placing the child with the grandmother. This was a distortion.

This finding does not survive scrutiny.

First, Ipso argued that the fact that the grandmother was a Muslim was irrelevant to her status as an appropriate carer because she was not a *practising* Muslim. Yet strikingly, Ipso appears to have attached no significance to the degree of religious engagement of the child. Had it sought to establish the facts it would have found that on 2 October 2017 the *Guardian* had reported: ‘She was christened but was not taken to church by her mother or anyone else, the court heard.’⁷⁶ It therefore seems likely that, on the same terms, the child was not a *practising* Christian. If, as Ipso said, it was fine for non-practising Muslims to look after a practising Christian, why is it not fine for practising Muslims to look after a non-practising Christian? To compound Ipso’s error, its description of the grandparents was itself inaccurate. The same press report cited above stated: ‘Her maternal grandparents are Muslim and while

75. <https://www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=20480-17>

76. WW

they do not attend mosque, they do pray at home, the court was told.’ This would be officially confirmed rather later, in the summary of Judge Sapnara’s final judgment.⁷⁷

Second, Ipso accepted the *Times*’s claim that it wished to avoid identifying the child. If the effect of this scruple had been neutral in terms of the impression given to readers it might have had some merit, but that was not the case. It was only by failing to identify the religious background of the grandmother (and by extension the religious heritage of the child), matters of which it was aware, that the *Times* was able to sustain its inaccurate case that the placements were inappropriate. The implication of Ipso’s ruling, therefore, was that it was legitimate for the *Times* to present an inaccurate picture of the case because some of the information might have been confidential. We cannot think of any circumstances in which it is legitimate for journalists to present an inaccurate picture of events.

We cannot think of any circumstances in which it is legitimate for journalists to present an inaccurate picture of events.

Since it had upheld the first part of the complaint, Ipso ordered the *Times* to publish its ruling on the case on page 6 or further forward. In the event it appeared on page 2 on 25 April 2018 and the *Times* also published the following, unusually, on its front page:

Tower Hamlets borough council complained to the Independent Press Standards Organisation that the Times breached Clause 1 (Accuracy) in an article headlined ‘Judge rules child must leave Muslim foster home’, published on August 30, 2017. The complaint was upheld and The Times has been required to publish the ruling as a remedy.

Although the paper was found guilty of distortion it was only on the very limited point of the council’s ‘failure’ as alleged in one article on the third day of Norfolk’s coverage. Thus Ipso, having rejected 250 complaints, addressed just one and upheld one aspect of it. By choice it only nibbled at the edge of the problem, leaving unaddressed, for example, the wrongs done to the foster carers. Even now, ten months after the publication of Judge Sapnara’s final judgment, Ipso has not taken up the case properly and the *Times*’s reporting stands without correction or apology. This response to the ‘Muslim foster care’ story shows at best a reluctance on Ipso’s part to challenge the *Times* and at worst an active readiness to help the paper escape any meaningful reckoning for its actions.

The role of Ipso: Just Yorkshire

Just Yorkshire’s complaint to Ipso rested in essence on three points: that the paper’s claim that the ‘Temperature Check Report’ led to death threats against Sarah Champion MP was inaccurate, that its articles about the charity and its report were unbalanced and inaccurate, and that the short statement published by the paper was an insufficient remedy.⁷⁸

Given that the newspaper had admitted it had no evidence that the report led to death threats Ipso had no choice but to uphold that part of the complaint. In doing so, however,

77. Although Ipso purports to ‘investigate’ complaints it appears not to have made any effort to seek information on its own account, merely forming a view on the basis of the information provided by the complainant and the publisher. An organisation charged with ensuring that news publishers take care not to publish inaccurate information thus failed to exercise that care itself.

