



Neutral Citation Number: [2023] EWHC 2734 (KB)

Case No: QB-2022-001397

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**  
**MEDIA AND COMMUNICATIONS LIST**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 1 November 2023

**Before :**

**MR JUSTICE JOHNSON**

**Between :**

**NOEL ANTHONY CLARKE**

**Claimant**

**- and -**

**GUARDIAN NEWS & MEDIA LIMITED**

**Defendant**

-----  
-----  
Adam Speker KC (instructed by The Khan Partnership LLP) for the Claimant  
Gavin Millar KC, Alexandra Marzec and Ben Gallop (instructed by Wiggin LLP) for the  
Defendant

Hearing date: 26 October 2023  
-----

**Approved Judgment**

This judgment was handed down by release to The National Archives on 1 November 2023  
at 10.30am.

**Mr Justice Johnson:**

1. The claimant seeks damages, including aggravated and special damages, against the defendant in libel and breach of the Data Protection Act 2018 and the General Data Protection Regulation. The claim relates to eight articles published in the online and (in six cases) the print edition of The Guardian newspaper.
2. On 15 February 2023 Murray J directed that there should be a trial of preliminary issues as to:
  - (1) The natural and ordinary meaning of the statements complained of contained within each of the articles.
  - (2) Whether the statements complained of, in any meaning found, are defamatory of the claimant at common law.
  - (3) Whether the statements complained of are (or include) statements of fact or opinion.
3. An earlier listing of the trial was adjourned, on the claimant's application, to enable him to instruct new solicitors. The adjourned hearing took place on 26 October 2023.
4. It is now common in defamation claims for there to be a trial of preliminary issues at an early stage of the proceedings and before any contested evidence has been heard, to determine the meaning of the publications that are in issue. Such hearings take place without hearing any contested evidence. They are solely for the purpose of resolving the preliminary issues. They do not involve a determination of who should succeed in the substantive claim, far less whether a claimant is guilty of the conduct alleged by a defendant in the publication that forms the basis of the claim. It follows that nothing in this judgment should be taken as a finding as to the truth or otherwise of the allegations that underpin the articles published by the defendant.

**The background**

5. The claimant is an actor. According to the first article, on 29 March 2021 the British Academy of Film, Television and the Arts ("BAFTA") announced that it planned to give the claimant an award. Following that announcement, it received anonymous reports of allegations against the claimant, but "no evidence was provided". It presented the claimant with the award at a ceremony on 10 April 2021.
6. On 29 April 2021 the first article was published in the online and print editions of The Guardian newspaper, under the byline of Sirin Kale and Lucy Osborne. Including photographs, it runs to 5 newspaper pages. The headline in the print edition was "Harassment, naked auditions and Bafta's highest accolade." The headline in the online edition was "'Sexual predator': actor Noel Clarke accused of groping, harassment and bullying by 20 women." The article reported details of allegations made against the claimant by 20 women. They variously accused the claimant of "sexual harassment, unwanted touching or groping, sexually inappropriate behaviour and comments on set, professional misconduct, taking and sharing sexually explicit pictures and videos without consent, and bullying between 2004 and 2019." The article reported that the claimant denied the allegations.

7. Following the publication of the online version of the article, BAFTA released a statement in which it said, “In light of the Guardian’s piece, which for Bafta provided for the first time detailed accounts outlining serious allegations regarding Noel Clarke’s conduct, we have immediately suspended the award and Noel Clarke’s membership of Bafta until further notice.” The online edition was updated to record this statement. The print edition included a sentence “Bafta last night suspended the award and his membership.”
8. The subsequent articles, published over the following month (save for the eighth article which was published almost a year later) are shorter than the first article. They each refer to the allegations from the 20 women, and they each reference the claimant’s denials of the allegations:
  - (1) The second, third and fourth articles were published on 30 April 2021, the day after the first article.
  - (2) The second article reports that the broadcaster, ITV, had decided not to broadcast an episode of a programme that featured the claimant.
  - (3) The third article focusses on BAFTA’s decision to give an award to the claimant, and then to suspend the award.
  - (4) The fourth article focusses on the decisions of both ITV and Sky to cancel programmes featuring the claimant.
  - (5) The fifth article was published a week later, on 7 May 2021. It is a webpage together with an accompanying podcast. The podcast is an interview with Sirin Kale and Lucy Osborne. During the interview Lucy Osborne appears to adopt or endorse the allegations made against the claimant.
  - (6) The sixth article was also published on 7 May 2021. It concerns allegations that the claimant engaged in sexual harassment whilst working on the Doctor Who programmes.
  - (7) The seventh article was published on 27 May 2021. It concerns the question of whether the allegations made against the claimant, and the events that had transpired since they emerged, would precipitate positive changes in the way in which the film and television industry in the United Kingdom deals with such matters.
  - (8) The eighth article was published 11 months after the first article, on 28 March 2022. It addresses a decision of the Metropolitan Police not to investigate the claimant “following a thorough assessment by specialist detectives” and records the dismay of women’s rights campaigners at this decision. The print edition of the article is significantly shorter than the online edition.
9. It is common ground that the meaning of each article should be assessed on its own terms, without reference to the earlier articles. Neither party suggests that the reasonable reader is to be taken as having read the articles together, as a piece (or to have clicked links to earlier articles and then read them: cf *Falter v Altzman* [2018] EWHC 1728 (QB) *per* Nicklin J at [12] – [13]). It is also common ground that, save for

the first and eighth articles, the online and print editions of each article bear the same meaning (but there is disagreement as to that meaning).

10. The online versions of the articles (and the print versions of the first and eighth articles) are set out in Appendix 1 to this judgment. I have redacted the name of a third party which has no bearing on the preliminary issue (but I do not make any reporting restriction in respect of that name).
11. The claim form was issued on 29 April 2022, the first anniversary of the publication of the first article, and a month after the eighth article. It was amended on 25 August 2022 and the Particulars of Claim are dated the following day. In accordance with the procedure recognised in *Morgan v Associated Newspapers* [2018] EWHC 1850 (QB), the defendant has not yet pleaded a defence. Instead, it set out the meanings that it contends each article conveys, and it sought a trial of preliminary issues as to meaning. The claimant consented to the application for a trial of preliminary issues, and directions were accordingly made by Murray J.

## Legal framework

### *Approach*

12. The approach to determining meaning as a preliminary issue is now well established: *Millett v Corbyn* [2021] EWCA Civ 567; [2021] EMLR 19 *per* Warby LJ at [8], *Tinkler v Ferguson* [2019] EWCA Civ 819 *per* Longmore LJ at [9]. In accordance with the practice that is there explained, I read the articles about which complaint is made first (including the transcript of the podcast that forms part of article 5), before reading any other documents in the case. After that I read the meanings for which each of the parties contended, and their written arguments. I had not listened to the podcast that forms part of fifth article at the time of the trial. I listened to the podcast following the hearing.

### *Meaning*

13. The legal principles to be applied when determining meaning were distilled in *Koutsogiannis v Random House Group Ltd* [2019] EWHC 48 (QB); [2020] 4 WLR 25 *per* Nicklin J at [11] - [12]. That distillation has since been approved by the Court of Appeal (*Millett per* Warby LJ at [8]). The Court's task is "to determine the single natural and ordinary meaning of the words". This is "the meaning that the hypothetical reasonable reader would understand the words bear." In making that determination the Court should apply the approach identified in the series of propositions set out by Nicklin J in *Koutsogiannis* at [12].
14. Two aspects of those principles underpin much of the dispute in this trial. They are the so-called repetition rule, and the impact of presenting both sides of a dispute, that is both the "bane" and the "antidote".
15. Where a person publishes an allegation that has been made by a third party, the words must ordinarily be interpreted by reference to the underlying allegation of fact rather than merely the fact of the allegation. This is the "repetition rule": *Koutsogiannis* at [15], *Brown v Bower* [2017] EWHC 2637 (QB); [2017] 4 WLR 197 *per* Nicklin J at [19]-[32]. Thus, "for the purpose of the law of libel a hearsay statement is the same as a direct statement" – *Lewis v Daily Telegraph* [1964] AC 234 *per* Lord Devlin at 284.

It follows that, for these purposes (and subject to the context), the meaning of the statement “A said that B is a scoundrel” is “B is a scoundrel,” not merely “A said that B is a scoundrel”: *Mark v Associated Newspapers Ltd* [2002] EWCA Civ 882, [2002] EMLR 38 *per* Simon Brown LJ at [29].

16. Further, the use of the word allegedly, or other synonyms for that adverb, is not in itself, likely to be sufficient to escape the consequence of the repetition rule. That is because “A said that B is a scoundrel” bears the same *Koutsogiannis* meaning as “A alleged that B is scoundrel” or “B is allegedly a scoundrel” or “B is a scoundrel, allegedly”. That is so whether or not the use of the word “allegedly” is taken to parodic lengths: *Poulter v Times Newspapers Ltd* [2018] EWHC 3900 *per* Nicklin J at [43]; *Hewson v Times Newspapers Ltd* [2019] EWHC 650 (QB) *per* Nicklin J at [41].
17. This is all part and parcel of the basic principle that the meaning to be attributed to a publication is “the meaning that the hypothetical reasonable reader would understand the words bear.” The hypothetical reasonable reader would not ordinarily distinguish between the sentences “B is a scoundrel” and “A said that B is a scoundrel” and “B is a scoundrel, allegedly”. The underlying meaning that the reader would derive is, ordinarily, the same in each case.
18. However, the application of the repetition rule in practice depends on the overall context of a publication. The publication must be read as a whole. The “bane” and “antidote” of a publication must be read together: *Koutsogiannis* at [12(viii)]. That may result in a completely different meaning from that which would attach to a small part of the publication read in complete isolation. Thus, the meaning of the statement “A says that B is a scoundrel. That is another of A’s lies” (in an article with the headline “Lies told by A”) is plainly not “B is a scoundrel.” On the contrary, the context provided by the headline and the additional words entirely removes the defamatory sting from the statement “B is a scoundrel”: *Mark* at [37].
19. The beauty, complexity and subtlety of language allow for a wide range of nuanced meanings between those conveyed by the statements “A says that B is a scoundrel” and “A says that B is a scoundrel, but that is a lie.” Three “levels” of meaning were identified by Brooke LJ in *Chase v News Group Newspapers Ltd* [2002] EWCA Civ 1772; [2003] EMLR 11 at [45]. They are level 1, a direct allegation of the claimant’s guilt, level 2 an allegation that there are reasonable grounds to suspect guilt, and level 3, that there are grounds for investigation as to the claimant’s guilt. These *Chase* levels are no more than a useful shorthand to describe different levels of meaning within a broader spectrum: *Brown per* Nicklin J at [17]. All *Chase* levels (and all intermediate levels between *Chase* 1 and *Chase* 3) may be defamatory of the claimant, but the potency of the defamatory sting decreases from level 1 to level 2 to level 3.
20. Again, this is all part and parcel of determining “the meaning that the hypothetical reasonable reader would understand the words bear.” That is a highly fact sensitive exercise. Everything will depend on the details of the publication, and the context in which the words about which complaint is made appear.
21. Depending on the context, the presentation of both sides of a dispute, or the inclusion of a denial, may or may not have an impact on the level of meaning conveyed by a publication. Thus, if a denial is presented in a way that makes it clear that no credence can be attached to it, then a publication may continue to convey a *Chase* level 1 meaning

despite including a reference to a denial. Conversely, if the denial is presented in a way that makes it clear that the denial is true, and the allegation is not, then the publication may not even convey a *Chase* level 3 meaning. That follows from a simple application of the *Koutsogiannis* principles. Those are obvious extremes. In other cases, the level of meaning similarly and simply depends on the application of the *Koutsogiannis* principles.

### *Fact/opinion*

22. The determination of the meaning of a publication also involves assessing whether the words in question convey fact or opinion. The principles are summarised by Nicklin J in *Koutsogiannis* at [16] - [17]. The ultimate question is the impact on the hypothetical reasonable reader (*Koutsogiannis* at [16(iii)]), in other words whether the hypothetical reasonable reader would understand the passage in question, read in context, as conveying fact or opinion. Determining whether words express an opinion, or asserted fact, is part and parcel of determining the meaning. The court should not therefore determine these two issues separately in “too linear or compartmentalised a fashion”: *Haji-Ioannou v Telegraph Media Group Ltd* [2020] EWHC 2922 (QB) per Collins Rice J at [13] (and the authorities there cited).

### **The parties’ meanings**

23. The meanings for which the parties contend are set out in appendix 2 to this judgment.
24. The claimant contends that the words complained of in each of the articles are defamatory of the claimant at common law, and that, in each case, they convey statements of fact rather than expressions of opinion.
25. The defendant accepts that the words complained of in each article are defamatory of the claimant at common law, save for the hardcopy version of the eighth article. The defendant accepts that in each case the words complained of amount to expressions of fact, save to the extent that the defendant’s meaning is underlined. In so far as the words complained of bear the meanings that are underlined in appendix 2, the defendant contends that they amount to expressions of opinion rather than statements of fact.

### **The parties’ submissions**

#### *The claimant*

26. Adam Speker KC, for the claimant, says that the repetition rule is squarely engaged by the defendant’s reporting of allegations made about the claimant’s conduct. He says that rule “mandates the court to approach all third party statements set out in the articles... as guilt meanings.” In other words, the rule requires that the meaning attached to the publications is at *Chase* level 1: the articles mean that the claimant is guilty of the alleged conduct. That, he says, reflects the overall impression of each of the articles and ensures compliance with the repetition rule. The defendant repeated the allegations, and therefore by operation of the repetition rule it is to be treated as having directly made those allegations.
27. Mr Speker recognises that there are sometimes instances where the surrounding context will make it clear that the article bears a different meaning. However, he submits that

the correct approach is to take the starting point as being, by operation of the repetition rule, that the articles mean that the claimant is guilty, and the court should only depart from that starting point if there is anything in the article that sufficiently mitigates that meaning.

28. He accepts that the inclusion of a denial might in some circumstances attenuate the meaning of a publication below a direct attribution of guilt, but he says that “most often” it does not have that effect. He relies on the judgment of Simon Brown LJ in *Mark* at [36] - [38]:

“(ii) Publishing a denial

36. Given that under the repetition rule the report of a defamatory allegation is itself prima facie defamatory, is the simultaneous reporting of a denial of that allegation a sufficient antidote to rid the publication as a whole of its otherwise defamatory meaning?

37. The correct approach is not in doubt. If the defamatory sting of an article is wholly removed by surrounding words then, to use Baron Alderson’s famous phrase in *Chalmers v Payne* (1835) 2 CM & R 156 at 159: “The bane and the antidote must be taken together.” Nor could it be doubted that the principle applies to repetition cases - see again, *Stern v Piper*. As Hutley JA observed in *Sergi v Australian Broadcasting Commission* [1983] 2 NSWLR 669 at 670: “the bane and antidote theory... is merely a vivid way of stating that the whole publication must be considered, not a segment of it”. One asks, therefore, in this as in any other case where the principle is invoked, whether, considered as a whole, the publication is damaging to the claimant’s reputation. That, at least, is the question ultimately to be asked. At present, of course, the court is concerned with whether the defamatory meaning sought to be alleged - here the lying meaning - could be conveyed to the ordinary reasonable reader, the supposed antidote notwithstanding. The approach at this interim stage was suggested by Hirst LJ in *Mitchell v Faber and Faber* [1998] EMLR 807 at 815 as follows:

“So far as the antidote is concerned, it seems to me that only in the clearest of cases would it be proper for a judge to rule that the sting of words, which are ex hypothesi capable of a defamatory meaning in themselves, is drawn by the surrounding context, so that in the result those words cease to be capable of a defamatory meaning. In my judgment the general, though perhaps not universal rule should be that this is a matter for the jury and not the judge to decide.”

38. Applying that approach in *Cruise v. Express Newspapers plc* [1999] QB 931 at 940, Brooke LJ spoke of “those rare cases in which it is open to a judge to consider that the alleged antidote so obviously extinguishes the alleged bane that there is no issue which can properly be left to a jury”.

29. Mr Speker accepts that each article refers to the claimant's denials but, he says, none of them sufficiently mitigate the overall impact of the article to result in any other meaning than that the claimant is guilty of the conduct alleged. So far as the first article is concerned, he relies on:
- (1) The number of women who are said to have made allegations against the claimant. He says that the repeated references to "20 women" who made the same or similar allegations lends significant weight to their apparent credence.
  - (2) The references to the women who made allegations being at all levels of seniority ("The women work at almost every level of the film-making hierarchy").
  - (3) The suggestion that many of the women spoke on the record, after an initial reluctance, which he says reinforces the conveyed credibility of the allegations.
  - (4) The reported corroboration of the women's accounts by others (eg "The Guardian has spoken to Leila's boyfriend, who remembers their conversation").
  - (5) The level of detail which, Mr Speker says, lends credibility to the allegations.
  - (6) The explanation for how the claimant's conduct could have taken place over such a long period of time.
  - (7) The report of the claimant and his business partner seeking to shut down the story.
  - (8) The partial corroboration of the allegations by the claimant's own business partner.
  - (9) The report of the claimant's offers to apologise.
  - (10) The decision of BAFTA to suspend the claimant, which shows that BAFTA rejected the claimant's denials. If BAFTA rejected the denials, then so would a reasonable reader of the articles.
30. Moreover, the mere fact that the articles were published in the newspaper suggests that the allegations are true, because the reasonable reader knows that newspapers do not repeat serious allegations "unless they think there is something in them": *Mark* at [29].
31. Insofar as reference is made to the claimant's denials, this is done in a way which makes it clear that they are not to be believed. Thus, immediately after reporting the claimant's denial at paragraph 9 of the article, paragraphs 10-13 show that BAFTA decided to suspend the claimant – in other words, that his denials were not to be accepted.
32. Mr Speker argues that part of the meaning borne by the first article (both in the print and online edition) is that the claimant is a sexual predator. Those were the first two words of the headline of the online edition, and the phrase is used twice in the body of each version of the articles (each time, in a quote where (different) women describe the claimant in that way). He says that this is a particularly toxic phrase, and it is part of the immediate and lasting impression that would be left with any reasonable reader of the article.



