

Complaint by Leverets, made on behalf of Ms Ghislaine Maxwell, about *Channel 4 News*

Type of case	Fairness and Privacy
Outcome	Not Upheld
Service	Channel 4
Date & time	15 June 2021, 19:00
Category	Fairness
Summary	Ofcom has not upheld this complaint about unjust or unfair treatment in the programme as broadcast.

Case summary

The programme explored why certain allegations of serious crimes committed in the UK have not been investigated by the Metropolitan Police Service (“MPS”). The discussion focused on the decision taken by the MPS not to investigate specific allegations of serious criminal activity, some of which the programme claimed Ms Ghislaine Maxwell was alleged to have been involved in. These included allegations that Ms Maxwell, along with Jeffrey Epstein, was guilty of multiple offences in the UK (namely abuse) over a decade¹.

Ofcom’s decision is that material facts were not presented, disregarded or omitted in the programme in a way that was unfair to Ms Maxwell. We also considered that the programme fairly represented her position in relation to the allegations made against her, as set out in the programme, at the time of broadcast.

Programme summary

On 15 June 2021, Channel 4 broadcast an edition of its daily news programme, *Channel 4 News*. One of the presenters, Mr Jon Snow, introduced the programme:

¹ This programme was broadcast on 15 June 2021, prior to Ms Maxwell’s trial in the United States in November and December 2021.

“Tonight, as the Metropolitan Police are declared ‘institutionally corrupt’ for 30 years of failures and cover ups on a murder case, we ask: have they also grossly failed those allegedly abused in London by Jeffrey Epstein?”

Good evening. Two major and deeply significant investigations on Channel 4 News: one involves a finding of police corruption, the other, the police failing to investigate allegations of sex crimes at a high level of British society. The first report centres upon the murder of Daniel Morgan in 1987 and how 34 long years and five failed police inquiries, the result: A very serious finding against the Metropolitan Police, the Chair of the Inquiry Baroness O’Loan declaring”.

The programme cut to footage of Baroness O’Loan reading from the Panel’s findings. She said: *“that concealing or denying failings for the sake of an organisation’s public image, is dishonesty on the part of the organisation for reputational benefit. This constitutes a form of institutional corruption”.*

Later, the second presenter, Ms Cathy Newman, said:

“It’s a familiar theme: a failure to investigate; the Met accused of protecting itself and the establishment, leaving victims searching for justice. We’ve gathered allegations from multiple women who say they were targeted by Jeffrey Epstein and Ghislaine Maxwell here in the UK, yet despite a wealth of evidence in the public domain, and police investigations the world over, the Met are yet to open a full criminal investigation. Did the couple’s friendship with Prince Andrew influence that decision?”

Footage was shown of an interview with a man, introduced later in the programme as Mr Nazir Afzal, a former Chief Crown Prosecutor. Mr Afzal said:

“On the basis of what I’ve read there is more than a reasonable suspicion that crimes have occurred. These are very serious allegations. If it were happening anywhere else with any other people involved, there would be no doubt in my mind they would be investigated”.

The programme then returned to Mr Snow in the studio. He said:

“One of the most devastating episodes in the history of the Metropolitan Police’ is how Home Secretary Priti Patel put it. In a damning report the force stands accused of institutional corruption and putting its own reputation above the proper investigation of the 1987 murder of private investigator Daniel Morgan. Despite five police inquiries and an inquest, and now an apology from Met commissioner Dame Cressida Dick, no one has ever been brought to justice over his killing, leaving Mr Morgan's family thirty-four years on, still waiting for

justice. Our home affairs correspondent Andy Davies is outside Scotland Yard now”.

The programme showed footage of the reporter standing outside of Scotland Yard, as he said:

“You’ve probably not heard of the name Daniel Morgan before today, or you might faintly recall that it had something to do with an unsolved murder in London in the 1980s – a murky episode confined to a bygone era. But as today’s frankly devastating report shows, it’s so much more than that. Institutional corruption in the present, not just the past. That’s the finding. It’s a case which strikes at the very heart of policing and the criminal justice system – the system we all rely upon to protect us and to ensure we are treated fairly. Which is perhaps why we should all take an interest in this story. It’s a story not just about the abuse of power, but about the arrogance of power and how that can also corrupt. Today’s report isn’t about who killed Daniel Morgan. It’s about why, 34 years on, we’re still not in a position to say who carried out that murder and why nobody has been brought to justice for it. How do you prepare for such a day, when so many others have ended in failure? For the older brother of Daniel Morgan, even the timing of this had been tainted by an eleventh-hour row with a Home Office now shamed by what’s emerged. For his family always knew the hunt for his killer was laced with corruption. But today came a devastating account of its extent. From multiple investigation failures to repeatedly misleading a family denied justice. This is about police corruption spanning decades. All laid out in a 1,200-page report, which cost £16m. From the Daniel Morgan Panel comes one of the most shocking indictments yet of British policing”.

The programme showed further footage of Baroness Nuala O’Loan, reading aloud from the Panel’s findings:

“The family of Daniel Morgan has suffered grievously as a consequence of the failure to bring his murderer or murderers to justice. The unwarranted assurances which they were given. The misinformation which was put into the public domain. And the denial of failings in the investigation. We believe that concealing or denying failings, for the sake of an organisation’s public image, is dishonesty on the part of the organisation for reputational benefit. This constitutes a form of institutional corruption”.

The programme showed footage of Mr Morgan’s brother speaking to reporters about the Panel’s findings. The programme also showed footage taken in 2012 of the reporter speaking with other members of Mr Morgan’s family.

Later, the reporter continued:

“Today the panel said it couldn’t conclude that there was police involvement in the murder. But the subsequent investigation suffered from deliberate police corruption from the outset. Those under suspicion were probably tipped off they were about to be arrested. The detective Sid Fillery, said the panel, deliberately withheld information from the investigation. The murder scene wasn’t searched. Parts of the investigation would later be described by one senior officer as ‘pathetic’. With Scotland Yard detectives accused of corruption, the then police watchdog came in to supervise the next investigation, by Hampshire Police. But it was so lacking in rigour and independence, the Panel said this: ‘These cumulative failures amount to institutional corruption on the part of all three organisations’.

...

Well this evening the Metropolitan Police Commissioner Cressida Dick issued a statement saying ‘it’s a matter of great regret that no one’s been brought to justice and that our mistakes have compounded the pain suffered by Daniel’s family. For that I apologise again now’. But this is incredibly serious for Scotland Yard and the panel was today asked whether there were any parallels with the Macpherson report which found institutional racism in Scotland Yard after the murder of Stephen Lawrence and the panel replied there is an equivalence, yes. The chair said that there had been examples of excellent policing but examples also of terrible policing and that the legacy of previous corruption by police officers continues to have a harmful effect today. And alarm bells were being sounded about whether the Met is sufficiently resourced to tackle corruption; whether officers are being sufficiently vetted. Serious shortcomings still exist, we were told, and a whole host of recommendations have been made, among them that a statutory duty of candour be established whereby all law enforcement agencies are legally obliged to be open and transparent and honest when being publicly scrutinised. I mean, what a damning indictment of this whole process this is. It is a deeply complex case, scandalous on many levels. We rely on the police to investigate on our behalf without, what’s the phrase, without fear or favour but fear and favour run deep throughout the policing of this case. And isn’t it extraordinary that those who have shown the most fearless willingness to combat wrongdoing and to investigate it are the families themselves who not only have been denied justice but have been treated appallingly throughout and you’re left to conclude that the Metropolitan Police, the biggest police force in the country, has everything to do now to persuade the public that it is fit to police themselves let alone the rest of us”.

The programme moved on to discuss the outcome of the report by the Daniel Morgan Independent Panel (“DMIP”).

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Later, Ms Newman, said:

“Well tonight, the Met is also under pressure over a far more recent scandal. An investigation by this programme into the notorious sex abuser, Jeffrey Epstein, and his alleged partner, Ghislaine Maxwell, has found multiple claims that the pair targeted, groomed, trafficked, and sexually abused at least half a dozen young women in the UK over a ten-year period. The allegations have never been fully investigated by the Metropolitan Police, despite repeated complaints to the Force. The Metropolitan Commissioner has previously insisted that any decision not to investigate had nothing to do with Prince Andrew, but that it was a matter for the US authorities where Ghislaine Maxwell is facing trial. But tonight, senior legal figures in the UK who have reviewed our evidence from this country are calling for a full criminal investigation into what they call ‘serious allegations’. And just to warn you, my report does contain references to sexual abuse”.

The report began by playing audio of the voice of an unidentified female, who said: *“I was terrified, and I was telling him to stop”.*

Ms Newman then said:

“Jeffrey Epstein is dead, but the consequences of his crimes live on. For more than a decade, he used his money and power to abuse hundreds of young women, aided and abetted, it’s claimed, by his British partner, Ghislaine Maxwell”.

A second female voice was heard:

“[Ms Maxwell] is a monster, she’s worse than Epstein. She was pulling the strings, she had his money, he had her contacts”.