78. Ipso: Decision of the Complaints Committee: 07445-18 Just Yorkshire v The *Times*.

it went to remarkable lengths to absolve the *Times* of blame. In particular it drew a clear distinction between the paper's headline declaring 'Security stepped up after scathing report led to death threats' and the sentence in Norfolk's report stating 'The *Times* understands that the report led to death threats ...' The former, it said, was 'categorical', whereas:

Unlike the headline's categorical claim, the article had made clear the basis for the newspaper's belief that the report had led to death threats against the MP, namely that police had increased her security risk level and had advised that she accept extra protection.

On this basis, while the headline was found to be a breach of the code, the claim in the article itself was not. Strikingly, the *Times* accepted the claim was inaccurate: it merely argued that it was not a 'significant inaccuracy'. Although Norfolk had written the words '... the report led to death threats ...' and his paper had admitted that this was not true, Ipso found that this

In short, the Times pleaded guilty on this point but Ipso declared it innocent.

was not inaccurate on the basis, apparently, that it understood how he came to get it wrong. In short, the *Times* pleaded guilty on this point but Ipso declared it innocent.

Norfolk and the *Times* in omitting all reference to the fact that Champion had described her own article as 'highly inflammatory' and capable of being 'taken to vilify an entire community on the basis of race, religion or country of origin'. By this means it avoided any requirement to judge whether the remarks quoted by Norfolk were any more 'scathing' than the words of the MP herself. And so far as Ipso was concerned there was nothing wrong with the presentation of any of the quotations.⁷⁹

In considering whether the quotations in the report were in fact 'scathing', Ipso followed

As for whether the *Times* had been wrong in omitting all of the moderate messages and caveats in the report, and in failing to set out its real parameters or even its title, Ipso gave the idea short shrift.

The Committee did not establish that the omission of the wider context in which the criticisms of the MP had been made, or the further "caveats" which the complainant said were contained in the March 2018 report, rendered the articles misleading.

No justification or explanation was given for this. Though the complaints committee apparently accepted that there were omissions it simply 'did not establish' that they made the articles misleading. Bear in mind that the committee was not judging a simple question of true or false but was testing the facts against Clause 1 (i) of its code: 'The Press must *take care* not to publish inaccurate, misleading or distorted information...' (Our italics). By this finding, therefore, it ruled that, despite acknowledged omissions, it believed that the *Times* had in fact taken care not to mislead.

Having upheld one aspect of the complaint – relating to the bald headline stating that the report 'led to' death threats – Ipso had to decide what to do about it, and it chose to do nothing. Instead it ruled that the paragraph already published in the *Times* had been an adequate remedy. It is worth repeating here what was involved: the paper had published the following:

79. Ipso, it is clear from the ruling, has no problem of principle with papers clipping qualifying phrases from quotations.

ipso.

independent
press standards
organisation

ANATOMY OF A MYTH

INNOCENT

The press watchdog Ipso — part-funded by the *Times* — found the paper's statement that it understood the Just Yorkshire report had led to death threats was not a breach of its rules on accurate reporting.

Findings of the Committee

35. The print headline to the first and March 2018 report had "led" to the given its seriousness; it established the threats which the MP had received evidence to support the claim that take care over the accuracy of the correction was required under the concern at the wording of the "suggested"; the headline of the led to death threats. However it at that time were attributable to the

36. The MP had confirmed that her publication of the March 2018 report and its contents — had increased concern and the potential risk to her security, and led increased, which subsequently happened. First article, that the newspaper "understood" threats, in that context. Unlike the headline's case, basis for the newspaper's belief that the report had led to death threats. However it at that time were attributable to the

37. The fourth, fifth and sixth articles did not claim that the complainant's March 2018 report had increased the her security risk level and had advised that she accept extra protection. There was no further breach of Clause 1(i) in respect of the first article.

GUILTY

The *Times* thought otherwise. Discussing exactly the same statement, the paper 'openly accepted that it was not correct to say ... the report led to death threats. It regrets the error ...' The paper only argued that it was not a 'significant inaccuracy'.