33. He also contends that part of the meaning of the first article is that the misconduct was so serious that BAFTA immediately suspended the award that it had given the claimant, as well as his membership.
34. Equivalent submissions were made in respect of each of the other articles.

*The defendant*

35. Gavin Millar KC, for the defendant, says that the repetition rule does not operate in the inflexible way in which the claimant contends. He emphasises that everything depends on context, including the prominence which is given to any “antidote”. Where a publication contains both an allegation and a denial, that may well lead the reader to understand that there are grounds to investigate or suspect misconduct, rather than that the claimant is actually guilty of anything. He relies on the decision of Nicklin J in *Zarb-Cousin v Association of British Bookmakers* [2018] EWHC 2240. In that case the defendant had, during a television broadcast, made an allegation about the claimant which the claimant then immediately and emphatically denied. At [40] Nicklin J said that this was:

“analogous to the newspaper article that reports allegations made against somebody but also includes a clear denial by that person. Whilst everything does depend on the context, the effect of that type of reporting is often not to create the impression of guilt but to leave in the mind of the ordinary reasonable reader grounds to suspect the person of guilt of the conduct alleged. Sometimes, the effect of the denial can itself be undone by the way it is reported. If a mountain of evidence is presented in an article and there is a mealy- mouthed denial, the reader may conclude that the denial is insincere or not to be accepted.”

36. Mr Millar submits that a reasonable reader would not assume an allegation is true merely because it has been made. He does not accept that the number of people making an allegation affects the meaning, saying that the “particular number is unimportant, save that it is more than one or two”. In the context of these articles, he says it would be unreasonable to infer that the allegations are true, when they are clearly stated to be disputed. Only a reader “avid for scandal” would interpret the articles as meaning that the claimant is guilty of the conduct alleged. The reader would appreciate that the claimant is prominent in public life, and that allegations of this type are newsworthy and a matter of public interest, such that the mere fact that the allegations are being reported does not automatically mean that the defendant was adopting or endorsing them.
37. The words “sexual predator” in the headline of the online version of the first article amounts, says Mr Millar, to an expression of opinion, rather than a statement of fact. The references to the reactions of BAFTA (and other industry bodies) have no place in the single *Koutsogiannis* meaning: *Koutsogiannis* at [32(i)] and [32(ii)].

*Discussion*

38. The parties agree that the first seven articles are defamatory of the claimant at common law. The central issue is the degree of the defamatory sting of each of the articles and,

in particular, whether they bear the meaning that the claimant is guilty of the conduct alleged, or some lesser meaning such as that there are merely grounds to suspect that he is guilty of the conduct alleged.

39. The claimant's suggested approach of taking the application of the repetition rule as a "starting point", before then asking whether there is sufficient mitigating "antidote" to the repetition "bane" is unduly artificial and mechanistic. It does not reflect the holistic approach that is required by the authorities.
40. Nor do I accept the claimant's submission that there is a general rule that a report of a denial does not usually reduce the defamatory sting of a publication. The observations of Simon Brown LJ in *Mark* do not support that submission. Those observations were made at a time when the issue of meaning was usually resolved by a jury. The point that was being made was that it is only in very clear cases that the issue should be removed from the jury. That does not at all mean that a report of a denial is usually incapable of mitigating a defamatory sting. More broadly, as the authorities show, everything depends on context. There are no hard and fast and inflexible rules.
41. That said, insofar as the defendant's submissions might suggest that there is a marked difference between a publication that directly makes an allegation, and a publication that reports an allegation made by a third party, then that is an unsustainable attack on the repetition rule. The defendant's submissions are, however, more nuanced than that. They rely on the overall impression that is left by the article taking account of the terms in which both the allegations and the denials are reported. That is consistent with the approach required by *Koutsogiannis*.
42. Both parties rely on the fact that the articles are published in a newspaper. This is, potentially, a relevant part of the context. Mr Millar says that the reasonable reader would appreciate the journalistic value in reporting the allegations, even if they could not be proved, such that the reader would not conclude that they are true merely because they are made. Mr Speker says that the reasonable reader would appreciate that a journalist would not make an allegation of sexual misconduct against a public figure in a newspaper unless there were grounds on which the allegation could be sustained.
43. It may be that these arguments have value in some cases, but I do not consider that the type of meta-analysis on which they depend is of any real utility in the search for the meaning of these articles. That meaning emerges with reasonable clarity from the text of the articles themselves.
44. As to the articles themselves, I have already explained that I read each article, and formed a preliminary view as to its meaning, before reading any other document in the case. I considered each article (and, following the hearing, listened to the podcast) individually. I have reached similar conclusions in respect of most of the articles, but that is because they cover similar territory and there is a clear overlap in their meanings.
45. I accept the claimant's submissions that in each of the first seven articles, the allegations made against the claimant are advanced in clear terms, and that there are features of the articles that lend credibility to the allegations that are made, most notably the sheer number of women who are said to have made similar complaints. That influences the *Chase* level of the imputation.

46. Everything else being equal, the fact that 20 people are reported to have (apparently independently) made similar allegations tends to lend inherent credibility to the allegations, more than if the allegations had been made by a single individual, or even 2-3 people. Everything else being equal, if two people independently make similar allegations of sexual harassment against the same alleged perpetrator, then each complainant's account may potentially lend credence to the other (because otherwise there is the apparent coincidence that multiple people have made the same mistake, or told the same lie). That is a part of the rationale that underpins the potential for cross-admissibility of evidence given by complainants alleging sexual assault: *DPP v P* [1991] 2 AC 447. It applies as much to the *Koutsogiannis* exercise as it does to the rules of evidence. The more people who give similar accounts, the greater the potential impact on their apparent credibility. It is no accident that each of the articles stress the number of women who made allegations against the claimant. The clear purpose, and effect, is to lend apparent credibility to the allegations. I also broadly accept the claimant's other submissions as to the features of the articles that give a favourable impression as to the credibility of the allegations.
47. As against that, each of the first seven articles make it clear that the claimant denies the allegations that are made. The reports of the denials are not tucked away in small print at the end of the article. They are given prominence. In the first article, the denial comes immediately after the headline. In each of the articles the denial appears prominently in the body of the text. The denials are, in a number of places, detailed. So, in the first article and the podcast, the article does not just report the fact that the claimant denies the allegations, but sets out the detail of denial, including that the claimant has put inclusivity at the forefront of his work and that nobody had ever previously made a complaint against him. In the first article, a general summary of the allegations is set out at an early stage, paragraph 7, and is immediately followed, at paragraphs 8-9 with a quote from the claimant denying the allegation and making reference to a 29-page (so, apparently, detailed) letter from his lawyers saying that he categorically denied each of the allegations (save for once making inappropriate comments). The article then details individual allegations that have been made against the claimant, but in each case the detail of the allegation is immediately followed by the detail of the denial. So, for example, an allegation is made at paragraphs 16 – 19 that the claimant had secretly filmed female actors during naked auditions, and details are given of one specific instance. Then, at paragraph 20, the claimant's denial is recorded. More than that, corroborative support is given for the denial in that a casting director who was present said that there was "absolutely no way" it would have happened. Further, the article records that others who had been contacted by The Guardian had either declined to comment or had spoken positively of the claimant.
48. In the podcast, Lucy Osborne appears, at paragraph 33, to adopt and endorse the allegations that are made. This is, however, immediately followed by the presenter saying, "We should say that Clarke has denied in the strongest possible terms that he has ever sexually harassed or bullied [the person whose allegations were being discussed] or treated her in the way she alleges." Later (at paragraph 38), the presenter refers to the motive that the claimant had suggested might underpin the making of false allegations.
49. I do not agree that, in any of the articles, the denials are reported in a way that suggests that no credence can be attached to them. Nor do I agree that the clear and conscientious

reporting of the claimant's denials have no mitigating effect on the meaning that the articles would otherwise convey. Only a reader "avid for scandal" would accept the allegations at face value and entirely disregard the denials. A reasonable reader would take account of the denials.

50. On the other hand, I do not consider that the overall impact of any of the first seven articles is simply to convey that there is suspicion of the claimant's guilt. Suspicion is a low threshold: *O'Hara v Chief Constable of Royal Ulster Constabulary* [1997] AC 286 *per* Lord Steyn at 293C. Each of the articles refers to the fact that 20 women (26 individuals by the time of the fourth article) had made allegations against the claimant. That, together with the overall content and presentation of each of the articles, suggests more than merely grounds for suspicion, notwithstanding the denials. I consider that each of the first seven articles (in both the print and online versions) give the impression to the hypothetical reasonable reader that there are strong grounds to believe that the claimant is guilty of the conduct alleged. That was the impression I gained as to the meaning of each of the first seven articles when I first read them, and it remains my assessment after hearing argument.
51. There is a separate issue about the words "sexual predator" in the first article. Those words appear in the body where two different women describe the claimant in those terms. They are also the first two words of the headline of the online article. Used in the headline, they provide a powerful hook to engage the reader's attention. In the body of the article, they amount to comments by two women as to how the claimant might appropriately be described, in the light of the behaviours that they have detailed. In context, I do not think that the phrase affects or changes the overall meaning of what is a detailed article. Irrespective of the term, the article conveys that the claimant has engaged in sexual behaviours with work colleagues in a way that is predatory or abusive. "Sexual predator" is a vague term which can cover a range of behaviours, including rape and paedophilia. Any reasonable reader of the lengthy article is not left with a vague or uncertain impression as to the type of behaviours alleged against the claimant. Those behaviours are spelt out, and they provide the overall meaning of the article.
52. Some of the articles identify the responses of third parties to the allegations that are made as to the claimant's conduct. The first and third articles refer to BAFTA's decision to suspend the award. The second and fourth articles refer to the decisions of broadcasters not to screen programmes that feature the claimant. I do not consider that these reported reactions of third parties bear on the *Koutsogiannis* meanings, save to the extent that they are consistent with the *Chase* level of the meaning that is conveyed by the balance of each article. If it had been reported that industry bodies had carried out thorough investigations and established that the allegations were true, then that might have impacted on the *Chase* level. So too, if it had been reported that they had carried out thorough investigations and established that the allegations were untrue. In context, however, the reactions of the industry bodies that are reported do not suggest that any independent investigation has been carried out, or that any final decision has been made as to the claimant's conduct. They amount to interim decisions made without necessarily forming any final view as to the credence of the allegations (so, in BAFTA's case, suspending (rather than withdrawing) the award and membership, in response to the fact of the allegations rather than any concluded view as to their veracity). I therefore do not accept that the words about which complaint is made convey the "add-

on” meanings sought by the claimant by reference to the reactions of third-party industry bodies.

53. The eighth article came much later than the first seven articles and is different in its nature and tone. It makes it clear that the allegations have been subject to an assessment by the police, and that the police had decided not to carry out an investigation. It also makes it clear that this caused “dismay”. This article does not carry the same *Chase* level of meaning as the previous articles. The fact that it is reported that the police had not considered that the allegations merited investigation suggests that there were not even reasonable grounds to suspect the claimant of the conduct that was alleged against him. However, the focus on the “dismay” that was caused by this decision (and, in context, the articles convey that there are proper grounds for dismay) seeks to convey that the police were wrong, and that there should have been an investigation. The eighth article (in both online and print form) therefore conveys a meaning at *Chase* level 3.

### The meanings of the articles

54. Applying the *Koutsogiannis* principles, I consider that the articles convey the following meanings (in each instance in both the online and print forms).

55. The first article means:

“There are strong grounds to believe that the claimant is a serial abuser of women, that he has, over 15 years, used his power to prey on and harass and sometimes bully female colleagues, that he has engaged in unwanted sexual contact, kissing, touching or groping, sexually inappropriate behaviour and comments, and professional misconduct, taking and sharing explicit pictures and videos without consent, including secretly filming a young actor’s naked audition.”

56. The second article means:

“There are strong grounds to believe that the claimant has engaged in sexual harassment and bullying of women.”

57. The third article means:

“There are strong grounds to believe that the claimant has engaged in verbal abuse, bullying and sexual harassment.”

58. The fourth article means:

“There are strong grounds to believe that the claimant has subjected women to sexual harassment and bullying, and that he wrongly encouraged students to remove their clothes during improvisation workshops.”

59. The fifth article (including the podcast) means:

“There are strong grounds to believe that the claimant has engaged in sexual harassment, unwanted touching or groping,

sexually inappropriate behaviour and comments on set, professional misconduct, taking and sharing sexually explicit pictures and videos without consent, and bullying between 2004 and 2019.”

60. The sixth article means:

“There are strong grounds to believe that the claimant was involved in sexual harassment and bullying of women, including inappropriate touching, whilst he was working as an actor.”

61. The seventh article means:

“There are strong grounds to believe that the claimant abused his position as a star actor by sexually harassing and bullying women who worked with him.”

62. The eighth article means:

“There are grounds to investigate allegations against the claimant of groping, harassment and bullying. “

63. I do not consider that there is a difference between the meanings of the print and online editions of any of the articles, despite some difference in the precise wording, despite the introductory headline words “Sexual predator” (in inverted commas) in the headline of the online edition of the first article, and despite the fact that the eighth article in its print format is a much-compressed version of the online article.

64. In each case the statement complained of is defamatory of the claimant at common law.

65. In each case the statement complained of amounts to a statement of fact rather than an expression of opinion.

### **Next steps**

66. I will make a direction for the listing of a Case Management Conference (“CMC”).

67. As a result of the resolution of the preliminary issues, there will need to be directions in respect of the parties’ statements of case. The claimant will need to amend his Particulars of Claim to bring his pleaded meanings into line with my findings. The defendant will need to plead a defence which addresses the meanings that I have set out. It is likely that a Reply will need to be served. All of that should take place before the CMC.

68. There is an outstanding application by the defendant to require the claimant to comply with an order to provide further information pursuant to part 18 of the Civil Procedure Rules. At the end of the hearing, Mr Millar canvassed the possibility that that application might be determined at the same time as the hand down of this judgment. I entirely understand the reason for the request, and the concern that these proceedings should not be delayed (particularly as they concern publications that date back to 2021, and events that date back to 2004). Nevertheless, this judgment will be handed down in

the ordinary way, without a hearing. The outstanding application for further information will remain to be determined by a Master of the King's Bench Division.

### **Outcome**

69. I have set out the meanings conveyed by each of the articles in paragraphs 55-62 above. In summary, each of the first seven articles mean that there are strong grounds to believe that the claimant is guilty of various forms of sexual harassment. The eighth article means that there are grounds to investigate the claimant. Each is defamatory of the claimant at common law. Each amounts to a statement of fact rather than an expression of opinion.

### **Appendix 1: The articles**

#### **First article (online version)**

‘Sexual predator’: actor Noel Clarke accused of groping, harassment and bullying by 20 women

Actor-producer categorically denies allegations from all 20 women

Bafta suspends outstanding contribution award and actor's membership

Alleged misconduct including claims he secretly filmed naked audition

Doctor Who and Kidulthood star allegedly showed colleagues sexually explicit photos and videos of women

1. When Noel Clarke appeared on stage at the Royal Albert Hall on 10 April to collect his Bafta, the typically self-assured actor looked a little on edge. Viewers might have concluded that Clarke was simply overwhelmed: he was clutching one of the most prestigious accolades bestowed by the British Academy of Film and Television Arts, the prize for Outstanding British Contribution to Cinema.
2. Yet there were other reasons why Clarke – and Bafta – may have felt preoccupied.
3. Thirteen days before presenting Clarke with his award, a Guardian investigation can reveal, Bafta was informed about the existence of several allegations of verbal abuse, bullying and sexual harassment against Clarke.
4. Bafta does not dispute it received anonymous emails and reports of allegations via intermediaries, but said it was provided with no evidence that would allow it to investigate.
5. Clarke also became aware of the allegations, which he vehemently denies. As he stepped off the stage holding his gong, Clarke's reputation remained publicly unblemished; not just as an actor, producer, screenwriter and director, but one who could now claim to be one of British film and television's most lauded stars.
6. Yet Bafta's decision to venerate Clarke moved numerous women to break their silence. They allege Clarke is a serial abuser of women, using his power in the industry to prey on and harass female colleagues, and sometimes bully those who fall out of favour.

7. The Guardian has spoken to 20 women, all of whom knew Clarke in a professional capacity. They variously accuse him of sexual harassment, unwanted touching or groping, sexually inappropriate behaviour and comments on set, professional misconduct, taking and sharing sexually explicit pictures and videos without consent, and bullying between 2004 and 2019.
8. Clarke said in a statement: “In a 20-year career, I have put inclusivity and diversity at the forefront of my work and never had a complaint made against me. If anyone who has worked with me has ever felt uncomfortable or disrespected, I sincerely apologise. I vehemently deny any sexual misconduct or wrongdoing and intend to defend myself against these false allegations.”
9. Through his lawyers, Clarke categorically denied every allegation that the Guardian put to him, bar one, accepting he once made inappropriate comments about one woman, for which he later apologised, but denying the rest of her complaints. In a 29-page letter, his lawyers said he categorically denies all of the other allegations, from all 20 women, in some cases questioning their credibility. They deny their client is a serial sexual predator.
10. Bafta confirmed in a statement that, following its 29 March announcement that it planned to give Clarke the award, it received “anonymous emails and reports of allegations via intermediaries, but no evidence was provided”. Lawyers for Bafta said the charity had no duty to investigate Clarke, but, in any case, it was never given any information to enable it to do so and at no stage was it in a position where it could even begin to consider investigating.
11. “We take this matter extremely seriously,” Bafta added. “We encouraged the people who contacted us to report the matter to the appropriate authorities and also engaged an independent victim support expert to provide them with professional advice, and that support remains in place.
12. “We will continue to review this matter, and should any allegations be substantiated we will take appropriate action.”
13. After this article was published, Bafta updated its statement. “In light of the Guardian’s piece, which for Bafta provided for the first time detailed accounts outlining serious allegations regarding Noel Clarke’s conduct, we have immediately suspended the award and Noel Clarke’s membership of Bafta until further notice.”
14. Prolific and influential filmmaker
15. Clarke is one of the most prolific actors and filmmakers in the UK. His trio of films *Kidulthood* (2006), *Adulthood* (2008) and *Brotherhood* (2016) were celebrated for their portrayal of inner-city life and grossed £8.6m.
16. Clarke writes, executive produces and stars alongside Ashley Walters in *Bulletproof*, one of Sky’s biggest shows; series 4 is in pre-production. His company, *Unstoppable Film & Television*, has produced more than 10 films, in addition to *Bulletproof* and the Channel 5 drama *The Drowning*. He is on Bafta’s influential film committee and is a mentor for ITV, bringing him into contact with young, aspiring screenwriters. Only this



week, Clarke has been starring in ITV's new flagship prime time drama, Viewpoint, airing each evening from Monday to Friday.

