

Key rulings 2009

PROMINENCE

The Editors' Code of Practice makes reference to corrections and adjudications being published with "due prominence". In 2009, the Commission was asked to rule on this requirement on various occasions, with the following two cases being of particular significance.

1) The Sunday Times wrongly alleged, on a front page, that Dr Tony Wright MP (Cannock Chase) had accepted money to surrender a tenancy agreement, and then moved to the same block with a lower rent. In fact, it had confused the complainant with another MP of the same name. While Dr Wright had obtained an apology from the paper, this had been published on its letters page (page 20) and he was dissatisfied with its prominence.

Given the seriousness of the error, the Commission did not consider that the newspaper's placement of the apology

was appropriate on this occasion. The complaint was upheld under Clause 1 (Accuracy) of the Editors' Code.

2) The Commission also criticised Woman magazine in 2009 after it failed to publish an upheld PCC adjudication in full and with due prominence. Part of the penalty for breaching the Editors' Code is the requirement to publish the Commission's criticisms in full.

In this case, the original article had appeared on a double-page spread over pages 8 and 9. The publication of the adjudication on page 30 was insufficiently prominent. In addition, the ruling appeared in a smaller typeface than the rest of the page; did not make reference to the PCC in the headline; and had been heavily edited, with around half of it not included. This was unacceptable to the Commission, prompting a further critical adjudication which the magazine then published prominently and in full.

HARASSMENT

In November 2009 the Commission upheld a complaint against the Daily Record for harassing a manager at a lap-dancing club while researching a story about her becoming pregnant by a Scottish Premier League footballer. The complainant had made it clear that she did not wish to speak. The newspaper gave a written assurance to the PCC that it would not approach the complainant again – yet two further approaches ensued, including one at a very late stage of pregnancy.

The Commission ruled that it should be a "relatively simple matter" for newspapers to communicate internally about such requests, noting that most newspapers manage to do this every day with no such confusion. Indeed, the Commission said that it was "disappointing that the procedures of a major newspaper such as the Daily Record should turn out to be so lacking". The complaint was upheld under Clause 4 (Harassment).

"It was [...] disappointing that the procedures of a major newspaper such as the Daily Record should turn out to be so lacking"



REPORTING OF SUICIDE

In April 2009, the Commission upheld a complaint against the Reading Chronicle for publishing “excessive detail” about a suicide. The article reported the death of a woman who had taken her own life by consuming poisonous leaves. It included the type of leaf used; how the deceased found out about it; the fact there was no antidote; and a reference to the speed of the process.

In the Commission’s view, this information may have been sufficient to spell out to others how to carry out such a suicide. The complaint, which came from the parents of the deceased, was therefore upheld.

CHILDREN

The Commission upheld a complaint against the Scottish News of the World for running an article about the alleged behaviour of a seven-year-old boy in Scotland, who had been involved in anti-social incidents.

While the Commission accepted that the newspaper had had some grounds for the story, it was concerned that the most serious claims (allegations of violence and the assertion he had been expelled from a string of schools) could not be substantiated. This was significant in a story about such a young child.

The Commission also ruled that the newspaper’s attempts to conceal the identity of the child had been insufficient, and that there was not appropriate justification for running his picture, even though it was pixellated.

ALFIE PATTEN CASE



In February 2009, the Commission launched its own investigation into payments to the families of Chantelle Stedman and 13-year-old Alfie Patten for stories about the background to the birth of Chantelle’s baby Maisie.

The purpose of the investigation was to establish whether the alleged payments by The Sun, The People and the Sunday Mail had been made in breach of Clause 6 (iv) of the Editors’ Code of Practice which states the following:

“Minors must not be paid for material involving children’s welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the public interest”.

Two weeks after the PCC’s announcement, however, the High Court made a Reporting Restrictions Order which effectively precluded both further approaches to the families and the publication of any new information about Chantelle, Alfie and Maisie. This limited the Commission’s ability to make enquiries and publish information about the case.

Nonetheless – as this subject related to a matter of considerable importance –

the Commission issued some guidance, on the general issue of paying parents for information about their children’s welfare. In particular, the Commission says that editors should ask themselves three questions:

- Is the payment alone responsible for tempting parents to discuss a matter about their child that it would be against the child’s interests to publicise? If so, only an exceptional public interest reason could justify proceeding with the arrangement;
- Is there any danger that the offer of payment has tempted parents to exaggerate or even fabricate the information?;
- Is the payment in the child’s interest?