Our article about Sarah Champion MP's security protection being increased (News, 25 July) suggested that a report by the charity Just Yorkshire had led to death threats against Ms Champion. In fact, as was made clear elsewhere in our coverage, while the report led police to increase her security protection, no death threats made at the time were attributable to the report.

Although Ipsos described this as a correction there was no explicit acknowledgement of that. The word did not appear in the text, and though the paragraph was published under the heading 'Corrections and clarifications' its phrasing was more consistent with the latter. Nor was there

... even when it had no choice but to find that there had been breaches of its code Ipsos engineered outcomes that suited the interests of the newspaper far better than those of the complainants, the readers or the public.

any apology for what had been an explicit and damaging inaccuracy. All the *Times* admitted was that it had 'suggested' that the report led to death threats, and it went on to claim that 'in fact' it had 'made clear' elsewhere in its report that this was not the case. No case can be made that this was merely a 'suggestion' and in our view no ordinary reader of the original article would have understood that the *Times* was *not* asserting that the Just Yorkshire report led to death threats. In short, this was not a correction, it did not put the record straight for *Times* readers and it was certainly not a public admission or acknowledgement that there had been a breach of the Editors' Code of Practice.

The problems do not end there. The article containing the allegations had first appeared across the top of the front page and Norfolk's words '... the report led to death threats ...' were included when the article continued on page 7. Ipsos managed to conclude that that particular claim was not inaccurate and that only the repetition of the same claim in the headline on page 7 was in breach of the code. Yet the *Times's* paragraph did not appear on the front page or on page 7, but low down on page 24, the letters page. And more than that, it was published on Christmas Eve, which can fairly be described as a good day to bury bad news. We find it hard to avoid the conclusion that in the phrasing, placing and timing of the publication of that paragraph, the *Times* had done its utmost to avoid acknowledging or taking responsibility for a serious journalistic error. Yet this was Ipsos's conclusion:

The wording made clear the correct position that no death threats made at that time were attributable to the March 2018 report. The Committee considered that the publication of this wording in the newspaper's established Corrections and Clarifications column as well as online, represented due prominence. The remedial action taken by the newspaper was sufficient to meet the terms of Clause 1(ii). No further action was required.

Here again, therefore, we see Ipsos engaging in contortions of logic and language in its efforts to spare the *Times* embarrassment in relation to serious errors. In this case and in the foster care case, even when it had no choice but to find that there had been breaches of its code Ipsos engineered outcomes that suited the interests of the newspaper far better than those of the complainants, the readers or the public.⁸⁰

80. For more details of Just Yorkshire's negotiations with Ipsos and the *Times* see <https://wp.me/p3kXx7-1SW>

NORFOLK, THE TIMES AND ‘POLITICAL CORRECTNESS’

Julian Petley examines how Norfolk’s reporting has conformed to the editorial line of his newspaper

The articles by Andrew Norfolk analysed here have as a common underlying message that Muslims are a threat, but when they have been taken up by the *Times’s* editorial writers and columnists additional messages have become apparent. Since at least 2011, when the paper first devoted its front page to reporting by Norfolk that highlighted child sexual exploitation by men of Asian heritage, such stories have been held to support a particular thesis about Muslims and Islam in the UK.



Julian Petley, professor of journalism at Brunel University, London

This thesis holds, first, that ‘the left’, along with leading Muslims and others, have deliberately obfuscated or kept silent about serious problems involving British Muslims, and second, that they have actually made those problems worse by sowing the fear that anyone who tackles them will be accused of racism or Islamophobia. Thus, it is argued, debate is silenced, or at least discouraged and muffled.