17. Gina Powell worked for Clarke as a producer between September 2014 and March 2017, producing Brotherhood. She told the Guardian that Clarke would constantly harass her, on one occasion telling her that, when he hired her, he had planned "to fuck her and fire her" before deciding to keep her on. She also alleges that Clarke would brag about storing sexually explicit pictures and videos on his hard drive, including footage he told her he had secretly filmed during naked auditions.
18. Powell says Clarke once showed her a secretly recorded video of one such audition with Jahannah James, an actor in Brotherhood. Powell told four people about Clarke's alleged secret filming, all of whom confirmed the conversation to the Guardian. They include James, her friend, whom she told about the incident in the winter of 2017, in a pub in south London. The naked audition had taken place more than four years previously, for the film Legacy. Powell was able to describe the exact haircut James had at that time – her hair is usually long and blond, but after a "hair disaster" she had cropped it short and returned to her natural brown.
19. James recalls Clarke had talked her into auditioning for the role. She had been hesitant. She was only 23 and fresh out of drama school. But Clarke persuaded her, explaining that the naked audition wouldn't be filmed; an email from her agent confirmed this agreement. "I was told 100% it was not going to be on camera," James says. As she understood it, the naked audition was purely to check she could do the scene and wasn't going to "bottle it" on the day.
20. The audition was mortifying, James recalls, and afterwards she pulled out of the running for the role; she didn't want one of her first acting jobs to be nude. The Guardian spoke to two friends of Powell and James who were also present in the pub that day and recalled the emotional exchange. "I was so upset," James recalls. "Now, years later, I still cry when I talk about it."
21. Clarke denies ever covertly filming naked auditions or sharing such footage with Powell. A casting director who was present at James's audition said there was "absolutely no way" Clarke would have covertly filmed it, even without her knowledge. "He's always been a good guy," she said.
22. The Guardian also contacted others who worked with Clarke who either declined to comment or spoke positively of him. They include a makeup artist who said she had had "a really great working relationship with Noel" on the projects they had worked on together, and an actor who said suggestions of misconduct did not tally with her experiences of Clarke, whom she described as "generous and supportive".
23. Others said Clarke was supportive of fellow actors, but at times sought to exploit those relationships.
24. Clarke helped James get into drama school, when she was 22, and secured a discount on her fees. After she finished, in the summer of 2012, she says, Clarke joked about going upstairs to have sex in a hotel where they were meeting. She believes she and other alleged victims were "young and naive" when Clarke gave them professional opportunities and "that's why this has taken so long to come out".

25. Powell and James were initially reticent about making public accusations against a man they believe wields considerable power in their industry.
26. Despite this, Powell and James, and several of the women the Guardian spoke to, have agreed to go on the record with their real names, hoping that doing so will ensure they are believed. Others, including well-known actors, wish to remain anonymous – their pseudonyms are marked with an asterisk. The women work at almost every level of the film-making hierarchy and represent a range of races and ethnicities.
27. “I want people to know, because I hate the idea that he can secretly film young actresses – who have no idea that they’re not supposed to be getting naked in auditions – and go on to get a Bafta,” says James.
28. According to numerous accounts, Clarke showed colleagues sexually explicit photos and videos of women, or implied he had access to them. He is also accused of unsolicited sharing of sexually explicit images.
29. Through his lawyers, Clarke denied in the strongest possible terms that he ever sexually harassed or bullied Powell, or treated her in the way she alleges. They said Clarke does not have a hard drive containing naked photographs of women and denies covertly filming naked auditions, including one of James, or showing such footage to Powell. They described such allegations as false and defamatory.
30. The Norwegian film producer Synne Seltveit met Clarke in July 2015. She is friends with Powell from film school. Powell introduced her to Clarke at the private members’ club Soho House in London, where Unstoppable held business meetings. Clarke and a friend had VIP tickets to a UFC mixed martial arts fight in Glasgow and invited Powell and Seltveit. At the afterparty, Seltveit says, Clarke smacked her buttocks. “I didn’t like that,” she says.
31. On 23 July 2015, Seltveit sent an email from her production company account, thanking him for the weekend and expressing an interest in working with him one day. Clarke replied, from his Unstoppable account. “Great meeting you,” he said. “Would love to work with you one day.” A second email arrived. “Also. Sent you some Snapchats. Have a look.” When Seltveit checked Snapchat, Clarke had sent her a picture of a naked, erect penis.
32. Clarke denies he slapped Seltveit’s backside and said he did not recall sending her an unsolicited picture of his penis. His lawyers said it was “highly unlikely” that Clarke would have shared such an image. Seltveit showed the Guardian a copy of the “dick pic”, which was labelled as having been shared with her by Clarke.
33. Another woman to accuse Clarke of inappropriate sharing of images is Ieva Sabaliauskaite, a production assistant on Brotherhood. At the wrap party on 21 December 2015, Sabaliauskaite was on the dancefloor, showing colleagues her abilities as a former gymnast, including doing the splits. The next day, Sabaliauskaite saw Clarke in the production office, surrounded by a group of people. “They were sniggering and looking at me,” she says.
34. Sabaliauskaite says Clarke was showing them a photo he had taken of her in a compromising position, her underwear visible. Three other witnesses told the Guardian

they recalled Clarke boasting about his photograph of Sabaliauskaite. Sabaliauskaite says she remembers the image of her knickers on Clarke's phone so clearly that she "could draw it". She recalls feeling mortified: "It's kind of a massive humiliation."

35. She instinctively lunged for Clarke's phone; the phone dropped, breaking the screen. "He was angry," she recalls. Sabaliauskaite says she took the phone containing the photo he had taken of her, a junior employee, to a repair shop to get it fixed. "It was the final act of humiliation," she says. Clarke's lawyers stressed the photograph was of Sabaliauskaite publicly doing the splits in the middle of the dancefloor and that it was not taken "up her skirt", adding that many people present at the party would confirm this. Clarke, they added, had later merely "joked" about showing the image to colleagues. They confirmed Clarke asked Sabaliauskaite to fix the screen, saying she was "a production runner and such a task was part of her job".

#### Allegations of unwanted sexual contact

36. Several women also allege that Clarke would at times subject them to unwanted physical contact, kissing them, groping them or subjecting them to unsolicited sexual behaviour. They include Powell, who has given the Guardian detailed accounts of events she alleges took place during a work trip with Clarke to Los Angeles in August 2015. On one occasion, she says, Clarke exposed himself in a car. She recalls telling him: "Noel, that's not right."
37. The next day, Powell says Clarke took her for lunch and scolded her. "He told me I made him feel like an old man." After lunch, Clarke and Powell headed to a business meeting. Alone in a lift, Powell says she was groped by her boss, who told her he had got "what he was owed". Powell recalls pushing him away: "I said: "That's so not on."
38. Clarke's lawyers strongly denied Powell's account of the alleged incidents in LA. They accused her of being flirtatious and suggestive toward him.
39. Leila\*, a crew member on a film that Clarke acted in and produced, told the Guardian of a similar incident involving being subjected to an unwanted sexual contact from Clarke, which she alleges took place in a storage room on set. "He is a bully as well as a sexual predator," she says. Clarke's lawyers said it was impossible for him to respond in any detail to the allegation because of the lack of details provided, but that he strongly denies the allegation.
40. Leila says she didn't feel she could report the incident to anyone on set, because Clarke was a producer, although she confided in her boyfriend about the incident in 2018. (The Guardian has spoken with Leila's boyfriend, who remembers their conversation.) "It affects how you see yourself professionally," Leila says. "It feels so frightening to think I'd been used by someone who could see that I was vulnerable."
41. In 2004, Mel\* acted in Clarke's debut feature film, *Kidulthood*. She was a teenager when she auditioned and was intimidated by Clarke, who was a decade older than her. "He was an older man and he wrote the script," she explains. One day near the start of filming, she alleges, he "put his tongue in my mouth". After that, she says, the sexual harassment was constant. Mel says Clarke would grab her as she walked past on set, touch her waist and try to kiss her. She says she didn't feel she could say anything, as

Kidulthood was Clarke's film. "It's upsetting for me to realise how fucking vulnerable and inexperienced I was at that age," says Mel. "I was too scared to say anything." Clarke strongly denies he sexually harassed or groped anyone on the set of Kidulthood.

42. When Clarke started putting together Adulthood, which was filmed in 2007, he asked Mel to appear in the sequel. "I read the script and there was quite a full-on sex scene with Noel," says Mel. Due to Clarke's history of sexually harassing her, Mel says, she didn't feel safe filming a sex scene with him. When she refused to do the scene, she says, Clarke threatened her career. "He said: 'You'll never work again.'" She describes Clarke as a "sexual predator", adding that he "is toxic and hiding in plain sight". Clarke denies such a characterisation and making any such threat.
43. In summer 2008, the assistant film director Anna Avramenko was an intern on the film Doghouse. Clarke was appearing in the film and approached her on set: "He started trying to kiss me on the lips, in front of everyone." She says she made it clear to Clarke that she did not want him to kiss her, turning her cheek and telling him she had a boyfriend. "He probably tried it like three to five times with me, maybe more," she says. Clarke strongly denies the allegations.
44. Clarke's alleged harassment involved women who worked in all kinds of roles: from intern to actor to art director or producer. Becky\* worked as a crew member on a film Clarke made in 2011. One day, she alleges, Clarke pinned her against the wall of his dressing room. "I made a split-second decision that 'being one of the boys' was the best way to get out of the situation, so I laughed it off and wriggled free," she says. "But it made me very uncomfortable and it was not acceptable." Clarke's lawyers said it was impossible for him to respond in any detail to this allegation, given the lack of details provided, but that he strongly denies the allegation.

#### Allegations of sexual harassment

45. People who have worked with Clarke describe him as someone who will use his power as a director, writer and producer to target female co-stars and crew, sometimes – they allege – introducing himself to female colleagues by telling them he is a sex addict. Clarke's lawyers dispute the characterisation of their client as a powerful figure in the industry, saying he worked his way up in the industry and was never in a position of complete autonomy and authority.
46. The actor and screenwriter Jing Lusi, who has starred in Crazy Rich Asians and Gangs of London, worked with Clarke on the film SAS: Red Notice, shot in Budapest in 2018. Clarke invited Lusi for dinner on 27 November 2018. During the meal, Clarke summoned the waiter for the cheque before Lusi had finished eating. She asked what the hurry was. According to Lusi, Clarke said that he wanted them to go to his place to have sex. She recalls laughing in disbelief. "He said he couldn't help it: 'It's how you make me feel, I just really want to,'" she says. "Really laying it on thick and grossly and quite explicitly."
47. According to Lusi's account, when she made it clear she would not have sex with Clarke, his demeanour changed. Lusi says: "After he realised that it was not going to happen, he then absolutely without any emotion [said]: 'All right, fine, don't tell anyone about this, yeah? 'Cause if you do, it will get back to me, I will find out.'"

48. The next morning, Clarke sent her an emoji of a person with their finger to their lips, which she took as an indication that she should not tell anyone about his inappropriate behaviour. But Lusi did tell friends and others how disturbed she was by the incident. A friend she contacted three days afterwards recalls: “She messaged me and said: ‘Dude I’ve been #MeTooed at work by another actor and then sworn to secrecy and threatened.’”
49. “I told everyone at the time, because I didn’t want Noel to think he could do that to me, or anyone else,” says Lusi. “You can’t just harass someone and silence them. I couldn’t do something about being sexually harassed, but he couldn’t stop me speaking out about it.” Clarke strongly denies he either harassed or threatened Lusi into silence. His lawyers described events at the dinner as consensual flirting and said the emoji related to Clarke keeping silent about their dinner because Lusi “did not want people to know”.
50. On 14 January 2019, Lusi bumped into Clarke’s publicist, Emily Hargreaves of Multitude Media, at a screening of the TV series *Pure* at Bafta. Lusi recalls: “I said to Emily: ‘You represent Noel. He sexually harassed me and threatened me.’” The next day, Lusi messaged Hargreaves, suggesting they go for a coffee. Hargreaves did not take up the offer. Lawyers for Multitude Media said Hargreaves “does not recollect” Lusi informing her of allegations about Clarke.
51. However, the lawyers said that, over the weekend Clarke was awarded the Bafta, Hargreaves was contacted by a client, an actor, who made direct allegations against Clarke. Hargreaves took appropriate action, they added, including steps to support her client. They said Hargreaves suspended representation of Clarke on 11 April, pending an investigation. She formally “terminated” her relationship with Clarke on Tuesday.
52. Several other actors who appeared alongside Clarke allege he repeatedly sexually harassed them during filming. So, too, do female colleagues in other roles. Chantal\* worked with Clarke in the costume department of a project he was acting in and also producing. It is industry standard for actors to get dressed in trailers on set, but Clarke, she says, insisted on changing in his hotel room. “Because he was the producer it was not really questioned,” says Chantal.
53. Every morning, Chantal had to bring Clarke’s costume to his hotel. “I felt uneasy,” she says. She would normally leave the room when talent was getting dressed, unless a costume was particularly difficult to get into; Clarke’s was easy to put on, but he insisted she remain in the room as he changed. “He would say: ‘You stay here,’” she says. “I never said: ‘Oh no, I’m going to go.’ Because he kept reminding me he was the producer. It would always be like: do you know who I am?”
54. As Clarke got changed, she says, he would leer at her. “He would say I had a really nice body and that, if he hadn’t married his wife, I would have been ideal.” Clarke would sit next to her on set, talking about how she looked “and how amazing I am”, she says, “and how he could make my career. And then he would touch my knee.”
55. Chantal called her mother, stressed and upset. “I know my daughter, and I know her voice, and I could feel she was really deeply concerned,” her mother says of the phone call.

56. Clarke denies all of Chantal's allegations; his lawyers said he could not recall getting changed in a hotel room and asking someone to stay.

Sex scenes

57. Clarke often writes explicit sex scenes and stars in them himself. Critics have taken issue with the gratuitous female nudity in his films and TV shows, naked women often appearing as little more than set dressing. The opening scenes of 4.3.2.1 feature an upskirt shot of a young woman; in *Legacy*, which Clarke produced, one of the female leads is fully nude for most of her time on screen.
58. Helen Atherton was an art director on *Brotherhood* and alleges that Clarke violated industry norms for the ethical filming of sex or nude scenes. Clarke's production team hired strippers to perform some scenes, instead of professional actors who, Atherton says, would be aware of industry-standard protocols during shoots involving nudity.
59. When actors are unclothed, monitors should be kept on to a minimum – with just the director, producer, costume and makeup crew watching. During filming of at least one nude scene in *Brotherhood*, Atherton says, the actors did not feel protected.
60. "There were about 10 random people behind me, watching [on monitors]," says Atherton. "It appeared they turned up to watch the naked girls." Atherton felt the female performers were being disrespected. "The duty of care was not there for the girls," she says. Clarke was the film's writer, director, star and producer and was the person directing the scene.
61. Clarke denies mistreating female actors during sex scenes and insists the set was "closed", with a very limited number of people present.
62. In one shoot a female extra was involved in a scene with a male actor. "The camera was right behind her," Atherton recalls. "She was completely naked. And I know for a fact we could never have used that shot." The Guardian has spoken to other crew members on *Brotherhood* who have a similar recollection of the scene. Atherton recalls another actor was asked to play with her naked breasts on camera. "I remember thinking at the time: surely they wouldn't be able to use half the stuff they were filming."
63. Atherton texted her then partner expressing her disgust about the "really unnecessary" way in which the scene was filmed, which was not in the script. "It's porn basically!"
64. Clarke's lawyers said they did not dispute that such a scene had been shot, but said it was in the script and agreed in advance. Informed by the Guardian that there was no reference to a female performer straddling a male performer, or anything that could be interpreted as requiring that, Clarke's lawyers queried which version of the script was being referred to and said there was "a degree of improvisation" that performers and crew were all comfortable with.
65. They said any shot of an actor's anus caught on camera would "never have intended to be shown" and the set was "closed", with a very limited number of people present. They said the actor playing with her breasts had been improvising and rejected any comparison to pornography.

66. On set, Atherton says she recalls Clarke showing her naked photographs sent by women to his phone. She, too, accuses him of sexually harassing her on a daily basis during production. She says: “He would make constant comments about my bum and he would come up to me with his arms stretched, with a little tilt of the head and a coy smile, you know, nodding down to my bum, and saying: ‘Come on, come on, give me a hug then.’”
67. She says she complained to Clarke and her superiors and the misconduct stopped. Clarke’s lawyers said he admitted to making comments about Atherton’s backside “numerous times” and said he was “embarrassed by such behaviour” and apologised at the time.
68. In 2018, Kim\*, an actor, worked on a production Clarke was starring in and producing. She also recounts behaviour on set she believes was highly inappropriate. During filming, Clarke would stand very close to her on set “and look my body up and down”, says Kim. In between takes, Clarke asked Kim if she had ever had a threesome. “I would try and switch topics,” says Kim. One day on set, Kim says, Clarke came up behind her and put his arms around her waist, before kissing her neck. “I had to laugh it off,” she says. “I felt annoyed at myself.” Clarke denies the allegations.
69. The characters played by Kim and Clarke were scripted to perform a sex scene. When Kim accepted the role, she had been told she would be able to wear underwear, including a bra, during the scene. But in the run-up to filming, she says, Clarke repeatedly pressed her to go topless. “He kept saying: ‘It needs to be real.’”
70. Clarke called her on the phone to put pressure on her, she says. “Every time I saw his number come up, my heart would race and my palms would go sweaty,” she recalls. She did not feel comfortable going nude in the sex scene and refused. During filming of the scene, between takes, she says Clarke would stroke her. “If felt like he was hiding in plain sight,” she says.
71. She was distressed throughout the filming of the sex scene, but didn’t feel she could say anything, because Clarke was a producer – and therefore her boss. “I had a horrible time,” she says. “It was #MeToo shit.” Another crew member recalled that “she wanted to wear pants and a bra” and that “Noel was angry about that and wanted her to be nude”.
72. Clarke’s lawyers stated the actor requested a change to the scene and said Clarke called her to discuss it. They denied Clarke pressing her to change the scene, which they said was done “the way she wanted it”, and denied he stroked her in a sensual way between takes. However, they said Clarke discovered in December 2020 that the actor was “distressed” during the filming of the scene and called her to apologise for commenting on her body, a remark he said was intended to “make her feel better as he knew she was feeling insecure about the scene”.