Ms Newman continued:

“Their gilded world now lies in ruins. Hunted by the police in America, France, and the Caribbean. The investigations have spanned continents. But in this country, there’s been a deafening silence from the Metropolitan police. We raise new questions about what Epstein and Maxwell did, here, in the UK. We reveal claims of abuse involving multiple separate women, in London, over the last decade. The true number may be much higher. But despite this, while police forces across the world have launched investigations, Scotland Yard has seemingly done very little. Tonight, we ask why?”

The voice of Mr Afzal could be heard while various photographs of Ms Maxwell were shown. Mr Afzal said: *“There is clearly enough evidence for the police to investigate more thoroughly than they have done”.*

A second voice, that of a woman introduced later in the programme as Ms Wistrich, said: *“And one wonders whether there are other issues at play here”*.

Various photographs of Ms Maxwell and Mr Epstein were shown, as Ms Newman said:

“For years the daughter of disgraced media mogul Robert Maxwell lived a rarified life in the highest echelons of British society. A regular fixture at the most glamorous parties in Mayfair and Knightsbridge. And close to royalty itself. [A photograph of Prince Andrew was shown]. We’ve pored over thousands of court documents, accounts, books, photographs, and videos and spoken with multiple sources. They reveal that both Maxwell and Epstein regularly visited the UK where alleged abuse took place. Some of the cases are well known. But others have never been revealed before. Ghislaine Maxwell will stand trial in America later this year, accused of grooming and trafficking young women and girls for sex”.

The programme showed footage of Ms Audrey Strauss, the US Attorney for the Southern District of New York, speaking at a press conference:

“Maxwell was among Epstein’s closest associates and helped him exploit girls who were as young as 14 years old...Some of the acts of abuse also took place in Maxwell’s residence in London, England”.

Various court documents were shown on screen as Ms Newman continued:

“The indictment against her is based on the evidence of four women who were groomed and abused. The abuse of the third, called only ‘Minor victim 3’, took place entirely in the UK. Maxwell’s London home was the scene of the most notorious incident involving a young 17-year-old called Virginia Roberts, now Giuffre. She claims she was trafficked to London and made to have sex with Prince Andrew in 2001”.

The programme showed a photograph of a younger Ms Giuffre, standing next to Prince Andrew who had his arm around her. Ms Maxwell was shown in the background of the photograph, smiling towards the camera. The programme showed footage of Ms Giuffre speaking during an interview with the BBC in 2019. She said: *“I implore the people in the UK to stand up beside me, to help me fight this fight”*.

Ms Newman said: *“Prince Andrew insists he doesn’t remember her and denies any sexual contact took place”*. The programme showed footage of Prince Andrew being interviewed in 2019 in which he set out where he said he was on the night he was alleged to have sex with Ms Giuffre: *“I was with the children; I’d taken Beatrice to a Pizza Express in Woking for a party”*.

Footage was then shown of Ms de Georgiou, who had claimed in an interview with NBC that she was raped by Mr Epstein. Footage of Ms de Georgiou’s interview was shown, along with commentary from Ms Newman:

Ms Newman: *“One British victim has spoken out. She’s Anouska de Georgiou, a socialite and model who now lives in the US.*

Ms de Georgiou: *I was involved in that kind of lifestyle growing up and so I thought I could cope, and I thought I could handle it. By the time I was being raped, it was too late.*

Ms Newman: *She was a teenager when she met Maxwell and Epstein in London. And she claims she was forced to have sex with Epstein multiple times.*

Ms de Georgiou: *When Jeffrey would see me, he would physically shake because he wanted to get at me”.*

Ms Newman was then shown reading through a series of court documents:

“She’s by no means the only woman targeted in London. Civil court documents filed by a victim known only as Jane Doe, claims she was abused, manipulated, and exploited by Epstein in the UK, in what she describes as ‘horrific abuse’. Here she states she ‘was a naïve and uniquely vulnerable 22-year-old when Epstein and Maxwell first preyed upon her’. That was around 2001. There followed years of abuse. She claims she was repeatedly raped and forced to give Epstein oral sex. The documents claim, ‘This occurred in New York, Palm Beach, New Mexico, London, Paris, on Epstein’s private island, on Epstein’s airplanes and other locations’. Yet another London victim is referred to in an account in this book on the Epstein scandal, written by the lawyer Bradley Edwards. In it, he tells the story of a woman known only as ‘Fantasia’: ‘Another time, while in London, Fantasia and Ghislaine encountered a very young-looking girl who Fantasia thought was innocent and should be left alone. She recounted Maxwell protesting and telling her that someone had to give Epstein a blow job and if this new girl didn’t do it, then Maxwell herself would have to, and clearly she didn’t want to’. We showed the evidence to Harriet Wistrich, a leading sex crime solicitor”.

The programme showed an interview with Ms Wistrich, a solicitor and the Director of the Centre for Women’s Justice. The following exchange took place:

Ms Wistrich: *“The number of testimonies goes to the likelihood that this was a very big operation of organised sexual exploitation.*

Ms Newman: *Do you think we know the full story of what happened here in the UK?*

Ms Wistrich: *No, I don’t think we do. I have had the opportunity to look at just a little bit of the evidence that exists, and that was quite shocking to me, and that should merit a proper investigation.*

Ms Newman: *So, we've tried to find out what really happened. What we've unearthed suggests there was grooming as well as physical abuse.*

We've spoken to people who knew Ghislaine Maxwell in London. We're told she gravitated towards and surrounded herself with young women – 'they make me feel young' she'd say. Ghislaine would also invite young women to stay at her townhouse in London, and Epstein's mansion in New York. She also offered visits to his private island in the Caribbean, with free flights on his private jet".

The programme showed footage of Ms Giuffre speaking during an interview with the Miami Herald, in which she said:

"It kind of works like a pyramid scheme, Ghislaine brought me in, I brought other girls in, those girls brought other girls in and no matter what Jeffrey constantly had that open revolving door of young women, young teenagers, children I like to call them, coming through his door for one purpose and one purpose alone".

The programme showed footage of an interview with Mr Afzal, as Ms Newman said: *"Nazir Afzal is a former Chief Crown Prosecutor in the Rochdale grooming gang cases".*

The following exchange took place:

Ms Newman: *"There appears to be a pattern that young women are approached, they're offered money, modelling opportunities, support for their education, and those offers then led to allegations of sexual abuse. Is that grooming?"*

Mr Afzal: *That's exactly what it is. Grooming is, when an individual, particularly an individual in a sort of power dynamic, uses psychology, uses emotional blackmail, ensures that financial tools are applied, presses every button that a vulnerable person has in order to, in effect to abuse them. It vitiates consent. So, somebody might think, for example, that they have consented to sex, but that consent wasn't true consent, because it was either compliance, so they complied with whatever it is that they were required to do, they acquiesced, which meant they were under control.*

Ms Newman: *And to be clear, you can be groomed, even if you're over the age of consent?"*

Mr Afzal: *It's vulnerability that determines whether you can be groomed or not; adults can be groomed".*

The programme showed footage of an interview with Ms Maria Farmer speaking to *60 Minutes Australia*, as Ms Newman said in commentary: *“Over and over again, Epstein’s victims have spoken of how Ghislaine Maxwell targeted women with the offer of modelling work”*. Ms Farmer said: *“She said she needed models for Victoria’s Secret. And, because one time I asked like why are they so young?”*.

Ms Newman said:

“Model Alicia Arden says she was lured to Epstein’s hotel room in California where he assaulted her. She left this distressed message for a friend straight afterwards”.

Audio of Ms Arden’s voicemail message was played.

“I just came out of the hotel from meeting Jeffrey. I didn’t expect that I’d have to be in a bra and underwear in front of him in the hotel room. And then he was touching my butt and then he got actually a little mad”.

Ms Arden’s words also appeared as captions on screen.

Ms Newman continued:

“The technique of luring young women with modelling opportunities was also deployed right here in Britain. Adela King, now a fashion designer, says she was 20 years old when she met Epstein. In an Instagram post she says Ghislaine Maxwell invited her here to Claridge’s hotel for a casting campaign for Victoria’s Secret. She says, ‘Epstein opened the door to his suite and sat down on his sofa and looked through my portfolio and then instructed me to pose in a degrading way and said he’d be in touch’. She said she’d had a lucky escape – ‘my heart breaks for all those that didn’t’. We still don’t know how many more women were targeted like Adela, but what we do know is that Epstein spent considerable time here. Flight records disclosed in court cases in the US reveal Epstein’s plane flew in and out of UK airports at least 51 times between 1997 and 2012. One was to RAF Marham, just 20 minutes from the royal retreat at Sandringham. Epstein and Maxwell went grouse hunting with Prince Andrew and attended his 40th birthday party. They also visited Balmoral. So close was Ghislaine Maxwell to Prince Andrew, this photo captured her and actor Kevin Spacey lounging in the throne room at Buckingham Palace in 2002. It was 2006 when Jeffrey Epstein’s appalling crimes first came to light, leading to his conviction. Yet Prince Andrew stayed in close contact with him, making global headlines when he was spotted with him in New York in 2010. Despite the high-profile scandal, all of this seemingly escaped the attention of the police here at Scotland Yard, until 2015 when a British child abuse campaigner filed a formal complaint claiming that Epstein and Maxwell had trafficked a woman to the UK for sex. The complaint was based on the court testimony of Virginia Roberts, who was just 17 when she said she

was pressured by Epstein to have sex with Prince Andrew in London. But astonishingly, as Channel 4 News previously revealed, the Specialist Crime and Operations Section that handled the complaint decided not to investigate. We can also reveal that Virginia herself made a complaint directly in 2016. She offered additional evidence, and even suggested potential witnesses. But once again the police failed to investigate. The Met have never acknowledged that this happened. When we put it to them in writing in 2019, they simply ignored the questions. In a statement the Met told us they were 'not the appropriate authority' to investigate and that any investigation would be 'largely focused on activities and relationships outside the UK'. In November 2016, they said, a decision was made 'not to proceed to a full criminal investigation'. And that was the end of it".

