



### Statement of Appeals Tribunal decision – Anthony McIntyre

The NUJ Appeals Tribunal met on July 24 in London to consider an appeal by Anthony McIntyre against a finding by the Ethics Council that Anthony McIntyre had breached Clauses 2 and 3 of the NUJ Code of Conduct, and against a penalty of six months suspension of membership and a formal reprimand. The appeal was upheld, and in consequence the proposed penalties fall.

The tribunal also considered a complaint under Clause 4 of the Code of Conduct, on which the Ethics Council had felt unable to make a finding that Anthony McIntyre had failed to differentiate between fact and opinion in a blog which formed the basis of the original case by the complainants. The tribunal decided that there was no case to answer in this matter.

The tribunal felt that the proceedings of the Ethics Council in handling the complaint were flawed in that opportunities for conciliation or mediation did not appear to have been pursued adequately.

The tribunal noted that no finding had been made by the Ethics Council regarding the complaint under Code of Conduct Clause 4 (failure to differentiate between fact and opinion). The tribunal was aware from its hearing that the content of the blog complained of in this regard had been discussed by the Ethics Council, and the tribunal felt that a decision on the matter could have been reached. The Appeals Tribunal decided that the matter complained of was clearly an expression of opinion, and accordingly ruled that there was no case to answer in this matter.

The tribunal felt that, irrespective of its ruling that the complaints under Code of Conduct Clauses 2 and 3 should fall, the penalty of six months suspension was excessive.

The Appeals Tribunal believes that the use of conciliation and mediation should be central in dealing with matters of union discipline, and urges the Ethics Council and NEC – as well as other union bodies which become involved in matters of discipline and union rules – to regard conciliation (and proper training in its use) as a first priority.

The tribunal wished to record its thanks to both the representative of the Ethics Council and the appellant for the positive, responsible and helpful way in which they approached the hearing and presented their cases. The tribunal regretted that neither complainant in the case attended the hearing.

**29 July 2013**