#### Alleged bullying

73. Clarke often projects the image of a considerate film-maker, with a strong moral code. He recently tweeted: “Be good, be kind, be respectful.” The reality, according to the people the Guardian has spoken to, is that Clarke can be charming, thoughtful and fun – but also intimidating, domineering and scary. The word “bully” comes up repeatedly.

74. “It was one of my first jobs in film, and I was 23, and I didn’t really know anything about the industry ... I let the bullying happen, because I didn’t know any different,” says Philippa Crabb, a producer and podcaster. “I was so young; I was scared to say something.”
75. In November 2015, Crabb worked as a runner on Brotherhood. Clarke was the lead actor, producer, writer and director. Crabb’s job was to drive him to and from work, meaning a lot of time alone with Clarke in the car.
- [Pull quote] “It was just constant, inappropriate comments. He was always trying to steer the conversation towards sex Philippa Crabb
76. “It was just constant, inappropriate comments,” Crabb says. “He was always trying to steer the conversation towards sex.” Clarke secured Crabb a small role. “He said to me: ‘So I’ve got you this nurse’s role, what are you going to do for me?’ And I was like: ‘I am going to act really well in the part.’ And he was like: ‘No, obviously. But what are you going to do for me?’ I didn’t know what to say.” She adds: “It felt like he took advantage of the fact that he was in a powerful position.”
77. Crabb began to dread their car journeys. One morning, she was 10 minutes late to collect Clarke. Powell was in the back seat. “He literally screamed at us in the car,” recalls Crabb. “I was completely in shock. I’ve never had someone scream at me before.” She says she was fearful of Clarke and learned to placate him when he was yelling at her. “He’s a scary person,” she says. Powell said she could not recall the specifics of the car journey, other than that Clark “yelled” at the runner because she was late. Clarke denies bullying or sexually harassing Crabb, denies he is a scary person and denies shouting at her in the car.
78. During the filming of Brotherhood, Clarke also allegedly bullied and sexually harassed a young female script supervisor, Megan\*. On set, she says Clarke would whisper sexually explicit things in her ear and sit too close to her.
79. Clarke would also openly bully her, she says. On one occasion, Megan was supervising a scene that was technically very difficult, because it had not been properly rehearsed. Clarke asked Megan where he had been standing in an earlier shot. “I didn’t know, because it was chaos,” says Megan. She was only 23. “He just started screaming abuse at me, saying: ‘Why are you even here then?’ It was awful,” she says. “And I was just sat there like: OK, don’t cry in front of everybody.”
80. The bullying became so severe, she says, that one day she had a panic attack on set. “I remember thinking: it’s too small in here, I’m going to have to be pinned in a corner with Noel for the next two hours. I had a huge panic attack; I went blue.” An ambulance was called. After paramedics checked Megan over, Crabb drove Megan home. She remembers Megan telling her she had a panic attack because Clarke was being “horrible” to her. “She was really upset,” Crabb recalls. Megan didn’t return to the production, leaving an industry she loved to work in sales.
81. Clarke denies sexually harassing or bullying anyone during the production of Brotherhood. He accepts he had a “heated discussion” with Megan over the script, for which he apologised. His lawyers said Clarke confirmed Megan had a panic attack, “but not that it was as a result of anything he did or said”.



82. Powell stopped working for Unstoppable in March 2017. When she parted with the company, she was involved in a dispute with Clarke over £3,000 she says he owed her. Clarke denies Powell was owed the money and his lawyers cited the financial dispute as the reason she was making “false allegations”.
83. She started work at another film company in a development role, but would avoid walking anywhere near the branch of Soho House that Clarke uses for business meetings. The following year, in 2018, Powell says that the years of alleged abuse really hit her. Leaving Unstoppable, Powell says, “was like trying to get out of an abusive relationship”.
84. The Guardian has spoken to Powell’s therapist, who confirmed the producer had sought therapy because of the trauma of her experience while working at Unstoppable. Clarke’s lawyers said he regrets if Powell feels that way about her work at his production company.
85. Crabb’s experience on Brotherhood was so awful that she quit the industry, moved to Switzerland and worked in a ski resort. “I left the film industry for three years because of him,” she says of Clarke. “I only came back a few years ago and started from the bottom again.”
86. James Krishna Floyd, a 2013 Bafta Breakthrough Brit and a star of ITV’s The Good Karma Hospital, has been in touch with a number of women who have made allegations against Clarke. He says the industry needs to improve its approach to safeguarding. “For the sake of survivors, our industry must change radically,” Krishna Floyd says. “Every organisation with any power or duty of care should start implementing proper, efficient systems to prevent any alleged abuse from happening.”  
  
‘They still have to prove it’
87. In recent weeks, after discovering that allegations of sexual misconduct against Clarke had surfaced and been reported to Bafta, and were being investigated by the Guardian, Clarke and his business partner, Jason Maza, contacted people who might know what was going on. At least five people who were contacted allege or say they witnessed sexual misconduct by Clarke. In at least two cases, the Guardian understands those contacted were left in tears.
88. One recipient of a call from Clarke was James, whom he called on 10 April – the day he received the award. When she returned his repeated calls on 14 April, he asked her who might be behind the allegations. “I just need to get to the bottom of it. But if I can eliminate you ... there’s only two suspects left,” he said.
89. He repeatedly asked her not to speak to a Guardian journalist. “I would just ask you if the good times meant anything. Do not speak to this woman [the Guardian journalist] ... Do not entertain it. Just fucking – just please do not, that’s all.”
90. Clarke said he had not done the things he was being accused of, adding: “If there’s someone that was like a consensual that’s changed their mind five years later, well, firstly that’s fucking ridiculous. Secondly, they still have to prove it. And I’m not trying to be that guy that’s like: hahaha I’m guilty, prove it. I’m not trying to be that guy. But they still have to prove it.”

91. Before hanging up, Clarke said he would apologise to any women he may have made sexually inappropriate remarks about. “If a bunch of people go: he commented on my bum, or he mentioned my tits, it’s like– why do you need to take it this far?” said Clarke. “I’ll just say sorry to you. Tell me and I’ll be like: I’m so sorry. You’re right, I said that, I was wrong.”
92. Maza made similar calls, although Clarke’s lawyers said they were not at the request of their client. Maza’s lawyers described his calls as approaches to “friends in the industry” after hearing allegations were surfacing about Clarke that were “untrue”.
93. On a call on 10 April to a woman with allegations about Clarke, Maza said he did not want to put pressure on her, but, if the Guardian’s article did come out, “that’s Unstoppable done, you know, that’s me for the short term done”.
94. In a separate phone call to an alleged victim, Maza stated: “I mean, we know Noel 100% has done things where he needs to put his hand up for and he has been inappropriate at times and whatever.” Maza’s lawyers suggested the remark was not a reference to the allegations women have now come forward with.
95. In another call, on 11 April, Maza offered a woman an in-person meeting with Clarke, who he said would apologise. “If you want that sit down at any point with Noel,” he said, “whether it’s with lawyers there or me there, whatever you want, for him to apologise, I know he will, he will do that.” Clarke, he said, had hired private investigators, adding “the money he’s already spent is just insane”.
96. Clarke’s lawyer said any admissions made by Maza on the calls do not represent an admission by their client, or evidence the allegations were true. They added the private investigators were hired to find out who was behind anonymous emails making allegations against Clarke.
97. The following day, 12 April, Maza placed a fourth call, telling a woman that he and Clarke were under the impression the story had “now gone away”. He sounded relieved. “Obviously, this article hasn’t broken in the Guardian and it won’t run in the Guardian now,” he said, adding: “As far as we’re concerned, the thing has now gone away as much as Noel can do in his power.”

### **First Article (print version headline)**

Noel Clarke is a primetime star who has just won one of the biggest awards in British film. Why are 20 women speaking out against him?

A Guardian special investigation

Harassment, naked auditions and Bafta’s highest accolade

As Noel Clarke received his Bafta this month to great acclaim, the actor and director knew that women in the industry were accusing him of sexual harassment and bullying. He denies all allegations. Sirin Kale and Lucy Osborne report

### **Second article (online version)**

ITV will not air finale of Noel Clarke drama after sexual harassment claims

Broadcaster cancels plans to show primetime drama Viewpoint as actor denies women's accusations

Noel Clarke accused of groping, harassment and bullying by 20 women

1. ITV has cancelled plans to show the final episode of Noel Clarke's primetime drama Viewpoint after the Guardian published detailed allegations of sexual harassment against the show's star.
2. The five-part big budget thriller has been running every night this week at 9pm on ITV, but the conclusion of the story will no longer be shown on the broadcaster's main channel on Friday night due to the "very serious nature" of the allegations raised by women who have worked with the actor and director.
3. "ITV has a zero-tolerance policy to bullying, harassment and victimisation, and robust procedures in place to investigate and deal with any complaints," said a spokesperson. "We strongly believe that everyone deserves to work in a supportive and safe environment."
4. The decision to pull the finale of a drama series from a mainstream television channel for off-screen reasons at the last minute is highly unusual. The broadcaster said the final episode would be made briefly available on its ITV Hub streaming service for viewers who wanted to see how the story concluded.
5. On Thursday night, the Guardian described the accounts of 20 women who claim that Clarke had sexually harassed them. The director, who first became famous for his Kidulthood series of films, strongly denies the accusations, which were made shortly after Bafta announced that it planned to give Clarke a special award for outstanding British contribution to cinema.
6. Sky said it had stopped work on the forthcoming series of the award-winning police show Bulletproof, which was created by and also stars Clarke, after reading the allegations.
7. It said: "Sky stands against all forms of sexual harassment and bullying and takes any allegations of this nature extremely seriously. Effective immediately, we have halted Noel Clarke's involvement in any future Sky productions."
8. Ashley Walters, the co-star of the show, said he was shocked by the allegations, "and whilst Noel has been a friend and colleague for several years, I cannot stand by and ignore these allegations". "Sexual harassment, abuse and bullying have no place in our industry," he said. "Every woman has the right to a safe workplace and moving forward I pledge my dedication to this."
9. Vertigo Films, the UK producer behind of Bulletproof, said it had not received any complaints, but encouraged anyone affected to get in contact. It said: "Effective immediately, Noel Clarke is removed from any Vertigo Films production."
10. Michaela Coel, whose award-winning BBC series I May Destroy You was influenced by her experience of sexual assault in the television industry, also publicly offered her backing for the individuals who spoke to the Guardian.

11. “I am here to offer great support for the 20 brave women who have come forward; those who have shared their identities with us, but also those who have preferred to use an alias.
12. “Speaking about these incidents takes a lot of strength because some call them ‘grey areas’. They are, however, far from grey. These behaviours are unprofessional, violent, and can destroy a person’s perception of themselves, their places in the world and their career irreparably. I have shared to show solidarity, to express my belief in them and to stand with them in their indignation. I applaud the Guardian and its journalists for investigating and publishing this story.”
13. Clarke has denied all but one of the claims made by the Guardian and said in a statement: “If anyone who has worked with me has ever felt uncomfortable or disrespected, I sincerely apologise. I vehemently deny any sexual misconduct or wrongdoing and intend to defend myself against these false allegations.”

### **Third article (online version)**

How Bafta spent two weeks grappling with Noel Clarke dilemma

Academy says it was in ‘impossible’ situation, but it faces questions over delays in offering safeguarding to alleged victims

Noel Clarke accused of groping, harassment and bullying by 20 women

1. When Bafta announced its plan to give Noel Clarke the award for outstanding British contribution to cinema on 29 March 2021, the academy’s film committee chair, Marc Samuelson, described him as an “inspiration ... [we] cannot think of a more deserving recipient for this year’s award”.

Others in Britain’s film industry disagreed. Within hours, Bafta was contacted jointly by three industry figures alerting it to the existence of several allegations of verbal abuse, bullying and sexual harassment against Clarke.

2. In a letter, they wrote they had each heard “first-hand” accounts of sexual misconduct and abuse of power against Clarke, a leading actor, director, screenwriter and producer. Information about other allegations followed, including two anonymous emails and information passed to a Bafta board member, via an intermediary, about an incident in which a woman alleged that Clarke had been threatening and abusive towards her after she rejected his advances.
3. Clarke, whose management had also received anonymous emails, vehemently denied the accusations and suggested to Bafta that they were malicious. The award ceremony at the Royal Albert Hall was not scheduled for another two weeks, on 10 April. Bafta had some difficult decisions to make.
4. The Guardian can now reveal details about how Bafta wrestled with what it viewed as an “impossible” situation over the Clarke affair. Its lawyers said in a statement it was in an “invidious position” – keen to hear direct, credible accounts from women, but ultimately left with insufficient hard evidence to warrant taking action.

5. However, difficult questions remain for Bafta, such as why it waited almost two weeks – until after the award had been given – before making a trained expert available to women with allegations to give them professional advice.
6. Bafta did not suspend Clarke’s award until Thursday at 8pm, after the Guardian published a story revealing it had spoken to 20 women accusing him of sexual harassment, groping, misconduct and bullying. The actor categorically denied virtually all the allegations.
7. “In a 20-year career, I have put inclusivity and diversity at the forefront of my work and never had a complaint made against me,” he said. “If anyone who has worked with me has ever felt uncomfortable or disrespected, I sincerely apologise. I vehemently deny any sexual misconduct or wrongdoing and intend to defend myself against these false allegations.”
8. The intense spotlight Bafta now finds itself under will not come as a surprise to its chair, Krishnendu Majumdar, who led the charity’s response to the allegations. On 9 April, the eve of the award ceremony, he told another industry figure that he was worried about the reputational fallout.

[PULL QUOTE] “In the court of public opinion we are going to be ... this will destroy us Krishnendu Majumdar, Bafta chair

9. “People will say: ‘Bafta knew, and didn’t do anything about it.’ We’ve been trying to do something about it,” said Majumdar, adding moments later: “In the court of public opinion we are going to be ... this will destroy us.”

The first warning

10. A prolific film-maker and actor, Clarke is best known for his trio of celebrated films – Kidulthood (2006), Adulthood (2008) and Brotherhood (2016) – and his starring role in Bulletproof, one of Sky’s biggest shows, which he also wrote and executive-produces. (On Friday, Sky said it was halting Clarke’s involvement in any future productions “effective immediately”.)
11. Clarke is also known for his role in the BBC’s Doctor Who and ITV’s Viewpoint, a flagship primetime drama that was due to air its final episode on Friday night, until the broadcaster pulled the show in the wake of the allegations.
12. The letter written to Bafta hours after Clarke’s award was announced came from three credible intermediaries: the multi-award-winning film director Sally El Hosaini, the industry and talent development manager Pelumi Akindude – a former Bafta employee – and the actor and 2013 Bafta breakthrough Brit winner James Krishna Floyd.
13. They told Bafta they were “extremely concerned” about the potential award, given the first-hand accounts they had heard from women, and suggested the academy would be “remiss not to do its own due diligence on this matter, as it seems the numerous allegations are a well-known secret within the wider industry”. Akindude disclosed that she had been a victim herself of Clarke’s verbal bullying.

14. They received a reply the following day from Majumdar, who told them Bafta was open to further dialogue but said the issues raised were extremely serious and the academy would “need to follow appropriate procedures commensurate with allegations of this nature so that there is a fair process for all parties”.
15. ‘Desperately difficult situation’
16. Three days later, on 2 April, Majumdar hosted a Zoom call with El Hosaini and Amanda Berry, the chief executive of Bafta. On the call, Berry disclosed that Bafta had by then also received two anonymous emails alleging sexual misconduct by Clarke.
17. Bafta’s leaders expressed sympathy for the alleged victims of Clarke’s abuse, but indicated there was little they could do without speaking to them directly or receiving more detailed evidence of their allegations. “It’s a desperately difficult situation for us,” Majumdar said, “because we cannot act on something that hasn’t been substantiated.”
18. Hosaini explained that women were frightened of speaking to Bafta directly, given Clarke’s influence in the industry. “We cannot act as judge and jury on this,” Majumdar said. Berry asked Hosaini if she knew of an organisation that might be able to support the women.
19. The Zoom ended inconclusively, with vague promises of a “dialogue” between all parties. Bafta said they were speaking with lawyers about the allegations.
20. “We are taking this extremely seriously,” Berry said in an email to Hosaini on 4 April, “and spending a great deal of time and resource on the issues you have raised, because we want to do the right thing by all those involved, and to remain fair to all parties.”
21. She suggested that alleged victims should contact the sexual harassment charity Time’s Up, and offered a call with Hosaini and Bafta’s lawyers about dealing with allegations against Clarke. “My door remains open,” Berry wrote.
22. Bafta’s lawyers said the information it had received did not enable it to take any action or warrant suspending the award. They point out that intermediaries were unable to put them in direct contact with women making allegations.
23. They said Bafta had only ever been provided with generic details about the existence of allegations, and had no knowledge of who was making them or how credible they were. They also questioned whether the organisation, as a charity which did not employ those concerned, had a legal duty to investigate such matters.

Time running out

24. By the evening of 9 April, less than 24 hours before Clarke was due to be given his award, Bafta’s leaders appeared increasingly nervous. Majumdar called Hosaini at 9.30pm, and then Krishna Floyd at 10pm.
25. When Hosaini asked if Bafta could stop the award, the chair said the board “could do whatever they want”, but he seemed conflicted. “We could be ruining an innocent man’s career,” he said. “Whereas if we think on the balance of probabilities, we’ve heard a bit more testimony, we could say, ‘Well, we have to stop this award this weekend and look into this further.’”