Three statements ("*not the appropriate authority*", "*largely focused on activities and relationships outside the UK*", and "*not proceed to a full criminal investigation*") appeared as captions on screen.

The programme showed footage of an interview conducted by journalist Mr Krishnan Guru-Murthy in 2020 with Dame Cressida Dick, the then MPS Commissioner. The following exchange took place:

Mr Guru-Murphy: *"Because just on Prince Andrew the police did confirm that a complaint had been looked into, but then it wasn't taken any further. Does it worry you at all that this is still the focus of enquiries in the United States but not here where the matter is supposed to have taken place?"*

Dame Cressida Dick: *No. The locus and focus of any investigation in relation to Jeffrey Epstein for example is clearly in America. And, you know, if the Americans need our assistance at any stage, then we will give them that".*

The programme returned to footage of Ms Newman's interview with Mr Afzal:

Mr Afzal: *"What we've always needed is a proper investigation. We cannot outsource our investigation to the FBI or the American Attorney's Office. We have crimes allegedly committed here in London that ought to be prosecuted here in London or at least be investigated here in London. And on the basis of what I've read there is more than a reasonable suspicion that crimes have occurred. These are very serious allegations. There is no time limit in the United Kingdom in relation to serious offences. So, there is no legal bar here at all.*

Ms Newman: *So, if the police were to say, well, these specific laws did not exist to enable us to prosecute those crimes at that time. That wouldn't wash with you.*

Mr Afzal: *It's nonsense".*

Ms Newman said:

"If the police had properly investigated, they would have found a swathe of potential witnesses to Ghislaine's activities in Britain. Her now infamous address book, the black book, is full of famous names, but also staff and people the couple relied on in London. Drivers, cleaners, food delivery companies, doctors, and masseuses. We've tracked some of those people down. None of them would go on camera. But not a single potential witness we spoke to told us they'd been approached by the police. And it's not just witnesses either. Most of the victims we've identified in the UK are listed here in black and white. And there may be more still hidden. The Met have explicitly denied that Prince Andrew's involvement with Maxwell and Epstein had any bearing on their decision not to investigate fully".

The programme returned to footage of Ms Newman's interview with Mr Afzal:

Ms Newman: *"Do you think that Ghislaine Maxwell and Jeffrey Epstein were treated differently because of their connection with Prince Andrew?"*

Mr Afzal: *The perception here is a different approach was taken in relation to these alleged offences, than there would be than if it was some brown guy in Rochdale, or some sex offender in London who didn't have any standing at all. If it were happening anywhere else with any other people involved, there would be no doubt in my mind, they would be investigated. You follow the evidence that has always been my experience, you act without fear or favour, that's always been my experience. And you undermine public confidence when you choose not to do that".*

The programme returned to footage of Ms Newman's interview with Ms Wistrich:

Ms Newman: *"You talked about other issues being potentially in play. Do you think one of those issues might be that Prince Andrew was associated with Ghislaine Maxwell?"*

Ms Wistrich: *It's hard not to conclude that that may be the case. It's clearly an embarrassment for the Met Police. We also know that Met Police will have been involved in his personal protection. And so there may be issues of conflict of interest there. If Prince Andrew was being taken to various premises by his Met personal protection officers, they may have had constructive knowledge of what was going on. It's not a reason not to investigate".*

Ms Newman then said:

“In July 2019 Jeffrey Epstein took his own life in a prison in New York. Ghislaine Maxwell disappeared, but was tracked down and arrested in New Hampshire, in July last year. Ghislaine Maxwell will stand trial in November. Central to the case against her is her role in grooming and trafficking young women for sex in the US, and the UK. She denies the charges, and her legal team have been fighting hard to get the allegations of the British accuser thrown out, claiming that no crimes were committed here”.

The programme returned to footage of Ms Newman’s interview with Ms Wistrich:

Ms Newman: *“In a few months we’re going to see a British victim known as ‘Minor Victim 3’ stand up in an American court and give evidence about offences that took place here in London, and yet she has never been interviewed by the UK Police. What do you make of that?”*

Ms Wistrich: *That’s really quite extraordinary, isn’t it?*

Ms Newman: *Do you think the Met will be embarrassed?*

Ms Wistrich: *I think they should be embarrassed”.*

Ms Newman concluded her report:

“We put all the evidence to the Met. Tonight, they told us they stand by their decision not to open a full criminal investigation. They repeated the claim they always take allegations of sexual abuse seriously but said they would review the evidence obtained by Channel 4 News. Evidence that has been in plain sight for years, if they’d bothered to look”.

The report concluded and the programme returned to Ms Newman speaking in the studio. She said: *“Well earlier when I was speaking to Assistant Commissioner Ephgrave, I also asked him about our investigation”.*

Footage of the interview with Assistant Commissioner Ephgrave was then shown:

Ms Newman: *“We’re here today because of your failure over the years to properly investigate the Morgan murder. Tonight, we’re reporting that there are more than half a dozen claims from women preyed on by Jeffrey Epstein and his associates, in the UK. And again, you’re not investigating. So, will you learn from the past and commit to investigating that now?”*

ACP Ephgrave: *I’m here to talk about the Daniel Morgan murder investigation and the report that’s come out today, and I want to give due respect to that report. So that’s what I’m here to talk about”.*

The programme returned to Ms Newman in the studio. She said:

“Well, I’m joined now from Westminster by Labour’s Sarah Jones who is Shadow Minister for Policing. So, we’ve got two stories on our programme tonight: a failure to properly investigate in the Daniel Morgan case, and then a failure to investigate fully in the Epstein/Maxwell allegations. Allegations here in the UK. Will you call on the Met tonight to open a formal criminal investigation?”

The programme then showed an interview between Ms Newman and Ms Jones concerning the Met’s decision not to open an investigation into the allegations set out in the report, before the programme moved on to other news. The programme ended without further reference to Ms Maxwell.

Summary of the complaint and broadcaster’s response

Complaint

Leverets complained on behalf of Ms Ghislaine Maxwell that she was treated unjustly or unfairly in the programme as broadcast. In particular:

- a) The programme had sought to link allegations made against Ms Maxwell with an unrelated story concerning the Daniel Morgan Independent Panel’s conclusions on corruption in the MPS relating to the unsolved murder of Mr Daniel Morgan. Leverets said that by claiming that the decision by the MPS not to investigate alleged offences relating to Ms Maxwell was made corruptly, viewers were left with the unfair impression that she had “got away with committing criminal offences” in the UK.

Leverets said that the juxtaposition of the two stories in this way gave credibility to the programme’s allegation that Ms Maxwell was guilty of multiple offences in UK jurisdiction. Leverets said that there was “no doubt that Daniel Morgan’s killing was unlawful, yet there has been no finding in any tribunal anywhere in the world that has determined Ms Maxwell’s innocence or guilt”.

- b) The programme included testimony from one of the “alleged victims of abuse” who, it noted, was not being relied upon as an accuser in Ms Maxwell’s forthcoming criminal trial. Leverets said that the programme had adopted their testimony “by making bold assertions about their veracity”, and viewers were not provided with information which was available in the public domain, and which challenged the credibility of the source’s claims.
- c) Ms Maxwell was not provided with sufficient time or information about the allegations, or the sources of the allegations, to enable Ms Maxwell to respond fully to the claims being made in the programme. Specifically, Leverets said that:
 - i) The programme makers did not provide any “specific details” in respect of the “extensive allegations of criminality” made in the programme in order to allow Ms Maxwell an opportunity to provide an informed response to the claims.

- ii) The programme makers had approached Ms Maxwell via her legal representatives in the US and had requested that Ms Maxwell provide a response for broadcast in the programme within 24 hours. Leverets said that this was “demonstrably insufficient and untimely” given the “gravity of the allegations of wrongdoing levied against Ms Maxwell”. Leverets said that the programme makers were aware that Ms Maxwell was in a different time-zone and subject to a criminal process in a foreign jurisdiction. Leverets said that Ms Maxwell needs to take advice about her rights and remedies in this jurisdiction; and is in custody with restricted access to her legal representatives, whether in the US or the UK.
- d) While the programme made clear that Ms Maxwell “denies the charges” against her, this statement was “immediately undermined” by the programme’s explanation that “her legal team have been fighting hard to get the allegations of the British accuser thrown out, claiming that no crimes were committed here”. Leverets said that this gave viewers the unfair impression that Ms Maxwell was “exploiting the loophole left by the Metropolitan Police Service’s corrupt decision not to investigate this offence as a result of which there is a chance, she may get away with it”.