Such thinking underpinned the editorial of 2 September 2017 relating to the ‘Muslim foster care’ story headlined ‘Truth Hurts’, which had the strapline: ‘Not for the first time, *The Times* has been criticised for reporting the facts as it finds them.⁸¹ This is a knee-jerk response that betrays a blind spot on the left.’ It argued: ‘Given the religious and cultural sensitivity of the story there was always the likelihood that those less concerned with children’s welfare than



81. <https://www.thetimes.co.uk/article/truth-hurts-5n0dszt3m> (paywall)

with superficial social harmony would cry foul.’ With specific reference to the *Guardian*, the *Times* complained that the debate about Norfolk’s articles was ‘depressingly familiar’, and referred to his original revelations in 2011 of

both the systematic sexual abuse of white teenagers by mainly Pakistani men in Rotherham and Rochdale, and the complicity of social workers, police and local councillors who failed to stop the grooming for fear of being accused of racism. Leftist media organisations instinctively recast that story as one of Islamophobia.

Alternative explanations for the failures were set aside, along with evidence that the police are often far from over-sensitive to charges of racism when dealing with ethnic minority people. The *Times*’s message was clear: the left uses accusations of racism to silence debate and shield Muslims from criticism and justice.

Alternative explanations for the failures were set aside, along with evidence that the police are often far from over-sensitive to charges of racism when dealing with ethnic minority people.

This carried strong echoes of an earlier occasion on which the *Times* took notice of Tower Hamlets. Like the rest of the national media it followed closely the events culminating in the removal from office in 2015 of the borough’s first directly elected mayor, Lutfur Rahman, for electoral fraud. This prompted an opinion article in the *Times* by Melanie Phillips headlined ‘The poor suffer when free speech

is denied’ and with the strapline ‘Charges of racism are used to intimidate investigators of political corruption and sex abuse’:

The most disturbing thing about the Lutfur Rahman affair is not the corruption and thuggery by which he secured his election last year as the mayor of Tower Hamlets, having turned the borough into a religious and ethnic protection racket. It is the behaviour of the Labour party, the police and other authorities: their indifference towards, and even connivance with, this subversion of local democracy.⁸²

Here again we find the allegation that charges of Islamophobia were deflecting attention away from wrongdoing by Muslims (an argument Phillips had already developed at length in her book *Londonistan: How Britain Created a Terror State Within*). Here she continued:

Hysteria over racism is a cancer that has corrupted British public life. It has paralysed the police ever since the false claim of institutional racism was levelled against them in the 1999 Macpherson report. Charges of racism or Islamophobia are routinely used to intimidate those who criticise Muslims or Islam. They have been used to enable the systematic sexual enslavement of thousands of young teenage girls. Now they have been used to subvert the democratic process itself and turn a part of London into a kind of mafia enclave.

82. <https://www.thetimes.co.uk/edition/news/the-poor-suffer-when-free-speech-is-denied-cwf25zfm2zk> (paywall)



Another *Times* writer, David Aaronovitch, addressed the same theme in an article prompted by the Just Yorkshire affair headlined 'Criticising Muslims Doesn't Make You a Racist', with the strapline 'Activists who have denounced Rotherham MP are trying to shut down debate about real problems in their community'.⁸³ He took aim not only at Just Yorkshire but also at critics of the anti-radicalisation 'Prevent' programme and at those seeking the removal of Sara Khan, the government's commissioner for countering extremism. There was no analysis of the reasons for the opposition to the Prevent programme; criticism of it was simply condemned.

Naming Baroness Warsi, Naz Shah MP and MEND, among others, Aaronovitch asked why it was that 'every single time a Muslim or anyone else pops their head above the parapet to try to deal with some of the genuine problems the community faces, this toxic coalition emerges to try to cut it off?' And why, he asked, do members of this 'coalition' seem less concerned with fighting and dissuading Islamophobes and 'far more interested in undermining the dissuaders?' In other words, this coalition has been casting aspersions on those Muslims and their supporters who are prepared to be openly critical of certain aspects of Muslim communities and thus taking some of the wind out of the Islamophobes' sails.

Among the answers he offered for this failure were:

... liberal guilt mixed with ignorance on the part of the funders [in this instance the Joseph Rowntree Charitable Trust] and left-wing politicians. A desire to appeal to conservative (and sometimes anti-Jewish) Muslims by some Muslim politicians. A belief by others that all bad things done by Muslims are in fact bad things done to Muslims – the consequence of western action or inaction, from sexual licence at home to military action (or lack of it) abroad.