26. By the night before the award, Bafta appears to have been at least aware of the potential scale of mounting allegations. Majumdar said on calls he had heard there could be as many as 12 women making allegations against Clarke.
27. At this 11th hour, Bafta's chair seemed desperate to speak to anyone with first-hand accounts of Clarke's misconduct. "I know it's a fucking massive ask this Friday night," he told Krishna Floyd.
28. It was in this call that Majumdar expressed his fear about the reputational fallout for Bafta from the saga, which he worried might "destroy" the body in the court of public opinion. He added: "It's Bafta bestowing an honour on this guy who, what we're listening from you guys is that he absolutely doesn't deserve it. Because he's a bad force in this industry."

The award goes ahead

29. On the morning of the prizegiving, 10 April, Majumdar emailed Hosaini. "In the light of the fact that no woman felt able to come forward with their testimony on record," he wrote, "and with considerable consternation, Bafta took the decision to present the award earlier today because it could not stop the award based upon anonymous accusations without a single verifiable first-hand account."
30. He added that he hoped that Hosaini and the alleged victims she was in contact with would appreciate the "dilemma" faced by Bafta.
31. One woman, an actor with direct allegations against Clarke, did text Majumdar at 3.22pm that day, but said she did not want to speak to him on the phone, fearing that he would recognise her voice. By then it was too late: Bafta's ceremony had been pre-recorded hours earlier.
32. Later that night, at 9.25pm on 10 April, Majumdar texted the alleged victim who had contacted him to discuss her allegations. He told her: "We are working on this and will come back to you very shortly with a way you and anybody in your group with allegations can discuss them safely and confidentially."
33. The following day, 11 April, Clarke posted a picture of himself proudly holding his trophy aloft. Clarke's award speech, dedicated to "the underrepresented", circulated widely on Twitter.
34. On 12 April, Bafta emailed Krishna Floyd and El Hosaini, notifying them of the independent specialist adviser it had made available to alleged victims of Clarke's misconduct. The adviser was an expert in sexual misconduct, and appropriately qualified to speak with the alleged victims and advise them about their options.
35. Bafta's lawyers said it made this service available, at no expense to alleged victims, and rejected any suggestion that it was slow to put in place an appropriate system to safeguard and advise women.

Why they're speaking out

36. Hosaini, Akindude and Krishna Floyd all chose to speak openly to the Guardian about their experiences as “intermediaries” for women with allegations because they believed it raises important questions for Bafta and their wider industry.
37. “I felt the need to speak openly,” said Hosaini, “because sadly, Bafta’s response was unsatisfactory and caused further distress to the survivors I know. There need to be robust, unbiased systems in place to safeguard survivors.”  
  
[PULL QUOTE] “Bafta’s response was unsatisfactory and caused further distress to the survivors I know Sally El Hosaini
38. She stressed that she had no agenda against Bafta. “I’ve had very positive experiences with Bafta as an organisation, and I genuinely think they’re trying to change our industry for the better.” Hosaini was selected for Bafta’s 2017-2018 Elevate programme for people from under-represented groups, and she has previously sat on Bafta’s film committee.
39. “I’ve seen first-hand how they’re trying to diversify their awards and membership,” Hosaini said, adding that the Elevate programme had had a positive impact on her career. “That’s why I felt that I could write to them confidentially with my concerns.”
40. Likewise, Akindude said she had started out optimistic that the academy would handle these allegations in the correct manner. “It was because of my relationship with Bafta that I felt that I could come to them with this, expecting that they would handle it appropriately and sensitively,” she said.
41. Krishna Floyd has witnessed Majumdar’s efforts to diversify the academy at first hand, and applauds them. “He has done brilliant things on diversity,” Krishna Floyd said. But he said the Clarke episode suggested Bafta “does not have the right infrastructure to appropriately deal with these allegations of these types of abuse”.
42. Akindude, who alleges that she was verbally abused by Clarke at an event in October 2016, came forward after hearing first-hand of a serious sexual misconduct allegation from a female peer in the industry. “It felt wrong to me that someone who had such a troubling reputation in the industry was being acknowledged and lauded in this way,” she said.
43. Akindude, who is Black, tussled internally about taking forward allegations against Clarke, a Black man of working-class origins, because she knows how much harder it is for people of colour to succeed in the industry.
44. “Black women,” she explains, “we don’t want to be perceived as going against our own. But calling out behaviour that is wrong is always the right thing to do.”
45. Akindude felt that, in Bafta’s haste to tackle the problems her industry faces with diversity and inclusion, it was awarding an honour to a person who did not deserve it, because of his history of alleged misconduct towards women.
46. “If we are going to talk about diversity,” said Akindude, “awards need to be going to the right people, rather than someone allegedly mistreating people in the background and abusing their power and position.”



47. She added: “This is a call for Bafta and other institutions to look at how they’re awarding their honours. Are they carrying out due diligence? If you’re selecting someone for an honour like that, are you checking they’re running their sets properly?”
48. Hosaini hopes the Guardian’s publication of allegations against Clarke will be a system reset for an industry that she believes had tolerated exploitation and abuse of women on film sets. “The institutionalised inertia towards women who speak up needs to stop,” she said. “Because remaining silent and looking the other way enables abuse.”

#### **Fourth article (online version)**

Noel Clarke shows dropped as allegations shake TV industry

ITV and Sky halt programmes featuring actor accused of sexual harassment and bullying

‘Sexual predator’: actor Noel Clarke accused of groping, harassment and bullying by 20 women

How Bafta spent two weeks grappling with Noel Clarke dilemma

1. Allegations of sexual harassment and bullying made against the actor-producer Noel Clarke have shaken the film and television industry, prompting two broadcasters to cancel popular shows he was starring in and launching a debate about the treatment of women on sets.
2. The allegations against Clarke also led to questions about the decision by Bafta (the British Academy of Film and Television Arts) to give the actor a special award for outstanding British contribution to cinema last month.
3. ITV cancelled plans to show the final episode of Clarke’s primetime drama Viewpoint on Friday night after the Guardian revealed it had spoken to 20 women with allegations against Clarke, including that he secretly filmed naked auditions.
4. Sky halted Clarke’s involvement in any of its productions, effective immediately, as six more people came forward with allegations of misconduct against him and industry figures spoke out in favour of the alleged victims.
5. They include former students at the London School of Dramatic Art (LSDA) who said he encouraged students to remove their clothes during improvisation workshops. The school’s founder, Jake Taylor, confirmed the incident. Once alerted, he said he acted swiftly and “stopped [Clarke] doing the classes”.
6. “Nobody should ever be asked to take their clothes off by a member of staff, or anybody,” Taylor said.
7. Clarke’s lawyers denied that the LSDA had ever asked him to stop giving his classes, and said this workshop, called “Facing Your Fears”, was intended to help students with anxieties over their acting roles, helping to “normalise” the removal of outer clothing in a safe environment.
8. They say Clarke categorically denies that as part of this he encouraged or forced anyone to be naked and said the workshop was open to, and was attended by, both male and female adult students and that Clarke made it clear it was not obligatory to participate.

9. Clarke has denied that he has ever coerced, encouraged or pressurised any individual into non-consensual sexual activities.
10. “In a 20-year career, I have put inclusivity and diversity at the forefront of my work and never had a complaint made against me. If anyone who has worked with me has ever felt uncomfortable or disrespected, I sincerely apologise. I vehemently deny any sexual misconduct or wrongdoing and intend to defend myself against these false allegations,” he said.
11. On Friday night, Clarke released a new statement. “Recent reports, however, have made it clear to me that some of my actions have affected people in ways I did not intend or realise. To those individuals, I am deeply sorry. I will be seeking professional help to educate myself and change for the better.”
12. Bafta knew of the existence of the multiple allegations two weeks before it presented Clarke with the award, but said it was provided with no evidence that would allow it to investigate. Insiders said the organisation felt it was in an “impossible” situation.
13. The Guardian can reveal that Bafta’s chair Krishnendu Majumdar repeatedly asked intermediaries to the women making allegations to speak with him, requests that continued until the night before the award was given on 10 April.
14. None agreed to speak to him, and Majumdar felt he was in an “impossible” position.
15. “People will say, ‘Bafta knew, and didn’t do anything about it.’ We’ve been trying to do something about it,” Majumdar told one intermediary. “In the court of public opinion we are going to be ... this will destroy us.”
16. ITV said it took the unusual decision to pull the broadcast of the final episode of its five-part big-budget thriller, due to air on Friday night, because of the “very serious nature” of the allegations raised by women who have worked with Clarke.
17. “ITV has a zero-tolerance policy to bullying, harassment and victimisation, and robust procedures in place to investigate and deal with any complaints,” said a spokesperson. “We strongly believe that everyone deserves to work in a supportive and safe environment.”
18. The actor Alexandra Roach, who co-starred in Viewpoint, said of the women’s allegations: “I see you. I hear you. I believe you. Thank you to the women for your incredible bravery in coming forward and helping to put a stop to this kind of behaviour in our industry.”
19. Sky said it had stopped work on the forthcoming series of the award-winning police show Bulletproof, which was created by and also stars Clarke, after reading the allegations. “Sky stands against all forms of sexual harassment and bullying and takes any allegations of this nature extremely seriously,” it said.
20. Ashley Walters, Clarke’s co-star on the show, said he was shocked by the claims, “and whilst Noel has been a friend and colleague for several years, I cannot stand by and ignore these allegations”.

21. “Sexual harassment, abuse and bullying have no place in our industry,” he said. “Every woman has the right to a safe workplace and moving forward I pledge my dedication to this.”
22. Vertigo Films, the UK producer behind of Bulletproof, said it had not received any complaints, but encouraged anyone affected to get in contact. It said: “Effective immediately, Noel Clarke is removed from any Vertigo Films production.”
23. Michaela Coel, whose award-winning BBC series I May Destroy You was influenced by her experience of sexual assault in the television industry, also publicly offered her backing for the individuals who spoke to the Guardian.
24. “I am here to offer great support for the 20 brave women who have come forward; those who have shared their identities with us, but also those who have preferred to use an alias.
25. “Speaking about these incidents takes a lot of strength because some call them ‘grey areas’. They are, however, far from grey.”
26. By Friday night, the tally of people the Guardian had spoken to with allegations against Clarke had risen to 26. They include the 20 women who had earlier accused him of sexual harassment, unwanted touching or groping, sexually inappropriate behaviour, bullying and secretly recording naked auditions between 2004 and 2019.
27. The Guardian also spoke to a number of people who said they had positive experiences working with Clarke. However, news of the allegations prompted more people to come forward, including those with concerns about his conduct at the LSDA in the early 2010s.
28. Mike Clarke, a former student at the LSDA, said that on 12 August 2012 Noel Clarke ran a dramatic workshop in which he encouraged students, mostly aged 18-20, to strip down to their underwear for a scene in which they were improvising “getting ready for bed”. All the students stripped to their underwear, with the exception of one female student who kept on her T-shirt, he said, adding that teachers at the school were “furious, which makes sense now”.
29. A female classmate confirmed the incident, which she said made her feel uncomfortable and which she later regretted. “I felt so ashamed that I had been so naive and gullible,” she said. “And I’ve remembered it ever since.”

### **Fifth article (online version)**

Noel Clarke and the allegations that have shaken the film and television industry

Journalists Lucy Osborne and Sirin Kale discuss the allegations of verbal abuse, bullying and sexual harassment by 20 women against Clarke

1. On 10 April 2021, the actor, director and writer Noel Clarke was awarded one of the most prestigious accolades bestowed by the British Academy of Film and Television Arts, the prize for outstanding British contribution to cinema. But 13 days before presenting Clarke with his award, Bafta was informed about the existence of several allegations of verbal abuse, bullying and sexual harassment against Clarke. Bafta does

not dispute it received anonymous emails and reports of allegations via intermediaries, but said it was provided with no evidence that would allow it to investigate.

2. Journalists Sirin Kale and Lucy Osborne tell Rachel Humphreys about their investigation into Clarke. They spoke to 20 women, all of whom knew Clarke in a professional capacity. They variously accuse him of sexual harassment, unwanted touching or groping, sexually inappropriate behaviour and comments on set, professional misconduct, taking and sharing sexually explicit pictures and videos without consent, and bullying between 2004 and 2019.
3. Through his lawyers, Clarke categorically denied the allegations that the Guardian put to him. In statements issued after the Guardian's reporting, the actor said he apologised if anyone who worked with him had ever felt uncomfortable or disrespected. He said that he "vehemently" denied "any sexual misconduct or wrongdoing" and intended to defend himself against what he called "these false allegations". "Recent reports, however, have made it clear to me that some of my actions have affected people in ways I did not intend or realise. To those individuals, I am deeply sorry. I will be seeking professional help to educate myself and change for the better."

### **Transcript of podcast attached to fifth article**

1. RACHEL HUMPHREYS: Today – how The Guardian uncovered allegations of sexual misconduct against actor and director, Noel Clarke.

2. NOEL CLARKE: Wow, thank you! 13 years ago, when I won the Rising Star Award, I bounced off my chair and I popped my collar as I-

3. RACHEL HUMPHREYS: Last month, Noel Clarke was given the outstanding British Contribution to Cinema Award by BAFTA. In his acceptance speech, the typically self-assured actor and director looked a little on edge. Viewers might have concluded that he was simply overwhelmed.

4. NOEL CLARKE: And as I stand here right now, I know a lot of the work I've done is not BAFTA worthy, but I think this is about the journey. It's about the times maybe it was worthy and not recognised. I stand on the shoulders of giants. I'm not here without the people before me, and hopefully people see that I've tried to elicit change in the industry.

5. RACHEL HUMPHREYS: But there were other reasons why Clarke may have felt preoccupied. 13 days before presenting Clarke with his award, BAFTA was informed about the existence of several allegations of verbal abuse, bullying and sexual harassment against him. Guardian journalists Sirin Kale and Lucy Osborne have now spoken to 20 women who claim Noel Clarke is a serial abuser. BAFTA's decision to press ahead with Clarke's award prompted them to break their silence. From The Guardian, I'm Rachel Humphreys. Today in Focus, Noel Clarke and the allegations against him that have shaken the film and television industry.

6. Just a warning before we start, this podcast contains descriptions some might find upsetting, and there's also some strong language.

7. Sirin, we've just heard about how last month Noel Clarke received a prestigious award from BAFTA, the British Academy of Film and Television. Who is Noel Clarke? Can you tell us a bit about his career?

8. SIRIN KALE: So Noel Clarke is one of the most prolific and influential British, I'd say multi-hyphenates. So he's an actor. He's a screenwriter. He's a director. He's also a producer. Most people know Noel from his trilogy of films Kidulthood, Adulthood and Brotherhood.

9. NOEL CLARKE: I said, never fuck with a guy who ain't got nothing to lose, but I was wrong; because the only person more dangerous than someone with nothing to lose, is someone who stands to lose everything.

10. SIRIN KALE: Which was sort of landmark genre defining portrayals of inner city life. After the success of Kidulthood, Noel went on to become a very influential figure in the British film and TV establishment. So he has his own production company, Unstoppable, which has worked with Sky.

11. NOEL CLARKE: You know, all those times I told you, don't drive fast.

12. MALE: Yeah?

13. NOEL CLARKE: Drive fast.

14. SIRIN KALE: Noel is the executive producer and also the star alongside Ashley Walters of Bullet-proof, which is one of Sky's biggest TV shows. It's a police procedural series.

15. MALE: We're gonna do it our way.

16. NOEL CLARKE: We're going undercover.

17. SIRIN KALE: And just last week, actually, Noel was on ITV every night in primetime, Monday through to Friday as the lead in their drama viewpoint.

18. NOEL CLARKE: Zoe, we would like to use your flat for surveillance purposes.

19. ZOE: What? To spy or something?

20. SIRIN KALE: He also has a fairly prominent role as Mickey in Doctor Who.

21. MALE: Tell me this must be Mickey.

22. MALE: Here comes trouble. How are you doing, Ricky boy?

23. NOEL CLARKE: It's Mickey.

24. FEMALE: Don't listen, to him, he's winding you up!

25. SIRIN KALE: Which introduced him to a really young fan base. And he's acted in sort of big budget franchises such as Star Trek. He's directed his own films.

26. MALE: A gang of thieves has managed to pull off the biggest gem theft

27. FEMALE: Tens of millions of pounds worth of diamonds.

28. MALE: Security guards on every main....

29. SIRIN KALE: 4, 3, 2, 1. The Anomaly. Legacy. These were films that he was sort of in complete control over. And so I'd say that although Noel might not have the name recognition of somebody like Brad Pitt say, he's actually for people in the know, in the British film and TV industry, one of the most influential people, both on screen and behind the scenes.

30. RACHEL HUMPHREYS: At what point did you become aware that there were allegations against Noel Clarke?

31. SIRIN KALE: So we received a tip at The Guardian. These tips were brought to us by very credible industry figures. And so we immediately began investigating. And to be honest with you, when I was first asked to look into this, I thought, okay, perhaps we'll be able to find 3 or 4 women that have allegations against Noel. But within a few days, we had spoken to multiple women who were making quite serious allegations against Noel, and that's when we realised that there was potentially a really big story here for us to look into.

32. RACHEL HUMPHREYS: Lucy Osborne, you're a reporter for The Guardian, and we've spoken to you on the podcast before about allegations of sexual misconduct being made against powerful men like Donald Trump. One of the women that you spoke to for this story was Gina Powell, who was a producer on Noel Clarke's film Brotherhood. What did she tell you?