Broadcaster’s response

Channel 4 did not accept that the programme as broadcast had resulted in unfairness to Ms Maxwell. Channel 4 said that the report had focussed on concerns as to whether the MPS had failed to properly investigate a series of allegations against Mr Jeffrey Epstein and Ms Ghislaine Maxwell in the UK. Channel 4 said that central to the report were interviews with two leading and respected legal figures: Mr Nazir Afzal, a former Chief Crown Prosecutor for North West England, and Ms Harriet Wistrich, a leading lawyer specialising in sex crimes. The broadcaster said that both Mr Afzal and Ms Wistrich stated that, in their view, there were clear grounds on the face of the evidence for the MPS to investigate, and both raised questions about the MPS’s apparent failure to do so. Channel 4 said that as a direct result of its investigation, the MPS announced a review of the material set out in the programme. Channel 4 said that throughout the report, it was made clear that these were claims about Ms Maxwell and matters for investigation – not matters of proven fact. It added that the programme also contained Ms Maxwell’s previously declared position that she denied the allegations.

- a) Channel 4 said that contrary to Ms Maxwell’s complaint, made on her behalf by Leverets, the programme did not assert that the MPS’s decision not to investigate alleged offences relating to Ms Maxwell had been made “corruptly”. Channel 4 said that it was made clear to viewers that the programme would examine the conduct of the MPS in deciding not to investigate the claims made against Mr Epstein and Ms Maxwell, as set out in the programme. Channel 4 said that the report did not investigate or adopt the allegations themselves, nor did it purport to reach any conclusions as to whether those allegations were true or not.

Channel 4 said that, given the conclusion of the DMIP that there had been “institutional corruption” in the MPS’s investigation of that case, it was legitimate to examine whether there were questions to be asked regarding the MPS’s conduct in investigating the claims against Mr Epstein and Ms Maxwell. Channel 4 said that there were criticisms of the police in both cases, however, Channel 4 said that the cases were treated separately, and it was made clear to viewers that no conclusions had been reached (whether by the DMIP or by Channel 4 News) regarding the MPS’s conduct in investigating the allegations against Ms Maxwell.

Channel 4 said that it was “standard practice and entirely appropriate”, for news programmes to identify and explore a broad theme that may run through different news stories. Channel 4 said that in this instance, the theme common to the two cases were concerns in relation to the apparent inaction and criticisms of the MPS. Channel 4 said that it was a matter of straightforward and legitimate editorial judgement to decide to broadcast the two reports about the MPS on the same day and it was fair to highlight concerns about the conduct of the police.

Channel 4 did not accept that the programme had conflated the two cases in a manner that was unfair to Ms Maxwell, nor did it accept that the programme would have led its audience to draw unfair conclusions about her, jump to the wrong conclusions, or mix the two cases up. Channel 4 said that one case involved a murder which had led to an official report that had established and condemned police corruption; the other was an unconnected case involving allegations of a sexual nature many years later and raised concerns (without adopting them) regarding the manner in which the police investigation had been conducted. Channel 4 said that the two cases were presented in the programme as separate and distinct – in time and specific facts – and it said that the connection made clear to viewers was that both cases related to the Met Police and concerns regarding a failure to investigate.

Channel 4 did not accept Ms Maxwell’s complaint, as set out on her behalf by Leverets, that the report suggested that Ms Maxwell had “got away” with criminality. Channel 4 said that it was repeatedly made clear that the information in the programme were allegations and claims, not proven fact. By way of example, Channel 4 referred to the following statements made by the presenter, Ms Newman, in the programme (emphasis added by Channel 4):

“We’ve pored over thousands of court documents, accounts, books, photographs and videos and spoken with multiple sources. They reveal that both Maxwell and Epstein regularly visited the UK where alleged abuse took place”.

“Maxwell’s London home was the scene of the most notorious incident involving a young 17-year-old called Virginia Roberts, now Giuffre. She claims she was trafficked to London and made to have sex with Prince Andrew in 2001”.

“Prince Andrew insists he doesn’t remember her, and denies any sexual contact took place”.

“She was a teenager when she met M and Epstein in London. And she claims she was forced to have sex with Epstein multiple times”.

“Civil court documents filed by a victim known only as Jane Doe, claims she was abused, manipulated and exploited by Epstein in the UK, in what she describes as “horrific abuse””.

“Here she states she ‘was a naïve and uniquely vulnerable 22-year-old when Epstein and Maxwell first preyed upon her’. That was around 2001. There followed years of abuse. She claims she was repeatedly raped and forced to give Epstein oral sex”.

Channel 4 said that the report did not allege that Ms Maxwell was “guilty of multiple offences in UK jurisdiction”, as claimed by Leverets on behalf of Ms Maxwell in its complaint. Channel 4 said that the programme made no presumption about Ms Maxwell’s guilt; rather, the report specifically focused on the need for the matter to be formally investigated to establish the facts and test the allegations. Channel 4 said that the raising of concerns regarding a failure to investigate, as the report did, did not imply guilt. Channel 4 also said that in Leverets’ original letter of complaint to Channel 4 News the claims in the programme were characterised as “untested”. Channel 4 said that this was the very theme of the report, which made clear that there was a need for investigation to establish the facts.

Channel 4 said that in the absence of an on-the-record comment from Ms Maxwell in response to the request by the programme makers, the report had instead incorporated Ms Maxwell’s publicly stated position that *“no crimes were committed here”* and that she denies the charges.

- b) Channel 4 said that the report highlighted a matter of important public interest, namely that there were concerns about whether the police had sufficiently investigated serious allegations against Mr Epstein and Ms Maxwell. Channel 4 said that the report was based on a number of case studies – some of which were already in the public domain – and interviews with leading lawyers who said they believed more should have been done to investigate.

Channel 4 said that in reporting matters of public interest and allegations, a news organisation using editorial judgement is entitled to decide what evidence to present in its programming. Channel 4 said that in this instance, the editorial decision was taken that the examples and case studies used were appropriate. Channel 4 said that in order to explain to viewers why it was a matter of serious concern that the MPS had failed to investigate the claims, it was necessary to inform viewers of the “grave nature of those complaints”, while also making it clear that they were denied and had yet to be determined. Channel 4 said that the public interest in the report was evidenced by the MPS’s subsequent confirmation that it had begun a review of the material set out in the programme in relation to Ms Maxwell.

Channel 4 said that to confine the programme to the testimony of witnesses or accusers in Ms Maxwell’s forthcoming criminal trial would be an “unreasonable fetter on freedom of expression”. It added that the US criminal case is set to “adjudicate a small selection of claims and does not

include a wide range of further allegations including matters in the UK". Channel 4 also provided a link to the terms of the indictment against Ms Maxwell².

Channel 4 said that it was appropriate for the report to include testimony from an "alleged victim of abuse" who was not also a witness in Ms Maxwell's forthcoming trial. Channel 4 said that the report made clear the variety of sources on which it was based, including: the US criminal trial; US civil court action; a book by a lawyer whose work was central to the original prosecution of Mr Epstein and much of the related legal action; interviews with alleged victims; and claims published on social media and in the national press. Channel 4 said that these sources were referenced by the presenter in her introduction to the segment, as follows:

"We've pored over thousands of court documents, accounts, books, photographs and videos and spoken with multiple sources. They reveal that both Maxwell and Epstein regularly visited the UK where alleged abuse took place. Some of the cases are well known".

Channel 4 said that, in any event, it was not clear which particular victim's testimony was objected to by the complainant. Channel 4 said that on the assumption that this was Ms Virginia Giuffre, it said that her allegations were well known and detailed in multiple interviews³, accounts, legal depositions, and legal cases. Channel 4 further said that Ms Giuffre's account had been covered in several books⁴, and Ms Giuffre had given multiple interviews on her experiences, including to NBC's Dateline. Channel 4 said that Ms Giuffre's allegations were also reported in a four-part Netflix mini-series, *Filthy Rich*, and her account was the basis of a BBC *Panorama* programme broadcast in December 2019.

Channel 4 said that the claims made by Ms Giuffre, as set out in the programme, related to her widely publicised allegations that crimes had been committed in London between 2000 and 2001. Channel 4 said that as the programme explained, these claims were the subject of a complaint to the MPS in 2015, which led to a police assessment and a decision that no investigation should be launched. Channel 4 said that the programme had also explained that this decision was reviewed in 2019 following Mr Epstein's death in prison, and the decision that no investigation should take place was upheld. Channel 4 added that Ms Giuffre had also brought a civil legal action against Mr Epstein in 2009 which was settled in her favour⁵.

Channel 4 said that the programme referenced that Ms Giuffre was one of a number of alleged victims. Channel 4 said that "the sexual abuse of hundreds of young women and children by Jeffrey Epstein has been well chronicled as one of the largest paedophile and sex scandals ever, as

² [Indictment](#) in the case of United States of America v Ghislaine Maxwell [p.1].

