

In the High Court of Justice
Queen's Bench Division

No. HQ0006154

BETWEEN:

DONAL MACINTYRE

Claimant

and

(1) SIR JOHN DAVID PHILLIPS

(2) MARK EARL PUGASH

(3) MICHAEL EDWARD COSTELLO

Defendants

STATEMENT IN OPEN COURT

Claimant's solicitor, Nicholas Armstrong

My Lord, I appear on behalf of the claimant, the television reporter Donal MacIntyre. My friend appears on behalf of the defendants, the Chief Constable of Kent, the media services manager for Kent County Constabulary Mark Pugash, and Michael Costello who at the relevant time was a Detective Sergeant in the Kent County Constabulary.

On 16 November 1999, the BBC broadcast a programme in the MacIntyre Undercover series that concerned the treatment of individuals with learning disabilities at the Brompton Care Home in Kent. The programme uncovered a number of serious failings in the standard of care in the home. Following the broadcast of the programme, the local authority commenced an independent investigation and closed down the home.

The police also launched an inquiry into events depicted in the programme, which led to two members of staff being cautioned for five offences of criminal assault in accordance with Home Office guidelines. At the conclusion of the inquiry the investigating officer and the police's press officer

made a number of serious and public allegations about the programme, including that it was misleading. The defendants recognise that these allegations were not correct and were, therefore, unjustified.

The defendants have now acknowledged that the programme served the public interest in alerting its viewers to the poor standards of management and care within the home. They also accept that the programme gave a fair and accurate impression of life at the Brompton Care Home and exposed distressing and unacceptable behaviour by some members of staff.

The defendants accept that what the investigating officer and their press officer said caused offence to Mr. MacIntyre and his production team. For these comments they now apologize unreservedly to Mr. MacIntyre and the production team.

The sole purpose of this action has been to vindicate as rapidly as possible the reputation of the claimant and his production team involved in the making of the programme. The Police have agreed to pay Mr MacIntyre's legal costs and to pay damages on the understanding that he has chosen to donate the money to charities involved in the care of those with learning difficulties.

On this basis, since Mr MacIntyre is satisfied that his reputation and the integrity of his programme have been fully vindicated, he is prepared to settle this libel action.

Defendants' solicitor

My Lord, on behalf of the defendants I accept everything my friend has said. Through me, the defendants apologise publicly and unreservedly to the claimant for those allegations which they now accept were untrue. The allegations are withdrawn by the defendants, who undertake that they will not repeat them.

Claimant's solicitor

My Lord, in these circumstances I would ask that the record be withdrawn.

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SIGNED

Goodman Derrick, solicitors for the claimant

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SIGNED

Farrer & Co, solicitors for the defendants

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