33. LUCY OSBORNE: Yeah, So so Gina took some time to decide if she wanted to speak to us. She had worked very closely with Clarke for nearly four years. And when she left, she felt so traumatised by her experience that she described it as being like trying to get out of an abusive relationship. So the idea of speaking publicly about this for the first time was obviously a very daunting prospect, initially. But given Gina had both experienced sexual misconduct herself and witnessed Clarke behaving inappropriately with several other people, she felt the need to sort of share what she knew. And so, like many of the other women we've spoken to, it was seeing him getting the BAFTA for outstanding contribution to film that was a trigger and made her want to ensure that what happened to her didn't happen to other young women working with him in the future. Two of the allegations that Gina is making happened on a trip to LA in 2015. So Gina says that Noel exposed himself to her in a car that he was driving during a trip to L.A. And she says that she recalls telling him that, that is not right. And later on he scolded her for making him feel like an old man. On the same trip, she says he groped her when they were alone in a lift and he told her he had got what he was owed. So Gina also alleges that Clarke would brag about storing sexually explicit pictures and videos on his hard drive, including footage he told her he had secretly filmed during naked auditions.

34. RACHEL HUMPHREYS: We should say that Clarke has denied in the strongest possible terms that he ever sexually harassed or bullied Powell or treated her in the way she alleges. These allegations are very disturbing. You just mentioned naked auditions. What is Clarke accused of doing here?

35. LUCY OSBORNE: So Gina says that Clarke once showed her a secretly recorded video of one of these auditions with Jahannah James, an actor in Brotherhood who was also a close friend of Gina's. Gina says the naked audition had taken place more than four years previously for the film, Legacy. Gina told Jahannah about the incident for the first time in the winter of 2017, after Gina had just stopped working for Noel when they met in a pub in London. Both women described this meeting as being very emotional. Jahannah broke down in tears at the

table and then was tearful, recounting this with us. Gina also told three other people about Clarke's alleged secret filming who confirmed this with us in our reporting.

36. RACHEL HUMPHREYS: I can't imagine what it must have felt like for both women to be in these situations. You've spoken to Jahannah James, too, about all of this. What has she said? What did she tell you?

37. LUCY OSBORNE: It was a massive shock for Jahannah. She said she would never have imagined Clarke could have done that, could have secretly filmed her. She thought that Clarke was a friend of hers and just didn't believe that he could be capable of doing this. So Clarke had helped Jahannah get into drama school when she was 22 and secured her a discount on her fees. She remembers Clarke had talked her into auditioning for the role because she'd initially been quite hesitant. She was only 23. She was fresh out of drama school, and she didn't want her first role to be a naked one. But Clarke persuaded her, explaining that the naked audition wouldn't be filmed, and an email that she got from her agent confirmed that, which said in capital letters that this would not be filmed. She says that Clarke said it 100% wasn't going to be on camera. So as she understood it, it was going to be a purely sort of check that she'd be able to do the scene and wasn't going to bottle it on the day. She describes the audition as being mortifying, and soon afterwards she pulled out of the running for the role because she just didn't want it. She didn't want one of her first acting jobs to be nude. She believes that she, and other alleged victims were young and naive when Clarke gave them professional opportunities. And that's why this has taken so long to come out.

38. RACHEL HUMPHREYS: Clark's lawyers have said Clark does not have a hard drive containing naked photographs of women and denies covertly filming naked auditions, including one of Jahannah James, or showing such footage to Gina Powell. They also cite a financial dispute for the reason Gina Powell is making what they describe as false allegations. Given how influential many would regard Noel Clark to be, it's very brave of Gina Powell and Jahannah James to come forward and speak on the record. Why do you think they did that?

39. LUCY OSBORNE: Yeah, definitely. I think Gina and Jahannah both worked very closely with Noel right at the beginning of their careers. Jahannah says that she felt betrayed as she thought that Noel had been a close friend. Both women had got to know Clarke's family and so I think that sort of history, you know, made it even harder for them to speak. Despite this, Jahannah and Gina and several of the women that we've spoken to agreed to go on the record with their real names because they hoped that doing so would ensure they'd be believed and help prevent other women being in similar situations in the future.

40. RACHEL HUMPHREYS: Lucy, what was striking about your reporting was the number of women who came forward, many of whom made allegations against Noel Clarke. Can you tell me about some of those?

41. LUCY OSBORNE: So a number of the other allegations also relate to his inappropriate sharing of explicit photographs. The Norwegian film producer Synne Seltveit met Clarke in July 2015. She's friends with Gina, who introduced her to Clarke at Soho House in London, where Unstoppable, Noel's production company, held business meetings. Clarke had VIP tickets to a UFC fight in Glasgow and invited them both. In the evening, Synne says Clarke smacked her buttocks and later that month sent her a photograph of his erect penis. Synne had sent Noel a professional email from her work address, thanking him for the weekend in Glasgow and saying she would love to work with him one day. He replied initially saying, he would like to work with her too, but in a second email seconds later, he says 'also sent you

some Snapchats, have a look.' And then when she opened it, she saw that he'd sent her a dick pic. Clarke denies that he that he slapped Synne's backside and he said that he can't recall sending her any unsolicited pictures. Another woman to accuse Clarke of inappropriate sharing of images is Ieva Sabaliauskaite, a production assistant on Brotherhood. At a wrap party in December 2015, Ieva was on the dance floor. She was showing her colleagues her abilities as a former gymnast doing the splits, and the next day Ieva saw Clarke in the production office surrounded by a group of people. And she says that they were sniggering and looking at her. Ieva says Clarke was showing them a photo he had taken of her in a compromising position from the night before, where her underwear was visible. She says she remembers the image of her knickers on Clarke's phone so clearly that she could draw it and says that she just felt mortified.

42. RACHEL HUMPHREYS: And what how did she react in that situation?

43. LUCY OSBORNE: So, Ieva lunged for Clarke's phone. The phone dropped and the screen smashed. She says that he became angry and she was required to go and take the phone to a repair shop to get fixed, which Ieva describes as the final act of humiliation. Clarke's lawyers stress that the photograph was of Ieva publicly doing the splits in the middle of the dance floor and that it was not taken up her skirt, adding that many people present at the party would confirm this. Clarke, they added, had later merely joked about showing the image to colleagues. They confirmed Clarke asked Ieva to fix the screen, saying she was a production runner and such a task was part of her job.

44. RACHEL HUMPHREYS: What seems really unbelievable this is so much of this alleged abuse was apparently going on in front of other people, wasn't it?

45. LUCY OSBORNE: Yes. And in some cases, our reporting is corroborated by others who were in the room as these events happened. And in Ieva's case, for example, three others told us they recalled Clarke taunting her about having this photograph of her. Another example of this happening quite out in the open is in the summer of 2008, when the assistant film director, Anna Avramenko, was an intern on the film, Doghouse, which Clarke acted in. She says he approached her on set. She says he started trying to kiss me on the lips in front of everyone. She says she made it clear to him that she did not want him to, turning her cheek and telling him that she had a boyfriend. She says he probably tried it 3 to 5 times or more, which Clarke strongly denies.

46. RACHEL HUMPHREYS: Sirin, Lucy has just talked about an accusation made by Anna Avramenko from 2008 and the allegations made by the woman you both spoke to span well over a decade from 2004 to 2019. You spoke to the actor and screenwriter Jing Lusi, who claims in 2018 she was sexually harassed and bullied by Clarke and that when she tried to tell his publicist about it, nothing was done. What does Jing say happened to her?

47. SIRIN KALE: Jing and Noel were both working together on a film that was being shot in Budapest, and Noel invited Jing out for dinner one evening after filming. It was a relatively ordinary meal, and then Jing noticed that Noel seemed to be in a real hurry, she says to summon over the waiter for the check. So Jing asked Noel what's the hurry? And he then told her that he wanted them to go back to his place so that they could have sex.

48. And in Jing's recollection of this story, she really just sort of burst out laughing in disbelief and total shock because that was not how she had viewed that dinner whatsoever. And while she was laughing, Noel, she alleges, then said to her, I can't help it this is the way that you make



me feel. And it was really sort of to use her language, laying it on quite thick and being very explicit about the sort of things he'd like to do with her sexually. Jing says that after she rejected Noel and said, you know, I don't want to have sex with you, his entire demeanour and body language changed. She alleges that Noel said, all right, fine. Don't tell anyone about this, yeah, because if you do, it will get back to me and I will find out. The following morning, she woke up and Noel sent her a text message with the emoji of a person with a finger over their lips, which she took it as a clear indication that she should stay silent about the harassment. Jing did not stay silent about this. So she did tell her friends about this at the time. She texted one. I said, Dude, I've been MeToo'd a few days later. Jing says that she bumped into Clarke's publicist, Emily Hargreaves, at an event in January 2019, and she told Emily about the harassment. And Jing alleges that Emily didn't do anything about it and continued to represent Noel. Lawyers said that Hargreaves does not recollect Jing informing her of the allegations against Clarke. Emily Hargreaves, in her response to this, says that the actual weekend that Clarke was awarded the BAFTA, she was contacted by an actor client of hers who made allegations against Clarke. And Hargreaves says that she took appropriate action at the time, which was that she suspended representing Clarke on the 11th of April pending an investigation. And she formally terminated her relationship with Clark earlier this week.

49. RACHEL HUMPHREYS: Let's talk about BAFTA giving Noel Clarke that award. On the 29th of March, the British Academy of Film and Television Arts announced it would be giving Noel Clarke the prestigious outstanding British contribution to cinema accolade. What happened next?

50. SIRIN KALE: Well, what happened next is within hours, they were contacted jointly by three industry figures, alerting them to the existence of several allegations of abuse, bullying and sexual harassment against Noel Clarke and these industry figures were people that were really very credible. All so they are the award winning film director, Sally El Hosaini, Pelumi Akindude, who actually used to work with BAFTA for a number of years, and James Krishna Floyd, an actor. And in this email to BAFTA on the 29th of March, this trio said that they had had first hand allegations against Clarke. And separately, in addition to that, Pelumi also said that she'd been a victim herself of verbal bullying from Clarke at an event in 2016. As well as this information about the existence of other allegations followed, so there were two anonymous emails and information passed to a BAFTA board member through an intermediary. And this was about an incident in which a woman alleged that Clarke had been threatening and abusive towards her after she rejected his advances.

51. RACHEL HUMPHREYS: But BAFTA did go ahead with the award two weeks later, on Saturday, the 10th of April. Why did they make that decision?

52. SIRIN KALE: So BAFTA say that the information they had received by that point didn't enable them to take action or warrant suspending the awards and they would say that the intermediaries that came to them, so that trio of people were unable to put them in direct contact with the women making allegations. BAFTA also says that they asked for these people to come forward with their accounts and identify themselves, but due to the anonymous claims and the lack of first hand specificity, they just did not have sufficient grounds to take action. BAFTA also questioned whether the organisation as a charity, which didn't actually employ the people concerned, had a legal duty to investigate these matters. I should add that two days after the prize- giving BAFTA emailed James Krishna, Floyd and Sally El Hosaini notifying them of an independent specialist advisor it had made available to alleged victims of Clarke's misconduct. Now, BAFTA's lawyers said it made the service available at no expense to alleged victims, and they've rejected any suggestion that it was slow to put in place an appropriate system to

safeguards and advise women. I think it's really no surprise that BAFTA finds itself under intense spotlight, and that certainly won't be a surprise to BAFTA either. They appear to have been aware of the potential impact of this story.

53. So on the 9th of April, which was actually the day before the award ceremony where the award was given to Noel, the chair of BAFTA, Krishnendu Majumdar, who was leading the charities response to the allegations, spoke on the phone to an intermediary and really expressed concerns about the possible reputational fallout. Majumdar said people will say BAFTA knew and didn't do anything about it. We've been trying to do something about it. And then he added, in the court of public opinion, this will destroy us.

54. RACHEL HUMPHREYS: The reason you were able to report this is because those three industry figures went on the record with you. Why did they feel it was so important to talk about this story?

55. SIRIN KALE: Sally, Pelumi and James all chose to speak publicly about their experiences as intermediaries for these women because they think that they were really serious questions to be answered not only by BAFTA, but actually by the wider industry when it comes to how we investigate alleged misconduct on sets and the procedures and measures that are put in place to protect people from alleged bullying or harassment or sexual misconduct. You know, they came forward in order to shine a light on the wider industry, and they did so after quite a lot of internal thought and really deep consideration. In Pelumi's instance, she was actually allegedly verbally abused by Clarke at an event in October 2016. So she witnessed first-hand his alleged misconduct. And she also heard first-hand of a serious misconduct allegation from a female peer in the industry as well. And when she saw the award announcement, she says that she felt like, it felt wrong to her that somebody who had such a troubling reputation in the industry was being acknowledged and lauded in this way by BAFTA. And she did tussle internally quite a lot about taking forward these allegations against Clarke because she is black herself, and Clarke is also a black man of working class origins. And she knows that it's really hard for black people and people of colour to succeed in the film and TV industry. But she ultimately decided it was the right thing to do because she thinks that calling out behaviour that is wrong is always the right thing to do. Sally has said to me that, you know, she hopes that by publicising these allegations against Clarke, the wider industry will sit up and take notice. You know, she's really hoping that this is a wake-up call for everybody in the industry, and she describes it as institutionalised inertia. So she says we just need to stop this. We need to stop the institutionalised inertia towards women who speak up, because actually, by staying silent, then you're enabling abuse.

56. RACHEL HUMPHREYS: Coming up, what happened when Sirin and Lucy broke their story?

57. RACHEL HUMPHREYS: Sirin, this story broke last Thursday night. How did BAFTA respond?

58. SIRIN KALE: BAFTA responded pretty swiftly. You know, the email was in my inbox within 30 minutes of The Guardian story going live. And they said, in light of the allegations of serious misconduct regarding Noel Clarke in The Guardian, BAFTA is taking the decision to suspend his membership and the outstanding British Contribution to Cinema Award immediately and until further notice. And then the following day, so the day after The Guardian story broke, BAFTA actually put out a longer statement, and in it they explained the process that they had gone through internally when it came to deciding to go ahead with giving Noel

that award on the 10th of April. They said that, you know, they were really very much regretful of the fact that the women felt unable to provide them with the first-hand testimony that they provided to The Guardian. And BAFTA said that had they heard that testimony first-hand from the women that spoke to The Guardian, they would never have presented the award to Noel Clarke.

59. RACHEL HUMPHREYS: How has the wider film and television industry responded to this, Sirin?

60. SIRIN KALE: It's been pretty intense and pretty swift, actually.

61. FEMALE: He's the star of two hit TV shows, both now pulled from our screens.

62. FEMALE: Following accusations of sexual harassment by a string of women.

63. FEMALE: BAFTA suspends Noel Clarke's Membership after claims of sexual misconduct. The West London actor and producer says he will defend himself against false accusations.

64. FEMALE: The final episode of ITV's detective Drama Viewpoint due to air tonight, cancelled.

65. SIRIN KALE: I'm pretty surprised, actually, by the sort of ripples that have come out from this story. It's really been quite a big story and it feels like almost everyone in the film and TV industry was talking about it at the end of last week. So I suppose the most immediate and pressing thing was that ITV cancelled their plans to show the final episode of Clarke's drama, Viewpoint, on Friday night, and that was a prime time drama that was airing every night last week.

66. So The Guardian story broke on Thursday, and ITV pretty quickly announced that the final episode was not going to be shown on television on Friday evening as planned, although it would be available on Catch Up. Sky, who, if you'll remember, works with Clarke on his police show Bulletproof, which is a really big show for Sky, they said that they stand against all forms of sexual harassment and they had stopped work on the forthcoming fourth series of the show. So Vertigo Films, which is the UK production company behind Bulletproof, said that they hadn't received any complaints, but they encouraged people who had been affected by his behaviour to get in contact with them. And they said that effective immediately, Noel is removed from any Vertigo films production. And I think it's worth pointing out that not everybody The Guardian contacted was critical about Noel. We spoke to several people who said that they enjoyed working with him and only had positive things to say about his professional conduct on sets.

67. RACHEL HUMPHREYS: And there was a huge reaction to this on Twitter, wasn't there?

68. SIRIN KALE: Yeah. So Michaela Coel, the sort of incredible award winning writer actor whose series I May Destroy You, was actually influenced by her experience of sexual assault in the industry, offered her backing for the women who spoke out. So she tweeted that she offered great support to the 20 brave women who have come forward, and Ashley Walters, who stars alongside Clarke on Bulletproof, so they're the two main leads of the show, really said that although Noel has been a friend of his for many years, he couldn't ignore the allegations and he said that every woman has a right to a safe workplace and that moving forward, he pledged his dedication to that.

69. RACHEL HUMPHREYS: As we've said throughout this interview, Noel Clarke denies every allegation that the Guardian put to him, except one where he made inappropriate comments and apologised for them. He initially issued a statement that said, In a 20 year career I have put inclusivity and diversity at the forefront of my work and never had a complaint made against me. If anyone who has worked with me has ever felt uncomfortable or disrespected, I sincerely apologise. I vehemently deny any sexual misconduct or wrongdoing and intend to defend myself against these allegations. After the story broke last week, he then released another statement on Friday, saying, Recent reports have made it clear to me that some of my actions have affected people in ways I did not intend or realise. To those individuals, I am deeply sorry. I will be seeking professional help to educate myself and change for the better. Lucy and Sirin, this is not the end of the story and there is more to come. What do you both take from reporting on it so far?

70. SIRIN KALE: We think it was incredibly brave of these women to speak to us at such length about their experiences. I've been really encouraged to see that our reporting has helped trigger a bigger debate about sexual harassment on sets and how women can be better protected from this kind of behaviour in the future. I really hope that it helps lead to a greater oversight and protections for young women in TV and film.

71. LUCY OSBORNE: You know, I think we never really had the sort of moment of great reckoning in the UK that happens in the US with the MeToo movement a few years ago. And what's really become apparent from this reporting is that this behaviour goes much further than just one individual. It's really not just about Noel, it seems that there's been pretty widespread bullying, sexual misconduct and harassment on film and TV sets in the UK for quite a long time now. So I think moving forward, the industry needs to reconsider its safeguarding measures in order to ensure that everybody working in the film and TV industry, not just women, is able to do so in a safe and professional environment.