³ [Reckoning, Part 2, nbcnews.com, 27 September 2019](#).

⁴ Channel 4 referred to the following books: *Relentless Pursuit: Our Battle with Jeffrey Epstein* by Mr Bradley Edwards and *Perversion of Justice: The Jeffrey Epstein Story*, by Ms Julie K Brown.

⁵ [Doe No.102 v Epstein \(9:09-cv-80656\)](#).

outlined in US's government's indictment of Mr Epstein following his arrest"⁶. Channel 4 said that there have been many court actions around the world and a compensation scheme had awarded more than \$120 million to approximately 150 eligible claimants⁷.

Channel 4 did not accept that it had adopted testimony from Ms Giuffre, or any of the alleged victims, by making "bold assertions about their veracity", as claimed by Ms Maxwell in her complaint. Channel 4 said that the report clearly denoted throughout that these were claims and allegations, using phrases including: "*we raise new questions*"; "*we reveal claims*"; "*it is claimed*"; and "*she claims*". Channel 4 said that the content of the report was consistently framed as setting out allegations and "grounds to investigate", which it said was also consistent with what was said in the programme by Mr Nazir Afzal OBE⁸ and Harriet Wistrich⁹. It added that both gave their expert opinion that, on the face of the publicly available evidence, there were grounds for the MPS to investigate.

Channel 4 said that the report also made clear that the allegations were "contested, undetermined and denied". It also reiterated that even though an on-the-record comment was not received from Ms Maxwell's legal team in response to the programme maker's request, her denial of charges was given in the form of a clear and broad denial that "*no crimes were committed here* [in the UK]". Channel 4 added that the report also included an "express and broad denial" from Prince Andrew, which by its nature provided a further denial of events allegedly involving Ms Maxwell.

Channel 4 said that the report also provided sufficient and appropriate information about the alleged victim and her claims. It said that the report provided a brief overview of claims by Ms Giuffre, within the context of a report that had gathered multiple allegations of wrongdoing by women relating to Mr Epstein and Ms Maxwell. Channel 4 said that it was aware of the long litigation history involving claim and counterclaim between Ms Maxwell and Ms Giuffre. However, it said that, given that the focus of the report was not to establish the truth or otherwise of Ms Giuffre's allegations against Ms Maxwell, but rather to question whether the MPS had properly discharged its investigatory responsibilities, it was sufficient to: provide Ms Maxwell's denial and make clear throughout that these claims are contested by parties with differing accounts, and undetermined; with Ms Giuffre herself asking for support in her continued "*fight*", and because there had been no domestic police investigation as the broadcast "*repeatedly made clear*".

Channel 4 said that in this context, it was not necessary to provide intricate details of legal arguments and legal counter-arguments about alleged inconsistencies. Channel 4 said that it

⁶ [Indictment](#) in the case United States of America v Jeffrey Epstein.

⁷ Press release: [Independent Epstein Victims' Compensation Program Announces Conclusion of Claims Process](#), 9 August 2021.

⁸ Channel 4 said that Mr Afzal was the Crown Prosecution Service's former Chief Crown Prosecutor for North West England. He led a series of high-profile prosecutions including successfully prosecuting the Rochdale sex abuse ring and was appointed as the first chairman of the new Catholic Safeguarding Standards Agency.

⁹ Channel 4 said that Ms Wistrich is a leading lawyer specialising in sex crimes. She is the founder and director of the Centre for Women's Justice and was named Liberty's Human Rights Lawyer of the Year in 2014.

would not have been appropriate for the report to adjudicate over the claims and credibility of Ms Giuffre and other alleged victims, and the denials of Ms Maxwell, when the focus of the report was the conduct of the MPS. Channel 4 said that it considered that the level of denial and detail provided in the report was sufficient to ensure that viewers understood that these were claims which had not been investigated by the MPS, had been denied by Ms Maxwell, and which had yet to be determined.

- c) Channel 4 said that Ms. Maxwell's legal team were given sufficient time to respond to the allegations and specific details were given to respond, given that, as was made clear to Ms Maxwell's lawyers, the focus of the report was the conduct of the MPS, and not to establish the truth or otherwise of the allegations against Ms Maxwell.

Channel 4 said that the programme makers had written to Ms Maxwell's on-the-record US lawyers on 14 June 2021 at 12:36 BST (07:36 Eastern Daylight Time ("EDT")) seeking a response from or on behalf of Ms Maxwell. Channel 4 said that this was 30 hours before broadcast and gave a 25-hour deadline for a reply. Channel 4 said that given: that the focus of the report was the MPS's conduct rather than whether the allegations against Ms Maxwell were true; the expert nature of the multiple teams of legal advisors acting for Ms Maxwell; and the allegations against Ms Maxwell were not new, had been well publicised previously and no doubt already considered in detail by her legal advisors, it was reasonable to expect that they could respond to a detailed media enquiry on longstanding matters of public concern in the time given.

Channel 4 said that the programme makers had obtained read receipts from all the emails sent but no further communication was received. Channel 4 said that it was not informed that Ms Maxwell had instructed solicitors in the UK to represent her, despite the fact that the journalist's mobile phone number was provided in the email to her US attorneys. Channel 4 provided Ofcom with a copy of the email, which was sent to Ms Maxwell's US attorney's, which read:

"Please find attached a letter that has been sent to the Metropolitan Police Service, in relation to a report we intend to broadcast on Channel 4 News in the UK at 7pm BST (2pm EST¹⁰), tomorrow 15 June 2021...

This report concerns claims about Jeffrey Epstein and your client, Ghislaine Maxwell's activities in the UK, that raise questions about the failure of the Metropolitan Police Service to open a criminal investigation.

As you will see from the letter, the focus of the report is the Metropolitan Police Service and their conduct. However, given the nature of some of the claims that have been made, it will naturally refer to your client.

We are aware of your client's position in relation to widely publicised allegations that have been made against her. We will reflect the fact that Ms Maxwell has denied the charges against her and that her trial

¹⁰ Eastern Standard Time.

will be heard later in the year. If you would like to provide an additional statement for inclusion in the report, please do so by 1400 British time (0900 EST).

You can reach me via this email, or on my cell [number included in the email but not reproduced here]”.

Channel 4 said that the programme maker’s letter also enclosed a copy of a letter to the MPS setting out in detail the allegations against the force, the multiple claims made against Epstein and Ms Maxwell and the sources of the claims. Channel 4 provided a copy of this letter to Ofcom.

Channel 4 said that it could be seen from this correspondence that Ms Maxwell’s legal team was put on clear notice of the broadcast and a detailed account of its planned contents. It also said that the letter to the MPS included under the heading, ‘Material for broadcast requiring your response’, a series of numbered sections, including: ‘The US government case against Ghislaine Maxwell’; ‘Virginia Giuffre’; ‘Anouska de Georgiou’; ‘Claims of Jane Doe’; ‘Claims by lawyer Bradley Edwards’; ‘Adela King’; and so on, setting out the claims in respect of each. Channel 4 said that these sections provided detailed summaries of the claims and covered all the material used in the broadcast, along with their sources. It added that the letter also included details of relevant quotes from the presenter’s interviews with Nazir Afzal and Harriet Wistrich and spanned four pages.

Channel 4 said that it is now apparent that the programme maker’s letter must have been passed to UK lawyers, Leverets, to act for Ms Maxwell in this matter. However, Channel 4 said that the programme makers did not know this and, until the complaint to Ofcom was made, neither they nor Channel 4 were aware that Leverets had responded to ITN on behalf of Ms Maxwell. Channel 4 said that as far as the programme makers were aware, Leverets made no attempt to telephone the producer (whose mobile number was in the letter to the US lawyers) to elicit a response to either of their letters, or indeed to confirm that they had been received.

Channel 4 said it was only on being notified by Ofcom of this complaint that it came to Channel 4’s and the programme maker’s attention that a response on behalf of Ms Maxwell had been sent by email by Leverets to Channel 4 News prior to broadcast on 15 June 2021, and that they had sent a further letter by email to ITN on 25 June 2021, 10 days after broadcast. Channel 4 said that with information provided by Leverets in the course of this complaint, an investigation by the IT department of ITN established that the two emails sent by Leverets to Channel 4 News were received by ITN but were classed by the ITN cyber-security system as highly suspicious and were automatically blocked. Channel 4 said that the emails therefore never arrived in the email inbox of the producer to which they were addressed and are no longer recoverable after 21 days. Channel 4 said that Ofcom will appreciate the necessity for ITN having significant cyber security in place to protect its IT systems from viruses and attempts to damage or infiltrate the IT system.

Channel 4 said that while it was unfortunate that the producer in question did not receive either of Leverets’ letters, reasonable steps were taken to seek a response from Ms Maxwell/her representatives prior to broadcast, and the lack of engagement with Leverets was not deliberate. Channel 4 said that if Leverets had phoned the producer on the number provided, the programme makers would have responded immediately, but Leverets did not do so.