Aaronovitch concluded that 'undermining the dissuaders' was not just wrong:

... it's utterly counterproductive. It cocoons some Muslims against dealing with the reality of living in a shared society, while strengthening the claim of the far right that Muslim integration is uniquely impossible. That way no one wins but the extremists.

83. <https://www.thetimes.co.uk/article/criticising-muslims-doesn-t-make-you-a-racist-msk72wrgx> (paywall)

Perhaps the most significant comment in the *Times* in this field was an article by Janice Turner from 2011 headlined 'Criticism Is Not Prejudice, Baroness Warsi', with the strapline 'Despite fear and provocation, Britain has remained tolerant of Islam. What we won't tolerate is extremism'.⁸⁴ This was primarily about the then Conservative chairman Baroness Warsi's remark that Islamophobia had 'passed the dinner-table test' and become socially acceptable, but Turner also discussed the Asian sex gangs issue. She noted that:

When Jack Straw condemned the grooming by British Muslim men of Pakistani origin of vulnerable white girls, he was instantly flamed as a bigot. Liberal Muslims disputed why this was being written about at all when only 1 per cent of British abuse cases are committed by Muslims. This crime could only be dealt with by acknowledging its cultural-religious dimension.

Turner argued that in the face of weekly revelations of 'plots for our destruction by British-born Muslim citizens, in the cause of jihad... our secular, tolerant traditions held true and the near unanimous reaction is a determination not to punish the Muslim majority for a minority's deeds'. Her main point, however, and one which links it directly to the other pieces discussed here, was this:

What breeds suspicion and extremism is the inability to discuss, openly, the issue of Islam as a force in British society, the 'free-minded debate' that Lady Warsi seeks, for fear of physical harm or threat or being branded racist... What fuels Islamophobia is the feeling that Islam is beyond public discussion, let alone censure. And so hatred lurks in chat rooms and in ugly comments after newspaper articles.

Thus we come to one of the central but never-quite-openly-stated arguments running through these editorials and comment articles, which is that British Muslims, or at least significant numbers of them, have, with the help of outside activists and others, brought upon themselves the anti-Muslim racism that exists, and they have done so partly by attempting to shut down criticism of Muslims and Islam by accusing their critics of 'Islamophobia'.

... racism comes into being chiefly when the white majority is provoked by the behaviour of minorities (such as their complaints of racism or Islamophobia).

Behind much of this lies an old argument that is by no means restricted to the *Times* but is common to much of the right-wing press. It is that unrest among ethnic minorities is not fuelled primarily by justified grievances but instead is stirred up by 'agitation' of one kind or another. With this goes the view that racism is not endemic in the UK (and thus cannot be a legitimate grievance for minorities); instead racism comes into being chiefly when

the white majority is provoked by the behaviour of minorities (such as their complaints of racism or Islamophobia). The white community is thus exonerated of blame for racism while complaints of racism by minority communities are turned back upon themselves.

The thinking described here, which has been expressed in the opinion pages of the *Times* for years, most notably by Roger Scruton, clearly has a relationship to the articles by Andrew

84. <https://www.thetimes.co.uk/article/criticism-is-not-prejudice-baroness-warsi-dzx5kkgmzqs> (paywall)

Norfolk analysed in this study. Such thinking provides an editorial bedrock for news reporting that characterises Muslims as extreme, intolerant and threatening. It can also support it as brave and necessary even when it takes place against a background of rising hate crime. Moreover, any external criticism of the reporting is likely to face swift rejection on the grounds that it conforms to a pattern of 'crying Islamophobia'. So it proved with Norfolk's articles about Muslim foster care, Just Yorkshire and the Rotherham rapist. They have not only been defended to the hilt by the newspaper; they have also been treated as vindications of the newspaper's long-term stance.