72. RACHEL HUMPHREYS: Sirin, Lucy, thank you very much.

73. LUCY OSBORNE: Thank you very much.

74. SIRIN KALE: Thank you.

75. RACHEL HUMPHREYS: That was Sirin Kale and Lucy Osborne. Their reporting on this has been brilliant and you can read all of it at the guardian.com. There is also more to come on this story and we'll be following it over the next few weeks on Today In Focus. Just before we go, I wanted to let you know that on Monday, I'm hosting a Guardian event with the author, Michael Lewis, who amongst many other titles wrote, The Big Short and The Blind Side. He's going to be talking to me about his new book, which investigates why the US was so badly prepared for the pandemic. It starts at 7 p.m. and you can buy tickets at the guardian.com/guardian live, where you can also find some amazing events that are happening to mark the Guardian's 200th birthday. That's it for today. This episode was produced by Alex Atack and Sound Design was by Sami El-Enany. The executive producers are Nicole Jackson and Phil Maynard. I hope you have a great weekend. And we will be back on Monday.

### **Sixth article (online version)**

Noel Clarke accused of sexual harassment on Doctor Who set

Exclusive: BBC faces questions as further allegations made about Clarke – and co-star [name] is accused of exposing himself

1. The Noel Clarke sexual harassment controversy threatens to embroil the BBC after several sources came forward to allege they were sexually harassed or inappropriately touched by the actor on a flagship show, Doctor Who.

Another Doctor Who actor, [name], has also been accused of repeatedly exposing himself to co-workers on two BBC productions, prompting questions about whether the corporation allowed a lax culture on its sets during the mid-2000s.

2. The developments come a week after ITV, Sky and the BBC announced that they had cut ties with Clarke after the Guardian published testimony from 20 women who variously accused him of groping, sexual harassment and bullying.
3. Clarke, who vehemently denies any allegations of sexual misconduct, criminal wrongdoing or sexually inappropriate behaviour, including the latest accusations, was also stripped of a Bafta award he was given earlier this month.
4. Clarke's new accusers allege sexual harassment on the set of Doctor Who or at a promotional event for the show. He played the vehicle technician Mickey Smith from 2005 to 2010 in Doctor Who, gaining household fame.
5. [name], who played the character of Capt Jack Harkness in Doctor Who and its spin-off show Torchwood, is accused of exposing himself repeatedly on both sets, although numerous witnesses described the incidents as inappropriate pranks rather than anything amounting to sexually predatory behaviour.
6. Contacted by the Guardian, [name] admitted to "tomfoolery" that he now understood upset colleagues, but stressed it was never intended or interpreted as sexual in nature.
7. The new allegations against the actors will intensify the ongoing debate in the British film and TV industry about the treatment of women and the behaviour of men on sets.
8. On Thursday, more than 900 members of the British entertainment industry, including the presenter Dermot O'Leary, the actor Jim Sturgess, and the former Channel 4 commissioner Kelly Webb-Lamb, signed an open letter calling for "an end to this culture that turns a blind eye to predators and harassers operating in plain sight".
9. The BBC said it would investigate any new allegations and urged witnesses to get in touch with the corporation about incidents on the set of Doctor Who, saying it stood "against all forms of inappropriate behaviour and we're shocked to hear of these allegations".

'I like girls with long hair - it gives me something to hold on to'

10. Joanne Hayes was a costume assistant on series 1 of the revived Doctor Who, shot in 2004. She alleges that Clarke sexually harassed her in his trailer in August 2004 after she assisted him with his costume.
11. After a brief work-related conversation, she said, Clarke told her that he "liked girls with long hair, as it gave him something to hold on to when doing them from behind".

Hayes, who had very long hair that came to her mid-back, said she made to leave the trailer because she felt uncomfortable.

12. At this point, she alleges, Clarke repeated the comment, sucked his teeth, exhaled heavily, and laughed. Clarke's lawyers said he strongly denies the allegation and said the incident described did not take place.
13. Hayes said she did not report the incident to her bosses because "at that time, the culture was very different". However, she said the experience left her feeling "uneasy near him", and she avoided him as best she could.
14. Another woman, Jenna (not her real name), was a runner and driver on the early seasons of the revived Doctor Who, shot in the mid-2000s. As part of her role, she was required to drive Clarke to and from set. During these car journeys, she alleges, Clarke touched her inappropriately. She said he would touch her hand when it was on the gear stick, and grabbed her leg when she was driving.
15. "Constantly the conversation was about sex," Jenna said, adding that Clarke repeatedly asked her to go to his hotel room for sex, asked her sexually inappropriate questions and made sexually explicit and graphic remarks to her. She said she complained to an assistant director on the BBC show, and as a result was put on different duties.
16. She recalled telling the assistant director: "I can't drive him any more ... I don't want to be on my own with him." She said she did not know whether senior executives were at the time also aware of Clarke's conduct.
17. After Clarke realised that Jenna was no longer his driver, she alleges, he turned nasty, telling her "you think you're better than people" and becoming obstructive and difficult. A fellow crew member who witnessed Clarke's behaviour towards Jenna described it as "bullying".
18. Clarke strongly denied the allegations. His lawyers said any suggestion that he would be allowed to behave that way because of his perceived power was "entirely implausible" because he was near the start of his career.
19. They said if Jenna had reported such behaviour to an assistant director at the BBC, Clarke would have been spoken to or reprimanded. They said Clarke was not aware of any complaint in relation to his alleged behaviour being made against him at any time. They added it "beggars belief" that the corporation would have allowed Clarke to behave in the way that is alleged.
20. Monica (not her real name), another former runner on Doctor Who, alleges Clarke sexually harassed her and another female coworker in a bar at the Holland House Hotel in the mid-2000s in Cardiff, following a work event. When the women rejected Clarke's advances, she alleges, he became "rude" and "aggressive". The following day, she said Clarke spread false rumours about both women on set.
21. Clarke strongly denied the allegation. His lawyers said there would have been no real need or purpose for him to be in the hotel bar because he does not drink.

22. A Doctor Who actor, who asked to remain anonymous, has told the Guardian she was also sexually harassed by Clarke in the early seasons of the show. “He made advances on me,” she said, “regularly asking me if I wanted a ‘piece of his dark chocolate’.” When she rejected his advances, the actor said, Clarke badmouthed her to people in the industry.
23. Clarke denied this allegation. His lawyer said this and other accusations, which they said were vague, unsupported by any objective evidence, lacking in specificity or coming from anonymised sources, made it difficult for him to provide a response. They said he has never sought to coerce, encourage or pressurise any individual into non-consensual sexual activities and strongly rejects any suggestion he has been sexually inappropriate.  
  
‘[name] would just have his willy out, standing in the doorway’
24. In a recently resurfaced video filmed at Chicago Tardis, a 2014 American sci-fi convention, Clarke talked about how his fellow Doctor Who star [name] would often expose his penis and “slap” it on colleagues.
25. The video went viral this week in the wake of the Clarke allegations. “[name] was there taking his dick out every five seconds,” Clarke says in the clip. Turning to his Doctor Who co-star Camille Coduri, he asks: “Do you remember that time he put it on your shoulder in the makeup truck?” She responds: “Yes, I do.”
26. To laughter from the audience, Clarke then does a theatrical impression of [name], using a microphone as a prop for his penis, thumping it against Coduri and their fellow co-star Annette Badland. Clarke’s lawyers described the incident as “a mere snippet of a much longer, good-humoured conversation”. Coduri declined to comment, and Badland did not respond to a request for comment.
27. Several sources told the Guardian that [name] did indeed repeatedly expose himself on set, although they stressed the context was different to the sexually predatory behaviour Clarke is accused of. [name] is gay, and his actions were described as misjudged “larking about” and “joking”.
28. However, some Doctor Who crew members described an overly relaxed, at times unprofessional culture on set in the early seasons of the show. “David [Tennant, who joined the show in season 2] behaved impeccably,” said Jenna, “and to a certain extent, I think that helped rein things in.”
29. Jenna said she frequently witnessed [name] expose himself on set. “He would get his genitals out on a regular basis ... he’d just sort of have his balls hanging out his trousers or something, which he just thought was really funny,” she said. On one occasion, Jenna said that she witnessed [name] “slapping” his penis on the windscreen of one of the driver’s cars, “thinking it was really funny”.
30. Monica had similar recollections. “Sometimes he’d call me into his dressing room, and I would knock on the door and he’d say, ‘Oh, look at this’, and he’d just have his willy out, standing in the doorway,” she said. “It was kind of accepted that it was his thing,” she said.

31. Although she did not appreciate his behaviour, or find it particularly funny, Monica stressed she did not feel unsafe. “It just felt really uncomfortable,” she said.
32. [name]’s behaviour was even referenced in a lighthearted tribute song, called The Ballad of Russell and Julie and filmed to commemorate the end of Tennant’s tenure as the Doctor in 2008. The video is understood to have been filmed after cast and crew discovered [name] had been reprimanded for exposing himself on the set of Torchwood.
33. The tribute video was filmed for Doctor Who executive producers Julie Gardner and Russell T Davies. “Can’t block out,” sang Tennant, “please lock out, images of [name] getting his cock out.” The camera cuts to [name], delivering a wink to the camera.
34. Gardner confirmed that she received a complaint around 2008 about [name]’s conduct on the set of Torchwood. “I met with [name] and reprimanded him,” Gardner said, adding that she also spoke to other executive producers, [name]’s agent, and the head of BBC drama commissioning, to “make it clear to both [name] and his agent that behaviour of this kind would not be tolerated ... To my knowledge, [name]’s inappropriate behaviour stopped thereafter,” she added.
35. She told the Guardian that she was not aware of any inappropriate behaviour by Clarke. “I am saddened and shocked by the accusations raised. If I had known of them there would have been prompt action taken,” she said. “I am grateful that people are coming forward to speak up and support them wholeheartedly.”
36. Russell T Davies also he never saw [name] expose himself, and was unaware of any complaints about Clarke’s behaviour towards female coworkers on set and never heard of or witnessed inappropriate behaviour by the actor. Had he received a complaint, Davies said he would have acted immediately.
37. “I apologise wholeheartedly to any cast or crew who went through this,” Davies said, adding: “all power to those coming forward now – we will listen to them, and learn”.  
  
‘My understanding and behaviour have changed’
38. A BBC spokesperson confirmed to the Guardian that [name] was reprimanded for this behaviour. “To be absolutely clear, we will investigate any specific allegations made by individuals to the BBC – and if anyone has been subjected to or witnessed inappropriate behaviour of any kind we would encourage them to raise it with us directly,” a BBC spokesperson said.
39. “We have a zero tolerance approach and robust processes are in place – which are regularly reviewed and updated to reflect best practice – to ensure any complaints or concerns are handled with the utmost seriousness and care.”
40. Lawyers for [name] said he did “not recall” the incidents recounted by Jenna and Monica. In 2008, [name] apologised for pulling down his trousers during a BBC Radio 1 interview. “I apologise for any offence I have caused,” he said at the time. “I was joining in the light-hearted and fun banter of the show, and went too far.”
41. In a statement in response to the latest allegations, [name] said at no point was he made aware of allegations against Clarke. As for his own actions, [name] said his “high-



spirited behaviour” was “only ever intended in good humour to entertain colleagues on set and backstage”.

42. “With the benefit of hindsight, I understand that upset may have been caused by my exuberant behaviour and I have apologised for this previously,” he added. “Since my apology in November 2008, my understanding and behaviour have also changed.”
43. [name] added that he was at no point made aware of any allegations against Noel Clarke.  
  
‘He would literally lean in and grab my thigh’
44. Clarke also stands accused of behaving inappropriately at an external function related to his role in Doctor Who. In May 2016, Lisa Graham volunteered at Bournemouth Film and Comic Con, held at the Bournemouth International Centre. She was assigned to help Clarke sign autographs and take photographs with paying fans. At this event, Graham alleges that Clarke sexually harassed her and touched her inappropriately under the table they were both sitting at.
45. “He would literally lean in and grab the outside of my thigh,” Graham recalled. On one occasion, she said, Clarke attempted to touch her inner thigh. “It started out on the knee,” she said, “but there was a point where he tried to lean towards my inner thigh, and I physically moved my chair to get away.”
46. When women walked past their stand, Graham said, Clarke would rate them out of 10 in terms of sexual attractiveness, and make derogatory and disrespectful comments.
47. She also alleged that Clarke repeatedly asked her to have sex with him. Because they were both in public, Graham said she did not feel physically threatened by Clarke. However, she found his comments to be “disgusting”. At the end of the day, as they were packing away, Graham mentioned the harassment to her supervisor. The supervisor laughed away the remarks, Graham recalled, and did not appear to take it seriously.
48. Clarke’s lawyers said he never touched anyone inappropriately or in a sexual way, and pointed out that the convention was a public event, where there were always people present. They said Clarke had no specific recollections of discussions with Graham, but wholly denied he would have conducted himself in the way she alleged.
49. In the statement released the day after the Guardian published allegations from 20 women, Clarke said: “I vehemently deny any sexual misconduct or criminal wrongdoing. Recent reports however have made it clear to me that some of my actions have affected people in ways I did not intend or realise. To those individuals, I am deeply sorry. I will be seeking professional help to educate myself and change for the better.”
50. This article was amended on 7 May 2021. Clarke was speaking at the Chicago Tardis convention in 2014, not 2015 as stated in an earlier version.

### **Seventh article (online version)**

After Noel Clarke: can the UK film and TV industry bring an end to on-set bullying?

For many years, the actor and director's behaviour was seemingly unchallenged. But there are hopes that the recent claims against him could help spur positive change.

1. After 20 women came forward to tell the Guardian they had been sexually harassed and bullied by the actor, director, screenwriter and producer Noel Clarke, the question on many people's lips was: did other people in the industry know about this? And if not, why not?
2. While some of the incidents of harassment or bullying took place without witnesses, others happened in front of colleagues and senior production staff. The assistant film director Anna Avramenko, who worked as an intern on the film *Doghouse* in 2008, told the Guardian that Clarke approached her on set and "started trying to kiss me on the lips, in front of everyone". She added: "He probably tried it like three to five times with me, maybe more."
3. Why was Clarke's behaviour go seemingly unchallenged for so long? And are the problems it highlights symptomatic of a wider lack of safeguarding within British film and television?
4. Clarke himself has categorically denied all allegations of wrongdoing, and continues to deny them. In a statement to the Guardian in April, he stated: "In a 20-year career, I have put inclusivity and diversity at the forefront of my work and never had a complaint made against me. If anyone who has worked with me has ever felt uncomfortable or disrespected, I sincerely apologise. I vehemently deny any sexual misconduct or wrongdoing and intend to defend myself against these false allegations."
5. Industry insiders talk about a culture on some sets where those in power could be bullying and demanding, but where people felt unable to complain. These actors, casting agents, union representatives and advocates describe the British film and television industry as an institutionally unsafe place, particularly for women. Job precarity, and the overwhelming power of producers, directors and stars on sets, all create a fear that speaking out about abuse will lead to blacklisting in an insular community.
6. "Having read all the stories [about Clarke's behaviour], I'm left with this overwhelming feeling of impotence and frustration," says Meriel Beale, the anti-bullying and harassment officer at Bectu (the Broadcasting, Entertainment, Communications and Theatre Union).
7. Beale founded the Unseen On Screen anti-bullying campaign in November 2020, after being a victim of workplace bullying herself. After the allegations against Clarke were reported by the Guardian, Beale wrote an open letter, now signed by more than 2,000 members of the British entertainment industry, calling for "an end to this culture that turns a blind eye to predators and harassers operating in plain sight".
8. Sexual harassment and bullying from actors on sets can go unchecked because "stars are more important than the minions, who are replaceable and disposable because everyone wants to be in film", says Samantha Horley, who sits on the bullying and harassment committee set up by the BFI and Bafta. In her 30-year career in international film sales, she frequently encountered bullies. "It was always accepted that you put up with bad behaviour," Horley says. "I've worked with screamers and phone-throwers."

9. Paul Fleming, the general secretary of Equity, the union for actors, places the responsibility for protecting workers with producers. “Producers don’t like being called bosses,” he says. “They like to be seen as exclusively artistic and creative people. But they have a moral, legal responsibility to make their workplaces safe.”
10. But what if the alleged abuser is the person in charge? “There is huge vulnerability if you are someone who doesn’t have huge amounts of power in the industry and you’re talking about someone who is extremely powerful,” says Philippa Childs, the head of Bectu. “That power gap is definitely even more huge in TV than in other workplaces. The people with money and profile and kudos are almost untouchable.”
11. Whereas on a big project, such as a Netflix show, for example, victims might be able to contact the streaming giant to raise concerns about the behaviour of a producer or director, that option is not available on low-budget productions. “In the entertainment industry,” says the casting director Tamara-Lee Notcutt, who worked with Clarke on the film *Adulthood*, “we don’t have HR, you don’t have anyone to go to, especially if it’s the producers or directors doing it. They’re the head of the food chain. Who are you going to talk to?”
12. Many of the women the Guardian spoke with were reticent about making complaints about Clarke’s conduct and behaviour, both at the time of the incidents and years later, seeing him as a man who wielded considerable power in their industry. They worried that if they reported the incidents, word could get around, and they might struggle to get work in the future. Others said there was a cultural reluctance to challenge the behaviour of senior actors and producers.
13. It’s clear that many people did know what Clarke was like. Some people have admitted that he was known to be bullying and demanding on set. Others have pointed out that he often produced his own projects, such as Sky’s now-cancelled police procedural drama *Bulletproof*. “There was absolutely no oversight on his projects,” says a former insider on Clarke’s productions, who does not wish to be named. “He was given complete autonomy. There was no one holding him to account and he surrounded himself with people who were 100% loyal to him. He mainly did his own productions and he was the power broker.”
14. Clarke’s lawyers say that he has never worked “on a single production where there has not been someone or a number of people above him”, instead reporting to executive producers, distributors or financiers, and that he has “never had complete autonomy on a production”.
15. Looking at the wider perspective, the UK film and TV industry is small, and reputation is everything. “People feel very anxious about speaking out,” says Childs, “because they are concerned that word is going to go around that they are trouble-makers or that they can’t cope, because they’re not capable of dealing with the cut and thrust of the film set, or the pressures involved in getting a production finished within time and budget.”
16. People at the beginning of their careers can be vulnerable to superiors who may take advantage of their ambition and inexperience. Although the industry seems glamorous to outsiders, like many others it’s full of bad bosses and bad pay. “These abuses of power are no different from what they might be within a chicken factory,” says

Fleming. “You have these short-term contracts, zero-hour agreements, peculiar freelance arrangements, very powerful, usually male bosses, and junior people who are very, very desperate to work – it’s the same everywhere.”