Channel 4 said that in its letter of 15 June 2021 (a copy of which Channel 4 provided to Ofcom), Leverets stated that they would not be commenting:

“In the short time available, we have been able to take sufficient instructions upon Your letter for the brief response set out below, but for reasons that are obvious, our client will not be commenting on any of the untested allegations upon which you wish to base your challenge to the decision-making of the MPS, which relies on a string of non-sequiturs”.

Channel 4 said that while complaining of the short notice, Leverets confirmed in that letter that they were in fact able to take sufficient instructions, and they did not request that the broadcast be delayed in order to consult with their client or to provide a response. The broadcaster added that Leverets did not contact the programme makers by phone to ensure their letter had been received or raise any objections; instead, their letter made clear that their client would not be commenting at all.

Channel 4 further said that although most of the allegations in the programme had previously been aired in the public domain, neither it nor the programme makers were aware of any detailed or comprehensive account by Ms Maxwell anywhere responding to the allegations being made to the news media. It said that her response throughout, as far as it and the programme makers were aware, “has essentially been a bare denial, which is usual practice when legal proceedings (particularly criminal proceedings) are ongoing”.

Channel 4 said that in considering whether the programme was unfair to Ms Maxwell, it was also important to note that the programme contained Ms Maxwell’s publicly stated denials of the allegations and made clear throughout that these were allegations, and not proven facts. Furthermore, Channel 4 said that given that Leverets stated that Ms Maxwell would not be commenting, their letter of 15 June 2021 did not contain any material information which should have been included had it been received prior to broadcast. The broadcaster said that the programme did not suggest that Ms Maxwell had declined to respond; rather, it included her publicly stated position that she denied the allegations. Channel 4 said that in the event, Ms. Maxwell’s team was clearly able to take instructions upon the programme maker’s letter to respond and concluded that she would not comment on the record. Channel 4 said that therefore, the fact that the 15 June 2021 letter was not received did not in reality cause any material unfairness to Ms Maxwell, given that the programme made clear to the viewer that the claims made were allegations not proven fact and that Ms Maxwell denied the allegations.

- d) Channel 4 did not accept that the programme “undermined” the denials which were made on behalf of Ms Maxwell and said that the programme accurately reflected Ms Maxwell’s position. It added that the programme was accurately reported that Ms Maxwell’s lawyers were seeking to dismiss the claims, as set out in a document named, ‘Memorandum of Ghislaine Maxwell in support of motion to strike surplusage from superseding indictment’¹¹, a copy of which the broadcaster provided to Ofcom.

¹¹ In USA vs Ghislaine Maxwell (Case 1:20-cr-00330-AJN), Document 146 filed on 02/04/2021 ‘[Memorandum of Ghislaine Maxwell in support of motion to strike surplusage from superseding indictment](#)’.

Channel 4 did not accept Leverets' position that the programme gave viewers the unfair impression that Ms Maxwell was "exploiting the loophole left by the Metropolitan Police Service's corrupt decision not to investigate this offence as a result of which there is a chance she may get away with it". Channel 4 said that the meaning which Leverets sought to attribute to the incorporation of Ms Maxwell's denials in the programme was "unnatural and strained".

Channel 4 said that firstly, the programme did not assert that a "corrupt decision" had been made by the MPS not to investigate this offence; rather, the programme explored whether there had been a failure by the MPS to investigate and, if so, asked why that might have been. It added that second, an application to strike and a statement that no crime was committed do not lead inevitably to a conclusion that a loophole is being used improperly. Channel 4 said that seeking to strike claims out is common litigation practice, as are denials by defendants, and it is not tenable to suggest that doing this is somehow indicative of guilt.

Channel 4 said that in the absence of a response to the programme maker's letter requesting a comment from Ms Maxwell, the denials set out on behalf of Ms Maxwell in the programme demonstrated that "Channel 4 News took reasonable and appropriate steps to reflect the status of the claims, Ms Maxwell's denials and the position concerning legal proceedings".

Further representations provided by complainant's representatives

Prior to receipt of the broadcaster's response to the entertained complaint (summarised above), Leverets provided Ofcom with a copy of an article published by BBC News online on 11 October 2021¹². The article explained that after announcing in August 2021 that it would review its decision not to investigate allegations connected to Epstein, the MPS had stated that it will not take any further action against Ms Maxwell. Leverets also provided a copy of an email, dated 12 October 2021, from the Head of Media of the MPS, which stated, "as a matter of procedure MPS officers reviewed a document released in August 2021 as part of a US civil action. This review has concluded, and we are taking no further action. We also reviewed information passed to us by a media organisation in June 2021. This review is complete, and no further action will be taken".

Leverets said that the programme subject to complaint was "demonstrably an attempt to ambush MPS Officer Ephgrave, who was forced by the interviewer to concede to camera that the MPS would reconsider the allegations against our client, the purpose being to cloak the broadcast and its spurious allegations with credibility". Leverets said that, as explained in the BBC article, following a further review, the MPS have, once again, confirmed that there will be no criminal investigation into Ms Maxwell. Channel 4 said that this "provides further persuasive evidence of the unfair and biased approach taken by the broadcaster".

Broadcaster's response to additional representations provided by complainant's representatives

Channel 4 said that the programme was broadcast on 15 June 2021 and accurately reflected the position of the MPS at the time of broadcast. Channel 4 said that Leverets is correct that the MPS did decide to take no action following the review of the evidence set out in the programme in June 2021 and a further review of allegations concerning Prince Andrew in August 2021 and that it "continues to

¹² [Epstein: Met to take no action after Prince Andrew review](https://www.bbc.com/news/health-58411111), bbc.co.uk, 11 October 2021.

liaise with other law enforcement agencies who lead the investigation into matters related to Jeffrey Epstein”. Channel 4 said that the MPS’s decision was taken “some considerable time after broadcast of the Report, and it would therefore be wrong to uphold a complaint that the Report failed to include information which was not available at the time of broadcast”.

Channel 4 said that Leverets’ claim that the programme was “an attempt to ambush MPS Officer Ashgrave [sic] who was forced by the interviewer to concede to camera that the MPS would reconsider the allegations”, was “baseless” and was not an accurate reflection of the comments which Assistant Commissioner Ephgrave gave during his broadcast interview.

Preliminary View

Ofcom prepared a Preliminary View that the complaint should not be upheld. Both parties were given the opportunity to make representations on the Preliminary View, but neither chose to do so.

Decision

Ofcom’s statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unjust or unfair treatment in programmes in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

In reaching its decision, Ofcom carefully considered all the relevant material provided by both parties. This included a recording and transcript of the programme, as well as both parties’ written submissions.

When considering complaints of unjust or unfair treatment, Ofcom has regard to whether the broadcaster’s actions ensured that the programme as broadcast avoided unjust or unfair treatment of individuals and organisations, as set out in Rule 7.1 of the Code¹³. In addition to this rule, Section Seven (Fairness) of the Code contains “practices to be followed” by broadcasters when dealing with individuals or organisations participating in, or otherwise directly affected by, programmes, or in the making of programmes. Following these practices will not necessarily avoid a breach of Rule 7.1 and failure to follow these practices will only constitute a breach where it results in unfairness to an individual or organisation in the programme.

- a) Ofcom first considered the complaint made by Leverets on behalf of Ms Maxwell, that the programme had resulted in unfairness to her as it had sought to link allegations made against her with an unrelated story concerning the DMIP’s conclusions on corruption in the Metropolitan Police Service relating to the unsolved murder of Mr Daniel Morgan. We had regard to Leverets’ submission that by the juxtaposition of the two stories in the programme, and by claiming that the decision by the MPS not to investigate alleged offences relating to Ms Maxwell was made

¹³ See the [version of the Code](#) in force at the time of broadcast.

corruptly, viewers were left with the unfair impression that she had “got away with committing criminal offences” in the UK.

In considering this head of complaint, we had particular regard to Practice 7.9 of the Code, which states:

“Before broadcasting a factual programme, including programmes examining past events, broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded, or omitted in a way that is unfair to an individual or organisation...”.

Ofcom recognises a broadcaster’s right to freedom of expression and the public interest in allowing them to broadcast programmes on matters of interest. However, in presenting material in programmes, reasonable care must be taken by broadcasters not to do so in a manner that causes unfairness to people or organisations. Whether a broadcaster has taken reasonable care to present material facts in a way that is not unfair to an individual or organisation will depend on all the particular facts and circumstances of the case including, for example, the seriousness of any allegations and the context in which they were presented in the programme.

As set out in detail in the “Programme summary” above, the programme was based on two investigations conducted by the programme makers. The first investigation concerned the findings of an independent inquiry into how the MPS had conducted its investigation into the killing of Mr Daniel Morgan. The segment was introduced by the presenter, who said:

“In a damning report the force stands accused of institutional corruption and putting its own reputation above the proper investigation of the 1987 murder of private investigator Daniel Morgan”.

The programme had explored the circumstances of Mr Morgan’s death and the findings of the DMIP, before the reporter concluded:

“We rely on the police to investigate on our behalf without, what’s the phrase, without fear or favour but fear and favour run deep throughout the policing of this case”.

