



# Morning Star

Editor Richard Bayley PPS Secretary Tony Briscoe  
William Rust House, 52 Beachy Road, Bow London E3 2NS

Rory MacKinnon  


April 7th 2014

Dear Rory,

**The disciplinary hearing on April 3rd was attended by you and your trade union representative**  


**Tony Briscoe outlined the case and presented the evidence. There was no dispute about the order and factual detail of events surrounding your conduct on March 8 2014. However there were differences over their interpretation.**

**I have thought long and hard about this matter and have considered each charge in turn, along with your arguments for mitigation or the total rebuttal of charges levelled against you. My consideration of each charge is as follows:**

1) The first charge was that by actions triggering your eventual exclusion from a conference as an identifiable Morning Star journalist you were guilty of breaking the paper's trust and confidence.

Your defence on this matter was to underline that you had acted calmly and properly once asked to leave the conference, and that you behaved properly throughout.

However this does not directly address the issue of "trust and confidence."

You maintain that raising a question, in an unrelated session at a delegate conference, about the personal affairs of two union members that had been investigated a year earlier was appropriate because it was "rumbling on" and such a "newsworthy story" would have warranted publication in the Morning Star.

After three years at the paper you should reasonably be expected to be familiar with the paper's news priorities, which do not include reporting internal union rows or personal controversy. Your actions suggest a fundamental failure to grasp the Morning Star's news focus, and by extension the role of any journalist employed by it.

You also maintain that any possible detrimental impact on the Morning Star, or indeed on your ability to continue to operate effectively as the paper's main Scotland reporter, arising from your public ejection from a union conference is "counter-factual" and "all speculative." However your actions could be reasonably considered liable to have a serious or harmful impact on the organisation's ability to report on newsworthy events in the future.

Taken together these factors present fair and reasonable grounds to uphold the charge that "you have broken the trust and confidence expected of you as a Morning Star reporter."

2) You were accused of bringing the Morning Star into serious disrepute, specifically by challenging via Twitter the right of a trade union to ask a person to leave its conference.

You rejected during the hearing that there is any evidence for this charge, and pointed out that the

words that were used in your Twitter posts were "factual" and did not explicitly challenge the union's given reason for ejecting you, namely that the conference was "closed to the press."

You acknowledge in your written statement the RMT's Jessica Webb's [misnamed as the STUC's Ann Henderson] "categorical" denial that you were being asked to leave because of the question you asked.

However, you later express in the same statement your belief that "my subsequent removal by STUC [sic] officials was therefore an act of pure retaliation for an inconvenient line of questioning," and that a "single question was the reason for my subsequent removal."

In a string of posts immediately following your ejection on your Twitter account feed, which lists you as the "Morning Star's Scotland reporter" and whose Twitter ID regularly appears within the pages of the Morning Star at the foot of articles bearing your byline, you voiced complaints that left the reader in no doubt as to your belief that you had been ejected solely for asking the question that you did.

At your hearing you submitted evidence showing that other journalists have taken to Twitter to voice their concern at ejection from eg council chambers or courtrooms. However, when asked whether you could understand the difference between such public events and a closed union conference, you described this as a "philosophical question." Your duty was "to report on the events that you saw."

You cited in your defence point eight of the National Union of Journalists Code of Conduct, which advises that a journalist "Resists threats or any other inducements to influence, distort or suppress information," and point one, that they "At all times uphold and defend the principle of media freedom, the right of freedom of expression and the right of the public to be informed."

However, while such a non-binding union code of conduct informs those working as journalists, an employee also has a binding commitment to their employer.

In this specific incident it is reasonable to conclude that your presence at the conference was permitted because of the Morning Star's special relationship and bond of trust with the trade union movement, and the RMT particularly.

In deciding on your course of action no thought or care seems to have been given to balancing these factors, and no consultation was made with any senior journalist at the paper prior to "going public" with such statements. Your defence that no company policy exists relating to the use of social media does not over-ride your natural duty as an identifiable employee of the Morning Star to conduct yourself thoughtfully in any public arena.

The written facts clearly confirm that you did indeed publicly challenge the right of a union to ask you to leave its conference. Their publication, on an account explicitly linked to the Morning Star via the pages of the paper, could reasonably be construed as bringing the paper into serious disrepute. As such I find the charge upheld.

3) Thirdly, you were accused of "failing to follow journalistic etiquette" by asking a question as a self-identified Morning Star journalist in a Q&A session purely for elected trade union delegates.

In the case in question you were sitting in on the conference as an observer, not an actor in events.

You concede that you were mistaken to have acted as you did, and that following this incident you would not ask a question at a delegate-based event in future. I nevertheless find the charge related to the events of March 8th upheld.

4) You were charged with "going public" with your posts on social media prior to consulting your line management.

This is undeniably true. Although you did attempt to contact one of your line managers subsequent to your ejection from the conference, you were unable to make contact and posted comments on Twitter related to the incident nevertheless.

In mitigation you point out that there is no formal social media policy at the paper. However, it would be reasonable for the Morning Star to expect an experienced staff journalist to exercise a measure of common sense and seek advice from a manager before making such public pronouncements in such a



situation. I find the charge upheld.

5) Finally you were accused of not complying with instructions to refrain from any public comment on the matter by failing to remove posts pertaining to the incident from your Twitter feed.

You state that on Monday March 31<sup>st</sup>, "as soon as you were aware" that one of the charges against you explicitly related to Twitter posts on your feed added on March 8<sup>th</sup>, you took the step of removing the relevant postings.

In the letter sent as an email attachment and in the post dated Sunday March 9<sup>th</sup> that confirmed your suspension you were asked to "refrain from making any public comment on the matter" and warned that "doing so could risk bringing the paper into disrepute and could have a bearing on your case."

Your defence against this charge is that this letter did not "explicitly" state that the incident for which you were suspended was related to the events of March 8<sup>th</sup>. However a verbal conversation prior to the dispatch of that letter, and an earlier email exchange on that day, mean that it is reasonable to conclude that you did in fact know the broad cause of your suspension and therefore that the request to refrain from public pronouncements contained in your suspension letter was explicitly related to events surrounding your exclusion from the Saturday conference.

The fact that you had already at this point made public pronouncements on the matter via Twitter did not prevent you from retrospectively taking them down following your suspension. You also say in your defence that removing them could have been seen as an "obstruction to justice," but if this had been the case you could easily have sought guidance on the matter and/or provided a copy of the posts prior to removing them. Therefore, I again find the charge proven.

**In considering the outcome of this case I have taken into account the fact that, aside from a commitment to refrain in future from asking a question inappropriately at a delegate-based conference, you displayed no sign of contrition nor did you offer any apology for your conduct.**

**This raises the prospect that there may be a recurrence of some of the circumstances that have given rise to charges on this occasion.**

**This factor and the nature of the charges against you, which I find together do constitute gross misconduct, would under normal circumstances warrant dismissal.**

**However, in light of the fact that you have faced no other disciplinary issues in your three years at the paper, and to give you the opportunity to prove through your future behaviour your understanding of the factors that brought these charges to bear, I have decided instead to issue you with a final written warning.**

**You should now contact your line manager Will Stone to discuss the practical arrangements for your return to work.**

**If any untoward behaviour occurs in the next 12 months, you may well face summary dismissal. You have the right to appeal against this decision in writing to the society within seven days.**

Yours sincerely,



Richard Bagley  
Editor



TEL: (020) 8510-0815 FAX: (020) 8525-6997  
EMAIL: reception@people+press.com WEB: www.morningstaronline.co.uk

Registered number: 1047 Registered in England