17. The industry’s reliance on short-term, freelance contracts over the years has created a systemic problem, where a compliant workforce is fearful of speaking out. “If you’re a freelancer or you’re just starting out, then you do worry about how you’re going to make a name for yourself or where your next job is coming from,” says Childs.
18. Kristina Erdely, a casting director who worked with Clarke’s production company Unstoppable on the Channel 5 drama The Drowning, says casting director jobs “are not advertised. There’s no recruitment process. There’s no equal opportunities. When a commission hits a producer’s desk, they want to crew up really quickly. It’s so hard to open doors, and this instills fear in freelancers, because it’s so hard to get work.”
19. Individuals can fall between the cracks of a system that is not set up to safeguard them. In extreme examples, people can be driven out of the industry altogether.
20. Former runner Hollie Ibson alleges she was bullied by Clarke during the production of Bulletproof in 2018. “I never reported him,” she says. She was worried that if she did report Clarke, it might get back to him, as the boss on the production.
21. She claims that Clarke would pretend not to hear her when she relayed messages to him, and then later blame her for not passing the messages on. She says that she would have panic attacks on set. “I would come home crying my eyes out most nights,” Ibson says. “It was awful ... I felt insignificant and rubbish at my job, because I was ignored every day.” Although there was a phone number on the bottom of the call sheet (the document that tells the cast and crew what they need to do each day) to allow anyone to report any workplace issues anonymously to an independent person, Ibson never called it.
22. After Bulletproof, Ibson quit the film industry and now works in TV scheduling. “Until I had that job,” she says, “I knew I was good at my job, and progressing in the industry. When it all happened, it crushed me.”
23. Clarke’s lawyers state that he has “no recollection of Ms Ibson”, and point out that no complaint was made about his alleged behaviour towards her on set. They say there were female executives and higher-ranking people than Clarke on the set every day, and that there is no record of the on-site medical team attending anyone having a panic attack on set.
24. Bulletproof was made by the production company Vertigo Films, which terminated its relationship with Clarke last month. Lawyers for Vertigo confirmed that Ibson had not made any complaints of misconduct against Clarke.
25. The Guardian understands that Vertigo was made aware of two incidents involving Clarke on the Bulletproof set, at least one of which resulted in a formal complaint. In the first incident, which took place on 22 May 2019, there was a physical altercation between Clarke and a supporting artist. An official complaint was made by the supporting artist against Clarke, who subsequently apologised. In the second incident, which took place during the filming of Bulletproof South Africa, Clarke allegedly told

a crew member words to the effect that he would “fire” them for making a mistake on set.

26. Additionally, the Vertigo co-founder Allan Niblo told an alleged victim in a 1 May 2021 phone call: “Don’t get me wrong, I know Noel can be an asshole, I know he can be a bully. But no sexual, none of this behaviour got back to me at all. If it had, I would have done something about it.”
27. The call was one of a number Niblo made to people who worked with Clarke after the Guardian’s original story appeared. In it, Niblo made clear that he was not aware of any sexual misconduct allegations against Clarke prior to the story breaking, and was “devastated” by the reporting.
28. Bulletproof was one of Sky’s most popular shows: its debut episode got the biggest audience for Sky One all year. Vertigo and Sky accept that both incidents took place on Bulletproof; however, they state that they were handled expeditiously and resolved appropriately at the time, to the satisfaction of the individuals involved. Lawyers for Niblo state that he did not know that Clarke had allegedly bullied people prior to the Guardian’s reporting, and that when he said that Clarke could be an “asshole” and a “bully”, he was referring to conversations he’d had with current and former Vertigo employees after the story broke, which had changed his understanding of Clarke.
29. “We are devastated to learn of the allegations made against Noel Clarke and we have been working hard since then to speak with and support anyone who has been affected,” said a spokesperson for Vertigo Films. “The isolated issues that were raised during production were resolved immediately on set. It is clear the current industry standards for safeguarding procedures need to urgently be reviewed. Our primary goal now is that Vertigo Films will help to shape the best working practices in entertainment, and we have already begun investing in this.”
30. Clarke states that the May 2019 incident took place after the supporting artist joked about his family, and the incident on the set of Bulletproof South Africa took place after a crew member incorrectly loaded a prop gun. “It would be neither fair nor reasonable to criticise our client for being firm with the crew member in question in circumstances where their actions could have endangered cast and crew,” said Clarke’s lawyers of the second incident.
31. Nonetheless, these incidents illustrate some of the difficulties that the industry now finds itself having to grapple with. The responsibility for fixing the industry is a merry-go-round of finger-pointing and blame-shifting. “The industry is full of people organising seminars and producing documents explaining what’s gone wrong,” says Fleming. “There’s a tendency to point fingers at the casting process, at agents, at drama school, the nature of short-term contracts and the short-lived nature of the special production vehicles of companies that make shows.”
32. Childs wonders whether the array of anti-harassment initiatives launched after Harvey Weinstein’s abuses in the US came to light in 2017 have failed. “I think we became complacent,” Childs says. “People thought they had put in place checks and balances, but they weren’t working.”

33. In 2018, the BFI, in partnership with Equity, announced that everyone applying for BFI funding would have to pledge a zero-tolerance approach to sexual harassment and bullying. Their guidance recommended that every production should have two people on set who are anti-harassment leads, but this has not happened.
34. Furthermore, in late 2020, Equity stopped operating its bullying and harassment helpline. The union says that not enough people were contacting it to justify its continued operation, and that it increased its spend on one-to-one counselling services by £10,000 instead. The Film and TV Charity does have a 24-hour support hotline, which Beale says is helpful. But she says that people are reluctant to call whistleblowing hotlines. “People have said to me that they don’t want to call those lines, because they don’t know who would be hearing the messages, or answering the phones.”
35. The charity Time’s Up UK has issued guides for nudity and sex scenes, while just last month, Equity negotiated with Pact, the trade association that represents the independent television and film production companies, to introduce new protections on performances involving nudity and simulated sex acts. But it’s clear there’s a long way to go. Beale wonders whether a neutral third-party organisation, capable of investigating abuse complaints, would be the best way to go. “We could do with some kind of independent body who is there to provide reassurance that, if you have a problem, you can go to them, and they’re not going to be tied in with somebody who could affect your next job,” says Beale.
36. Childs would like to see a dedicated anti-harassment representative on every set. “The big film companies, the broadcasters, Netflix,” she says, “everyone would need to contribute, pay for their training and agree that there should be someone on every production.” Vertigo said it has already taken action to secure the safeguarding of casts and crew on all its productions and in particular had hired an independent media HR consultant to be present on all sets to run compulsory training on harassment and bullying and to be available to all cast and crew to raise any issues confidentially that may arise. Sky has a dedicated, confidential web portal – SkyListens – to enable anonymous reporting of incidents either via phone or online and actively encourages reporting of incidents from employees and those working on Sky productions.
37. This cultural moment, although painful, may yet be a force for positive change. “I feel like we didn’t have our #MeToo movement here in the UK in the same way that they did in America,” Beale says. “People are really ready for it.”
38. This article was amended on 28 May 2021. Due to a misunderstanding, an earlier version indicated that Meriel Beale’s comments regarding people’s reluctance to call hotlines related to support lines such as that run by the Film and TV Charity. In fact she was referring not to these, but to whistleblowing hotlines. This has been clarified.

### **Eighth article (online version)**

Women’s rights activists dismayed by Met refusal to investigate Noel Clarke

Campaigners frustrated as actor avoids criminal probe into allegations of groping, harassment and bullying

1. Women’s rights campaigners and women who claimed they were sexually harassed and bullied by the actor Noel Clarke have responded with dismay to the Metropolitan police’s decision not to launch a formal criminal investigation into the allegations against him.
2. The Met said on Friday that no further action would be taken against Clarke, who was accused of groping, harassment and bullying by 20 women in the Guardian in April 2021. Clarke has consistently denied the allegations, but subsequently apologised if his “actions have affected people in ways I did not intend or realise”.
3. The Met said it would not launch a formal investigation “following a thorough assessment by specialist detectives”. A spokesperson said: “We have updated the complainants. If any further allegations related to those already assessed are reported, then it will be thoroughly considered.”
4. A female actor who provided a statement to police in May 2021 to allege sexual misconduct at Clarke’s hands was dismayed by the Met’s decision. “This is a very disappointing outcome for the people who courageously came forward and anyone who had close dealings with Noel and witnessed his consistent abuse of power,” she said.
5. Meriel Beale, who coordinated an open letter signed by 2,000 people calling for reform to the UK film and TV industry after the allegations were made against Clarke, expressed frustration at the Met’s decision.
6. “We know that the film and TV industry has a big problem,” Beale said. “I’m still regularly approached by distressed people – mainly women – who are experiencing bullying, sexual harassment and abuse. The problem is now being talked about, but it isn’t going away. It takes a huge amount of bravery to speak up, and women are upset by the perception they are not being taken seriously or believed.”
7. Jamie Klingler of Reclaim These Streets, which earlier this month won a high court case about the Met’s handling of a vigil for Sarah Everard, was similarly dispirited.
8. “It’s upsetting but not surprising,” said Klingler. “Time and time again the Met fails the women of London. Once again, this cements the message that there is no point in [making complaints to the police], as they either don’t believe us or minimise the impact and claim that the standard for prosecution isn’t reached. When will enough really be enough? When will they believe women?”
9. After the initial accusations emerged, Bafta withdrew Clarke’s award for outstanding British contribution to cinema, and Sky cancelled his police procedural drama, Bulletproof. Clarke has subsequently kept a low profile, although it is understood that he consented to be interviewed for a documentary about the allegations that is in early development for Channel 4.
10. In a statement, the Met confirmed that it had received a third-party report related to allegations of sexual offences on 21 April 2021, eight days before the Guardian’s investigation was published. It is understood that this report came from an industry organisation, not an individual. “Following a thorough assessment by specialist detectives, it was determined the information would not meet the threshold for a criminal investigation,” said a Met spokesperson.

11. However, it is understood that at least five individuals contacted the police after the Guardian's investigation, in addition to the initial third-party report made on 21 April 2021. It appears unlikely that these reports will lead to charges, with the Met confirming that it is not currently aware of any criminal investigation into the allegations against Clarke.
12. Davie Fairbanks, one of the five, who worked with Clarke on the film Legacy and was a shareholder in his since dissolved production company Unstoppable Entertainment Ltd, contacted the Met shortly after the Guardian's investigation was published in April 2021.
13. Fairbanks alleges that he did not hear back from the Met after providing his statement. "I can't imagine what these women are thinking today," said Fairbanks. "These women need to be heard, and that hasn't happened."
14. The Met did not immediately respond to a request for clarification of Fairbank's claims.

### **Eighth article (print version)**

Noel Clarke accusers angered at police decision to drop inquiry

1. Women's rights campaigners and women who claimed they were sexually harassed and bullied by actor Noel Clarke have responded with dismay to the Metropolitan police's decision not to launch a formal criminal investigation into the allegations.
2. The Met said on Friday that no further action would be taken against Clarke, who was accused of groping, harassment and bullying by 20 women in the Guardian in April 2021. Clarke has denied the allegations, but apologised if his "actions have affected people in ways I did not intend or realise."
3. The Met said it would not launch a formal investigation "following a thorough assessment by specialist detectives". A spokesperson said: "We have updated the complain-ants. If any further allegations related to those already assessed are reported then it will be thoroughly considered."
4. An actor who provided a statement to police in May 2021 to allege sexual misconduct at Clarke's hands was dismayed by the Met's decision to drop the investigation. "This is a very disappointing outcome for the people who courageously came forward and anyone who had close dealings with Noel and witnessed his consistent abuse of power," she said.
5. Meriel Beale, who coordinated an open letter signed by 2,000 people calling for reform to the UK film and TV industry in the wake of the allegations against Clarke, expressed frustration at the Met's decision.
6. "We know that the film and TV industry has a big problem," Beale said. "I'm still regularly approached by distressed people – mainly women – who are experiencing bullying, sexual harassment and abuse. The problem is now being talked about, but it isn't going away. It takes a huge amount of bravery to speak up and women are upset by the perception they are not being taken seriously."

### **Appendix 2: The parties' meanings**



Claimant's meaning	Defendant's meaning
<b>First Article (online)</b>	
<p>a) The Claimant was a sexual predator who had abused his position within the industry over the course of 15 years by preying on at least 20 women who were junior and subordinate to him and subjecting them variously to bullying, sexual harassment, unwanted touching or groping, sexually inappropriate behaviour and comments on set and taking and sharing sexually explicit photos and videos without consent, which included secretly filming a young actress' naked audition and sharing an explicit picture of himself; and</p> <p>b) The misconduct he was guilty of was so serious that Bafta immediately suspended the Award it had given him as well as his Bafta membership.</p>	<p>There were reasonable grounds to suspect that the Claimant had abused his power in the industry over a number of years serially to target women he worked with by subjecting them variously to groping, sexual harassment, unwanted touching, sexually inappropriate behaviour and comments on set and bullying and, <u>in the light of that behaviour, he was a serial sexual predator.</u></p>
<b>First Article (hardcopy)</b>	
<p>As online above</p>	<p>There were reasonable grounds to suspect that the Claimant had abused his power in the industry over a number of years serially to target women he worked with by subjecting them variously to groping, sexual harassment, unwanted touching, sexually inappropriate behaviour and comments on set and bullying.</p>
<b>Second Article (online only)</b>	
<p>the Claimant had engaged in unprofessional and violent behaviour by sexually harassing 20 women, as a result of which ITV had taken the highly unusual decision to pull the final episode of the Claimant's prime time drama Viewpoint from broadcast on its main channel, Sky stopped working on the forthcoming series of the award winning show Bulletproof (which was created by and which starred the Claimant) and Vertigo Films, the UK producer of Bulletproof, had removed the Claimant from any of its productions.</p>	<p>There were reasonable grounds to suspect that the Claimant had variously groped, sexually harassed and bullied a number of women.</p>
<b>Third Article (online and in hardcopy)</b>	
<p>a) The Claimant had groped, harassed, bullied and verbally abused 20 women which had led to Sky halting any further productions with him and ITV pulling its flagship drama Viewpoint, the finale of which was due to aired on Friday night;</p>	<p>There were reasonable grounds to suspect that the Claimant had abused his power in the industry by variously verbally abusing, groping, bullying and sexually harassing several women.</p>

<b>Claimant's meaning</b>	<b>Defendant's meaning</b>
<p>b) Bafta ought to have taken the allegations made to it against the Claimant seriously when they first received them because they were from credible sources; and</p> <p>c) The Claimant should not have received the Award because he did not deserve it.</p>	
<b>Fourth Article (online and hardcopy)</b>	
<p>a) Between 2004 and 2019, subjected 20 women to sexual harassment, unwanted touching or groping, sexually inappropriate behaviour and bullying, including secretly recording a naked audition; and</p> <p>b) Committed further misconduct against other individuals, amounting to 26 people in total, which included encouraging former students at the London School of Dramatic Art (LSDA) to remove clothing during improvisation workshops when that was not permitted by the LSDA, as a result of which he was asked to stop giving those classes.</p>	<p>There were reasonable grounds to suspect that the Claimant had variously groped, sexually harassed and bullied a number of women.</p>
<b>Fifth Article (online only)</b>	
<p>a) The Claimant was a serial abuser who had, between 2004 and 2019, engaged in #MeToo type behaviour by subjecting 20 women variously to sexual harassment, unwanted touching or groping, sexually inappropriate behaviour and comments on set, professional misconduct, taking and sharing sexually explicit pictures and videos without consent and bullying; and b) This had resulted in the finale of the ITV drama Viewpoint not being shown on television as planned, Sky deciding to stop working on the Claimant's show Bulletproof and Vertigo Films removing the Claimant from their productions.</p>	<p>There were reasonable grounds to suspect that the Claimant had over a number of years abused his power in the industry serially to target women he worked with by subjecting them variously to groping, sexual harassment, unwanted touching, sexually inappropriate behaviour and comments on set and bullying.</p>
<b>Sixth Article (online and hardcopy)</b>	
<p>The Claimant:</p> <p>a) Was a sexual predator operating in plain sight who had groped, sexually harassed and bullied 20 women, as a result of which ITV, BBC and Sky had cut ties with him and he had lost the Award that Bafta had given to him;</p> <p>b) Had sexually harassed or inappropriately touched several further individuals who</p>	<p>There were reasonable grounds to suspect that the Claimant had abused his power as an actor on Doctor Who by variously groping, sexually harassing, inappropriately touching and bullying several women working for the show or connected with it.</p>

<b>Claimant's meaning</b>	<b>Defendant's meaning</b>
worked on the BBC flagship TV show Doctor Who show; and c) Had further sexually harassed and inappropriately touched a female volunteer at the 2016 Bournemouth Film and Comic Con.	
<b>Seventh Article (online and hardcopy)</b>	
the Claimant was a sexual predator who had operated in plain sight, engaging in #MeToo type behaviour by abusing his position and considerable power within the industry by sexually harassing and bullying 20 women, who had his relationship with Vertigo Films terminated as a result of what he had done.	There were strong grounds to suspect that the Claimant had abused his power on sets he worked on by variously sexually harassing and bullying several women.
<b>Eighth Article (online)</b>	
a) The Claimant had groped, sexually harassed and bullied 20 women and consistently abused his position of power by doing so, as a result of which he lost the Award and Sky cancelled his drama Bulletproof; b) The Met police ought to have investigated the Claimant and it was wrong for them to have refused to do so because the women who made the allegations against him should be taken seriously and believed; and c) 5 individuals, including Mr Dave Fairbanks, had made reports to the police about the Claimant concerning allegations of sexual offences committed by him, in addition to a third-party report that was made on 21 April 2021 by an industry organisation.	<u>The police were wrong not to investigate the allegations against the Claimant</u> because there were grounds to investigate whether he had had groped, harassed or bullied women.
<b>Eighth Article (hardcopy)</b>	
As online above	<u>The police should have investigated allegations made against the Claimant because failing to so do failed to treat the women in question seriously.</u>