This thinking at the *Times* is itself open to challenge, indeed there are many who dispute almost every aspect of it, myself included. But this is not the place for those arguments; what is crucial here is that Norfolk's articles, hailed and defended on the opinion pages as evidence of the truth of these arguments, were factually wrong and that the methods by which they were constructed were, to say the least, unsatisfactory.

The *Times* has repeatedly claimed that both those criticised in Norfolk's articles and those who have criticised them were in a state of denial. On the copious evidence presented in this study, however, I would suggest that it is the *Times* itself which is in a state of denial, not only about the quality of the journalism published in its pages but also about the destructive (and wholly foreseeable) consequences of publishing such material.

CONCLUSION

The articles by Andrew Norfolk that are examined here were incorrect both in their general thrust and in much of their detail. In our view it should automatically be a matter of concern at any newspaper when a single report can be shown to be fundamentally inaccurate. At issue here are three series of articles published with great prominence by the *Times* of London over a period of 15 months, all of them appearing under the byline of its chief investigative reporter. In our view none of these articles should have been written, at least not in anything like the form in which they appeared. We have identified what we regard as serious problems in the treatment of information in these articles. Important facts that we believe would have provided balance or called into question the reporter's main messages were omitted or appeared only low down in the articles. Emotive language was used without justification and necessary notes of caution were not included. Quotations were taken out of context and qualifying words were clipped off. We do not see in many of these articles what we regard as sufficient evidence of the care in verification and presentation of information that the *Times's* owner, News UK, promises readers and that is the mark of conscientious journalism.

The Times newspaper, in our view, bears a heavy responsibility, having published these articles with prominence, having promoted and endorsed them in its editorial columns and having defended them in the teeth of the evidence.

An important common thread in these articles was the depiction of Muslims as threats. Intolerant Muslim foster carers supposedly bullying and indoctrinating a white, Christian child; a supposedly hardline Muslim pressure group endangering the life of a white woman MP; a Muslim rapist supposedly threatening the well-being of his white victim's child. Few would dispute that such narratives had the capacity to foment racial and religious hatred, and this at a time when hate crime in Britain was already at peak levels. These were circumstances in which it was reasonable to

expect journalists to exercise special care, yet each of these stories has proved seriously inaccurate. To repeat, the foster carers did their job well and the child was far from being simply a white Christian; Just Yorkshire's report did not prompt death threats to the MP, and the Rotherham rapist, in the circumstances described, did not pose any threat to the well-being of the child.

The *Times* newspaper, in our view, bears a heavy responsibility, having published these articles with prominence, having promoted and endorsed them in its editorial columns and having defended them in the teeth of the evidence. It has not apologised for or corrected in any meaningful way the significant inaccuracies, still less has it taken down articles from its website. It is noteworthy here that, as Professor Petley describes in the previous chapter, what the reporter alleged conformed to a long-established editorial line of argument at the paper. As for Ipso, the best that can be said of its contribution is that it has done the least it could to uphold fairness and accuracy, and with no visible effect.

Many people and many journalists have admired the work which won Andrew Norfolk his awards, but in our view nothing he has done in the past can place him above scrutiny, especially when, as in these cases, the subject matter is so sensitive. Indeed his record and his awards increase the need, since they have helped these articles receive national attention of a kind that few news reporters can command.

In the interests of the reputation of the *Times* and of all of who work there, as well as of journalism generally, the proper course of action now is for the paper to commission a credible, independent, external investigation into the conduct of Andrew Norfolk, into what has gone wrong at the *Times* and into where the responsibilities lie. Ipso, given its record of failure, is plainly not equal to this task. If the *Times* does not now instigate and facilitate such an investigation, and act faithfully upon its conclusions, it will be signalling to the world that the standards of journalism described in this report are standards with which it is content.