The programme then went on to discuss a second investigation, which concerned the complainant, Ms Ghislaine Maxwell, and which explored allegations that she, along with Mr Epstein, had “targeted, groomed, trafficked and sexually abused at least half a dozen women in the UK over a ten-year period”. The programme was critical of the MPS for its apparent inaction in response to these allegations, with the presenter claiming:

“Despite a wealth of evidence in the public domain, and police investigations the world over, the Met are yet to open a full criminal investigation”.

In considering whether the programme resulted in unfairness, we first assessed the manner in which the two stories were presented in the programme. As set out in the “Programme Summary” above, in his introductory remarks, the presenter had introduced the programme as follows:

“Tonight, as the Metropolitan Police are declared ‘institutionally corrupt’ for 30 years of failures and cover ups on a murder case, we ask: have they also grossly failed those allegedly abused in London by Jeffrey Epstein? Two major and deeply significant investigations on Channel 4 news, one involves a finding of police corruption, the other, the police failing to investigate allegations of sex crimes at a high level in British society”.

At the conclusion of the segment relating to Ms Maxwell, the programme had shown an interview between the presenter and the Shadow Minister for Policing, Ms Jones. The presenter said:

“So, we’ve got two stories on our programme tonight: a failure to properly investigate in the Daniel Morgan case, and then a failure to investigate fully in the Epstein/ Maxwell allegations”.

We had regard to Channel 4’s representations that the two investigations were presented in the programme as separate and distinct, both in time and in relation to the specific facts, and the report concerning the Daniel Morgan Inquiry made “no mention” of Ms Maxwell. We took the view that it would have been clear to viewers that the two investigations conducted by the programme makers were distinct: it was clear from the programme that one involved a murder in 1987 which had led to a finding of corruption in the police’s investigation and the other involved recent allegations of sexual abuse. However, we also recognised that the programme had sought to make a link between the two stories, as indicated by the presenter’s remark that:

“It’s a familiar theme: a failure to investigate; the Met accused of protecting itself and the establishment, leaving victims searching for justice”.

Channel 4 said in its submissions that, in its view, both stories shared a common theme: the apparent inaction and criticisms of the MPS. We also considered Channel 4’s position that it was “a matter of straightforward and legitimate editorial judgement” to decide to broadcast the two reports about the MPS on the same day and it was fair to highlight concerns about the conduct of the police. In considering complaints of unfairness in programmes, Ofcom acknowledges that the approach a broadcaster takes in reporting a story in a programme, and as to what material it includes or does not include, is an editorial decision for it to make, although the broadcaster must ensure that the programme complies with the Code.

We also took into account Channel 4’s representations that at the conclusion of the segment relating to the findings of the DMIP, the presenter had indicated that the Panel’s comments had suggested that the issues they had identified in the MPS’ handling of its investigation could be part of a larger problem. We also had regard to the presenter’s introductory remarks:

“An investigation by this programme into the notorious sex abuser, Jeffrey Epstein, and his alleged partner, Ghislaine Maxwell, has found multiple claims that the pair targeted, groomed, trafficked and sexually abused at least half a dozen young women in the UK over a ten-year period. The allegations have never been fully investigated by the Metropolitan Police, despite repeated complaints to the Force. The Metropolitan Commissioner has previously insisted that any decision not to investigate had nothing to do with Prince Andrew, but that it was a matter for the US authorities where Ghislaine Maxwell is facing trial. But tonight, senior legal figures in the UK who have reviewed our evidence from this country are calling for a full criminal investigation into what they call ‘serious allegations’”.

This, in our view, made it clear to viewers from the outset that the programme would be exploring the MPS’ conduct in relation to these recent allegations of sexual abuse, and would question why it had not commenced a full investigation into complaints made to them concerning Ms Maxwell’s alleged involvement in serious crimes in the UK. We also took into account that the programme had included the following statements from Ms Wistrich and Mr Afzal respectively:

“I have had the opportunity to look at just a little bit of the evidence that exists, and that was quite shocking to me, and that should merit a proper investigation”.

And,

“What we’ve always needed is a proper investigation. We cannot outsource our investigation to the FBI or the American Attorney’s Office. We have crimes allegedly committed here in London that ought to be prosecuted here in London or at least be investigated here in London”.

Furthermore, after examining the relationship between Prince Andrew, Mr Epstein and Ms Maxwell, the presenter said:

“Despite the high-profile scandal, all of this seemingly escaped the attention of the police here at Scotland Yard, until 2015 when a British child abuse campaigner filed a formal complaint claiming that Epstein and Maxwell had trafficked a woman to the UK for sex. The complaint was based on the court testimony of Virginia Roberts, who was just 17 when she said she was pressured by Epstein to have sex with Prince Andrew in London. But astonishingly, as Channel 4 News previously revealed, the Specialist Crime and Operations Section that handled the complaint decided not to investigate”.

We recognised that the programme did not seek to establish the truth or otherwise of the allegations of serious criminality of which Ms Maxwell was the subject. Rather, in our view, viewers would have understood that the focus of the programme was to question whether, in the context of criticisms made against the MPS in its handling of the investigation into Mr Morgan’s

death, the MPS had properly discharged its duty given that it had decided not to investigate allegations of crimes concerning Ms Maxwell and Mr Epstein. This issue of the MPS' decision not to investigate was reinforced by the presenter's statement that:

"If the police had properly investigated, they would have found a swathe of potential witnesses to Ghislaine's activities in Britain".

We considered that the programme clearly set out to viewers the basis for the programme's examination of the MPS' conduct in relation to the claims about Ms Maxwell, and the reasons why the programme makers questioned whether the case relating to the allegations regarding Ms Maxwell also demonstrated a failure by the MPS to properly investigate. Accordingly, we took the view that viewers were provided with sufficient information to come to their own view about whether there were grounds to think there were issues in relation to the MPS' conduct which were common to the two cases discussed in the programme in those circumstances.

In that context, we considered Leverets' representations that the juxtaposition of the two stories had given the unfair impression that the decision by the MPS not to investigate alleged offences relating to Ms Maxwell was made "corruptly", and viewers were left with the unfair impression that she had "got away with committing criminal offences" in the UK. We recognised that the segment relating to the police's handling of allegations made against Ms Maxwell immediately followed a story which explained that the DMIP had concluded that the MPS were "*institutionally corrupt*" in its handling of the investigation into Mr Morgan's killing. We also recognised that the programme had claimed that the two stories shared a "*familiar theme*", which, for the reasons explained above, was characterised in the programme as relating to apparent failings by the MPS in investigating allegations of serious crime. However, Ofcom also recognised that at no point did the programme state that the decision by the MPS not to investigate serious crimes in which Ms Maxwell was alleged to have been involved was made corruptly. While we recognised that the programme did question the motivations behind the MPS' decision not to investigate, we did not consider that any conclusions were reached in the programme regarding the MPS' conduct in investigating the allegations against Ms Maxwell. In our view, as discussed in detail above, the programme had posed the question as to whether the MPS were continuing to demonstrate failings by not commencing a full investigation into complaints raised with them concerning Ms Maxwell's alleged involvement in serious crimes in the UK. Furthermore, while we recognised that the programme had named Ms Maxwell in the context of serious allegations which concerned the grooming, trafficking and sexual abuse of young women, the programme made clear that no findings of fact had been made against Ms Maxwell in respect of these allegations.

We also took into account Channel 4's position that the programme had specifically focused on the need for the allegations made against Ms Maxwell, as set out in the programme, to be properly investigated by the police in order to establish the facts and test the allegations. In Ofcom's view, this was reinforced to viewers by the comments made by Mr Afzal who, after reviewing the material obtained by the programme makers, said:

"On the basis of what I've read there is more than a reasonable suspicion that crimes have occurred. These are very serious allegations.

If it were happening anywhere else with any other people involved, there would be no doubt in my mind they would be investigated”.

We also took into consideration that the programme had contained the following statements:

- *“We raise new questions about what Epstein and Maxwell did, here, in the UK. We reveal claims of abuse involving multiple separate women, in London, over the last decade”.*
- *“We’ve pored over thousands of court documents, accounts, books, photographs and videos and spoken with multiple sources. They reveal that both Maxwell and Epstein regularly visited the UK where alleged abuse took place”.*
- *“We’ve gathered allegations from multiple women who say they were targeted by Jeffrey Epstein and Ghislaine Maxwell here in the UK, yet despite a wealth of evidence in the public domain, and police investigations the world over, the Met are yet to open a full criminal investigation”.*
- *“Civil court documents filed by a victim known only as Jane Doe, claims she was abused, manipulated and exploited by Epstein in the UK, in what she describes as ‘horrific abuse’”.*

In our view, viewers of the programme would not have reasonably concluded from these statements that Ms Maxwell was the subject of an investigation by the MPS in relation to alleged crimes which had taken place in the UK, and the programme made clear that no findings of fact had been made against Ms Maxwell in respect of the allegations referred to in the programme. We also took into consideration that Ms Maxwell’s position in relation to the allegations for which she would face trial in the USA, and the allegations made by a *“British accuser”*, were explicitly set out in the programme as follows:

“Ghislaine Maxwell will stand trial in November. Central to the case against her is her role in grooming and trafficking young women for sex in the US, and the UK. She denies the charges, and her legal team have been fighting hard to get the allegations of the British accuser thrown out, claiming that no crimes were committed here”.