While accepting that parents have a right to freedom of expression, the Commission emphasised that editors must come to an independent judgement as to whether publication of information – and the payment involved for the material – is in the child’s interest:

“On some occasions, this will mean – where there is an insufficient public interest in the story – that payment should not be made, even if the parents are happy for the story to be published”.

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PRIVACY AT A FUNERAL

In November 2009, the Commission upheld a complaint against the Bristol Evening Post about its coverage of a local death by suicide. The mother of the deceased was concerned about the actions of a photographer on the day of the funeral – who had been asked to leave – and the publication of photographs of the event at a time of intense grief.

“Parents grieving for the loss of their child should not have to be concerned about the behaviour of journalists”

While the Commission accepted that newspapers have an important role to play in the reporting of tragic events – which it did not wish unduly to restrict – there was a need for restraint and sensitivity on the part of the newspaper, particularly given the age of the complainant’s son and the manner in which he had died.

The PCC felt that the newspaper should have sought to determine the feelings of the family before sending someone to cover a funeral of this nature: “parents grieving for the loss of their child should not have to be concerned about the behaviour of journalists, or the likelihood that details of the funeral would be covered without their consent”.

CELEBRITY HOMES



In early 2009, the Commission ruled that The Mail on Sunday had breached Clause 3 (Privacy) of the Editors’ Code of Practice when it reported that James Bond actor, Daniel Craig, had bought an apartment in North London. The newspaper had referred to the district of London in which the property was situated, named a park it was near and included a photograph of the house in which the apartment was located.

The Commission has previously made clear that newspapers should not gratuitously identify the homes of

individuals who might be exposed to specific security problems. Daniel Craig, who said he had been the subject of unwanted and overzealous attention from fans, fell into this category. The Commission concluded that the article had included just too much detail and ran a clear risk of identifying the property without justification, resulting in a breach of the Code. It decided that the newspaper’s actions following the complaint – including the removal of the online article; an offer to apologise; and an undertaking as to future publication – remedied the initial breach sufficiently.

IDENTIFYING THE RELATIVES OF CRIMINALS

The Commission rejected two separate complaints – from Patricia Hewitt MP and the former England football captain, John Terry – that articles in The Sun in 2009 had identified them in breach of Clause 9 (Reporting of crime) of the Editors' Code of Practice.

“The Commission was satisfied that Ms Hewitt and her husband were genuinely relevant to the story given their current and previous roles and comments”

The John Terry story related to his mother and mother-in-law accepting formal cautions for shoplifting. He argued that the coverage was focused on him when

he was not genuinely relevant to the story and had not been involved in the incidents.

The Commission ruled that the newspaper had not revealed a “hitherto unknown connection between the parties”. It also considered that the complainant was genuinely relevant to the story and could legitimately be made its focus. The stores involved directly sponsored the England football team and “the complainant, as captain, could reasonably be said to be the public face of the team”. It added that Mr Terry was “also one of the highest-earning footballers in the world who, it was said, provided for his family financially. The fact that – despite such wealth – his mother and mother-in-law had been involved in claims of shoplifting was clearly relevant to the matter”.

The Sun also reported that Patricia Hewitt's son had been charged with possession of cocaine. Ms Hewitt said that the coverage had unnecessarily referred to her and her husband in breach of the Editors' Code. While accepting that her son had committed a criminal offence, she nonetheless believed that the newspaper only published the story with such prominence due to her public role as an MP, and that of her husband, who was a judge. This was unfair, she claimed, because she and her husband had been careful never to speak publicly about their children and her son deserved to be treated as a private individual.

“The Commission was also convinced by the argument that [John Terry] was genuinely relevant to the story and could legitimately be made its focus”

The Commission could understand Ms Hewitt's concerns about unwelcome media attention regarding her son. However, it decided that the newspaper's argument – that the roles of Ms Hewitt (a former Health Secretary) and her husband (a judge who was on record as having spoken out about the issue of drugs) were genuinely relevant to the story – was justified.