Brian Cathcart
Paddy French
June 2019

APPENDIX

The authors wrote to *Times* editor John Witherow outlining the findings of this report and inviting him — and Andrew Norfolk — to comment. They did not take up the offer.

10 April 2019

Dear John Witherow

We are writing to let you know that we are preparing a long and detailed report on a series of articles which appeared in *The Times* in 2017 and 2018.

We consider that each of these series of articles describes a 'scandal' involving Muslims which turned out to be either factually wrong or grossly misleading.

We conclude that Andrew Norfolk's reporting and the editorial approach of *The Times* constitute a breach of proper journalistic standards.

The three series are:

- the August 2017 articles, comment piece and editorials concerning the alleged inappropriate placement of a Christian child with Muslim foster parents
- the July 2018 articles and editorial alleging that a report by the racial justice charity Just Yorkshire led to death threats against the Labour MP for Rotherham Sarah Champion
- the November 2018 articles and editorial accusing Rotherham council of inviting and encouraging a convicted rapist to take part in the care of the son he fathered on one of his victims.

We have examined these articles in great detail and have come to the following conclusions:

- In August 2017 Norfolk alleged that Tower Hamlets council placed a white, five-year-old Christian girl with Muslim foster carers who, it was claimed, behaved like bullies and bigots, presenting this as a breach of the council's duty to find appropriate placements. Every relevant, credible authority now agrees that the claims against the carers were unfounded and that they treated the girl well, while it is clear that the child in question was actually far more familiar with a Muslim home environment than a Christian one. We note that, despite being forced to publish an IPSO ruling that part of the coverage was a "distortion", *The Times* did not cover the February 2018 judgment summary of HH Judge Sapnara, which contradicted most of Norfolk's narrative.
- In July 2018 Norfolk accused the Muslim racial justice charity, Just Yorkshire, of publishing a report about the MP for Rotherham, Sarah Champion, that was so scathing it provoked death threats against her. We note that, on 24 December 2018, *The Times* published a short paragraph admitting there was no evidence that the report led to death threats. This was a serious breach of basic journalistic practice. We have also compared the actual Just Yorkshire report with Andrew Norfolk's portrayal of it and find his version is distorted in a manner most fair-minded reporters would find unacceptable.
- In November 2018 Norfolk accused Rotherham council of seeking to place a vulnerable boy at the mercy of a convicted rapist by encouraging the rapist, a British Pakistani who was the boy's biological father, to seek a legal right to visits and a role in his upbringing. All official bodies now agree that the council followed court rules that apply to all local authorities requiring it to notify the father of care proceedings but that it provided no encouragement to participate and that the father took no action as a result.

In all three cases, we consider that Andrew Norfolk chose to minimise or ignore information which ran counter to his chosen narrative and to focus on information which criticised Muslims. These articles were published at a time when anti-Muslim hate crime was on the increase.

For example, in the 'Muslim foster care' case Norfolk relied heavily on the evidence of one witness while failing to set out information suggesting she was untrustworthy. He portrayed Just Yorkshire as extreme but failed to mention its calls for reconciliation in Rotherham, its praise for Sarah Champion MP or its calls for her to have sufficient police protection. In the third case, involving the rapist, he placed important facts near the bottom of his reports while giving prominence to the fact — strictly irrelevant in our view — that the man concerned was of Pakistani background.

Norfolk also took quotations out of context in ways that left them open to misinterpretation. Thus he wrote that Just Yorkshire accused Champion of acting like a far-right murderer when what it had argued was that she gave expression to the same assumption that led two men to murder a Yemeni Muslim. And, in the Rotherham rapist series, a remark by a prominent figure that a victim had been placed in a 'perverse situation' became an accusation that a local authority made a 'perverse' decision.

We want to give you and Andrew Norfolk an opportunity to comment on these issues. Please let us know what parts of any comments you make you would like to see in the report.

The report is about to go into production and we would be grateful for any comments you wish to make by close of play on Friday, April 12.

We look forward to hearing from you.

Brian Cathcart

Paddy French

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