In Ofcom’s view, viewers were provided with sufficient information to understand the allegations made against Ms Maxwell, as set out in the programme, in their full context. For all the reasons given above, Ofcom considered that the broadcaster had taken reasonable care to satisfy itself that material facts had not been presented, disregarded or omitted in a way that was unfair to the Ms Maxwell.

Therefore, our decision is that there was no unfairness to Ms Maxwell in this regard.

- b) We then turned to consider Ms Maxwell’s complaint, made on her behalf by Leverets, that the programme had included testimony from an “alleged victim of abuse”, who Leverets said was not being relied upon as an accuser in Ms Maxwell’s criminal trial.

We took into account that, as set out in detail in the “Programme summary” above, the presenter had explained that the programme would examine *“allegations from multiple women who say they were targeted by Jeffrey Epstein and Ghislaine Maxwell here in the UK”*. The programme had referred to the testimony of a number of sources, who had alleged in court documents and elsewhere that they had been the victim of abuse, and Leverets had not specified in their complaint which “alleged victim of abuse” included in the programme was the specific subject of Ms Maxwell’s complaint, nor had it explained why, in their view, the allegations made by this individual had resulted in unfairness to Ms Maxwell in the programme. We had regard to Channel 4’s representations that to confine the programme to the testimony of witnesses or accusers in Ms Maxwell’s forthcoming criminal trial in the US would be an “unreasonable fetter on freedom of expression”. Furthermore, in considering this aspect of the complaint, we recognised the rights of the people who were referred to in the programme to speak about their experiences and the public interest in broadcasting this content to viewers. We also recognised that the reporter was entitled to question whether sufficient steps had been taken by the MPS to investigate the claims of these sources, in circumstances where their testimony contained allegations of serious criminality taking place in the UK.

We had regard to Ms Maxwell’s position, as set out by Leverets, that the programme had adopted the position of “one of the alleged victims of abuse” by “making bold assertions about their veracity”, and viewers were not provided with information which was available in the public domain, and which challenged the credibility of the source’s claims. However, for the reasons already given at a) above, we took the view that care was taken to present the statements made by the complainants as their own claims. Furthermore, for the reasons given at head a) above, we considered that viewers would not have reasonably concluded that Ms Maxwell was the subject of an investigation by the MPS in relation to any crimes which were alleged to have taken place in the UK. In our view, the broadcaster had taken reasonable care to satisfy itself that material facts had not been presented, disregarded or omitted in a way that was unfair to the Ms Maxwell.

Therefore, taking into account all of the above factors, our decision is that the presentation of the alleged victim’s testimony in the programme did not cause any unfairness to Ms Maxwell.

- c) Next, we considered Ms Maxwell’s complaint, made on her behalf by Leverets, that Ms Maxwell was not provided with sufficient time or information about the allegations, or the sources of the allegations, to enable Ms Maxwell to respond fully to the claims being made in the programme. In considering this aspect of the complaint, Ofcom had particular regard to Practice 7.11 which states:

“if a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond”.

We recognised that the programme contained serious allegations of criminal wrongdoing regarding Ms Maxwell's conduct, namely, that she along with Mr Epstein: *"targeted, groomed, trafficked and sexually abused at least half a dozen young women in the UK over a ten-year period"*. The programme also explained that Ms Maxwell would stand *"trial in America later this year – accused of grooming and trafficking young women and girls for sex"*.

We had regard to a letter which was sent by the programme makers to Ms Maxwell's US representatives on 14 June 2021, which read:

"This report concerns claims about Jeffrey Epstein and your client, Ghislaine Maxwell's activities in the UK, that raise questions about the failure of the Metropolitan Police Service to open a criminal investigation.

As you will see from the letter, the focus of the report is the Metropolitan Police Service and their conduct. However, given the nature of some of the claims that have been made, it will naturally refer to your client.

We are aware of your client's position in relation to widely publicised allegations that have been made against her. We will reflect the fact that Ms Maxwell has denied the charges against her and that her trial is to be heard later in the year. If you would like to provide an additional statement for inclusion in the report, please do so by 1400 British time, (0900 EST)".

We took into account that the letter also enclosed a letter addressed to the MPS and included under the heading, 'Material for broadcast requiring your response', a series of numbered sections, including: 'The US government case against Ghislaine Maxwell'; 'Virginia Giuffre'; 'Anouska de Georgiou'; 'Claims of Jane Doe'; 'Claims by lawyer Bradley Edwards'; 'Adela King'; and the letter set out the relevant claims which were intended to be broadcast in respect of each heading. In Ofcom's view, Ms Maxwell had been presented with an appropriate record of the material allegations which would be made in the programme, prior to broadcast, and in the circumstances, as set out further below, had been given an appropriate and timely opportunity to respond to them.

We took into account Leverets' submissions that the programme makers had approached Ms Maxwell via her legal representatives in the US and had requested that Ms Maxwell provide a response for broadcast in the programme within 24 hours. Leverets said that this was "demonstrably insufficient and untimely" given the "gravity of the allegations of wrongdoing levied against Ms Maxwell".

We acknowledged the broadcaster's response which addressed the extent to which it had provided Ms Maxwell with an opportunity to respond. In particular, the broadcaster said that the programme makers had written to Ms Maxwell's US lawyers on 14 June 2021 at 12:36 BST (07:36 EDT) seeking a response from or on behalf of Ms Maxwell. Channel 4 said that the email was sent to her attorney in New York at 07:36 EDT and another US attorney representing Ms Maxwell,

which was 30 hours before broadcast and gave a 25-hour period before the requested deadline to reply. We also acknowledged Channel 4's representations that given that the focus of the programme was on whether the MPS had properly discharged its investigatory responsibilities, it was sufficient to provide Ms Maxwell's denial and make clear throughout that these claims are contested. We acknowledged Leverets' representations that at the point at which the programme makers sought comment from Ms Maxwell, she was in a different time-zone and subject to a criminal process in a foreign jurisdiction, and this was known to the programme makers. However, we also took into account that in its letter of 15 June 2021, Leverets had responded to the programme maker's email of the previous day, and said:

"In the short time available, we have been able to take sufficient instructions upon Your letter...our client will not be commenting on any of the untested allegations upon which you wish to base your challenge to the decision-making of the MPS, which relies on a string of non-sequiturs".

It appeared to Ofcom, therefore, that the programme makers had provided enough time for Leverets to speak to Ms Maxwell and establish her position in respect of the proposed allegations for broadcast.

We also took into account Channel 4's representations that the fact that the 15 June 2021 letter was not received, and was not referred to in the programme, did not in reality cause any material unfairness to Ms Maxwell, given that the programme made clear to the viewer that the claims made were allegations, not proven facts, and that Ms Maxwell denied the allegations. Therefore, in our view, the statement made at the conclusion of the segment regarding Ms Maxwell fairly represented her position in relation to the allegations made against her, as set out in the programme, at the time of broadcast.

Taking account of all the circumstances, and for the reasons set out above, Ofcom considered that material facts were not presented, omitted or disregarded in a way that was unfair to Ms Maxwell in the programme as broadcast, the broadcaster gave Ms Maxwell an appropriate and timely opportunity to respond to the allegations made against her in the programme and the broadcaster fairly reflected Ms Maxwell's position on the allegations.

- d) Finally, we considered Leverets' complaint on behalf of Ms Maxwell that while the programme made clear that Ms Maxwell "*denies the charges*" against her, this statement was "immediately undermined" by the programme's explanation that "*her legal team have been fighting hard to get the allegations of the British accuser thrown out, claiming that no crimes were committed here*". We had regard to Leverets' position that this gave viewers the unfair impression that Ms Maxwell was "exploiting the loophole left by the Metropolitan Police Service's corrupt decision not to investigate this offence as a result of which there is a chance, she may get away with it".

We considered that for the reasons set out in detail at head a) above, at no stage during the programme was it stated that the decision by the MPS not to investigate allegations made against Ms Maxwell had been made corruptly. Moreover, in our view, the programme had clearly set out Ms Maxwell's denial of the criminal allegations for which she would face trial in the US. We also

considered that viewers would have understood that it is part of the normal process of a criminal investigation to instruct lawyers to defend yourself against allegations of criminality which are denied, and therefore we did not consider it likely that viewers would have drawn the adverse inference suggested by Leverets in the complaint that Ms Maxwell was “exploiting the loophole left by the Metropolitan Police Service’s corrupt decision not to investigate this offence as a result of which there is a chance, she may get away with it”. In these circumstances, therefore, our decision is that the programme would not have materially or adversely affected viewers opinions of Ms Maxwell in a way that was unfair in this regard.

Ofcom has not upheld Ms Maxwell’s complaint, made on her behalf by Leverets, complaint of unjust or unfair treatment in the programme as broadcast.