ENGLAND SKIPPER 'MORTIFIED'

John Terry's

mum



EXCLUSIVE by NICK PARKER
ENGLAND soccer captain John Terry's mum and mother-in-law have been cautioned for shoplifting. The Sun can reveal.
See Terry, 50, right, and Sue Poole, 54, were accused of stealing £800 worth of clothes and food from M&S and Tesco in Weybridge, Surrey. Chelsea star Terry, 28, left, is said to be "mortified".
Full Story – Page Five

arrested for

shoplifting

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MPS' EXPENSES



In 2009, newspaper front pages were dominated by revelations involving expenses claimed by Members of Parliament. The coverage led to a number of complaints from MPs, mostly in regard to the accuracy of the stories.

1) An article in March 2009 in the News of the World claimed that the MP for New Forest East, Dr Julian Lewis, was “hardly ever” at his constituency home and also claimed he had sought to censor publication of its story. Dr Lewis argued that the article was based on inaccurate information provided by a political rival.

The Commission “was not impressed with the newspaper’s evidence” to support either of the claims and considered that it should have offered a prompt and clear correction. It failed to do so and the complaint was therefore upheld under Clause 1 (Accuracy) of the Editors’ Code.

2) The PCC also upheld a complaint from Brian Binley, the MP for Northampton South, after The Daily Telegraph claimed he was a “millionaire” and possessed a “multi-million pound fortune”. Mr Binley said that both assertions were inaccurate and supplied evidence of his actual financial situation.

While the point at stake was a narrow one, the Commission considered that it was “significant”. The Daily Telegraph had not checked Mr Binley’s financial position prior to publication and had not been able to corroborate its contentions. In such circumstances, it should have “offered promptly to publish a correction and apology which accepted the articles were incorrect”.

3) A separate complaint against The Daily Telegraph – from the Stafford MP, David Kidney – was rejected. Mr Kidney complained that the article had implied misbehaviour in relation to council tax claims he had made. While he had repaid around £2,500 to the Fees Office, this was the result of a mix-up, he said, not of any deliberate attempt to over-claim.

However, the Commission noted that it was not in dispute that the complainant had (for whatever reason) made a duplicate claim. The newspaper had not said directly that his actions were deliberate and a more detailed explanation – referring correctly to a ‘mix-up’ – was contained within a special supplement, which was published on the same day. The Commission did not uphold the complaint.

PAYMENT TO CRIMINALS

In May 2009, the Commission upheld a rare complaint under Clause 16 (Payment to criminals) of the Editors’ Code, which prohibits payments to criminals or their associates, following a complaint against Take a Break magazine.

The magazine published the story of Christine Chivers, who had pleaded guilty to an arson attack on the home of another woman, Christine Wishart. The article was based on information provided by Ms Chivers’ daughter, who was paid £1,000, and it included Ms Chivers’ claim that, in spite of her plea, she had not carried out the attack. Take a Break argued that it was important to highlight a potential miscarriage of justice.

The Commission did not accept the magazine’s defence: “It was clear that Ms Chivers’ crime had been exploited for money in breach of the Code...” and there was nothing in the article of “sufficient public interest to justify the payment... It did not point to any clear evidence of a miscarriage of justice, and it was not part of a campaign to have the conviction quashed”. While the magazine was not prohibited from publishing Ms Chivers’ story, the Commission concluded that “the decision to offer payment was misguided and the editor should have recognised that immediately”.

DISCRIMINATION

In the later part of the year, the Commission rejected a discrimination complaint from blogger Iain Dale against the Daily Mail. Mr Dale objected to a diary item, which described him as “overtly gay” and referred to an interview he had given to Pink News in which he encouraged its readers to attend the open primary, saying it was “charming how homosexuals rally like-minded chaps to their cause”. He believed that the references were pejorative and the article was homophobic.

“The right to freedom of expression includes the right – within the law – to give offence”

Although the Commission understood how the complainant found the comments to be objectionable, it ruled that Clause 12 (Discrimination) of the Code had not been breached. The item had used no pejorative term for the complainant, nor had it ‘outed’ him. In the Commission’s view, the piece was uncharitable, but – in the context of a diary column, known to poke fun at public figures – was not an arbitrary attack on him on the basis of his sexuality.

The Commission said: “Where it is debatable – as in this case – about whether remarks can be regarded solely as pejorative and gratuitous, the Commission should be slow to restrict the right to express an opinion, however snippy it might be. While people may occasionally be insulted or upset by what is said about them in newspapers, the right to freedom of expression that journalists enjoy also includes the right – within the law – to give offence”.