

Greater Manchester Police v The Daily Telegraph

Clauses noted: 4

Mr David Whatton, the Acting Chief Constable of Greater Manchester Police, complained that The Daily Telegraph had harassed the families of two Police Community Support Officers (PCSOs) in breach of Clause 4 (Harassment) of the Code.

The complaint was not upheld.

On Thursday 3rd May 2007, a ten-year-old boy, Jordon Lyons, drowned in a pond near Wigan. Two PCSOs arrived at the scene several minutes after Jordon disappeared underwater, and did not enter the water to rescue him. The inquest into Jordon's death was held on 15th September, at which point press interest in the story intensified. The PCSOs were widely criticised for not going into the pond to try to help him.

Following the inquest, two reporters from The Daily Telegraph contacted the GMP press office on numerous occasions, requesting interviews. They were informed that no interviews would be given by the families or the PCSOs. A reporter also delivered letters to the PCSOs on 24th September asking for interviews. In light of these and other approaches from journalists, the GMP contacted the Press Complaints Commission on 28th September. The PCC circulated to the media their request not to approach the relevant parties.

The PCSOs were not then approached directly by journalists until 5th October, when a reporter from the Daily Telegraph spoke to the mother of one of the PCSOs following David Cameron's speech to the Conservative Party Conference on 3rd October, in which the Conservative leader referred to the incident as 'that extraordinary farce of two community support officers standing by a lake after a boy had drowned, feeling that because the rule book said they couldn't intervene, they shouldn't'. GMP complained that this visit took place in breach of the request for the PCSOs and their families to be left alone. They argued that this was a breach of Clause 4 (Harassment) of the Code.

In its reply, the newspaper said that the incident concerned important matters of public concern, not least regarding the role of the GMP, PCSOs, their training and what was expected of them. It was legitimate to try to speak to the PCSOs. Most of its attempts to do so had been made through the press office. Other than that, the newspaper sent letters to the families, and visited one family on one occasion on 5th October. This visit was described (in the evidence provided by the complainant) as 'very polite'; the reporter apologised for disturbing the family and undertook not to return. The newspaper argued that Mr Cameron's speech – made before a possible general election campaign when there was an unusual amount of scrutiny of what the Leader of the Opposition had to say – amounted to a development in the story. He had used the incident as evidence that 'we've got to start tearing up the rule books and allowing people common sense, initiative and responsibility in the jobs that they do'.

Given the importance of the story overall, the newspaper did not believe it had harassed the families in breach of the Code. However, it was willing to apologise to the person to whom the reporter had spoken for any distress caused by the visit.

The complainant considered that the story had not developed to any significant extent following the desist message sent through the PCC. In any case, had the newspaper wished to reiterate its request following the Cameron speech, it could have approached the press office to do so.

Adjudication

The purpose of 'desist notices' is to minimise the risk of individuals being harassed in breach of the Code and therefore any need for a formal complaint under Clause 4. They are part of the behind-

the-scenes work that the Commission carries out to help protect members of the public who are thrust into the media spotlight. Although there is no formal obligation on editors to obey these requests, compliance with them appears to be near-universal when there is no countervailing public interest in approaching the individuals concerned. This is one of the advantages of the self-regulatory system. However, desist requests, once issued, can only remain effective while the circumstances at the time of their dissemination are extant. In the case of *Kimberly Fortier v Sunday Mirror* (Report 68, 2004), the Commission said that it:

“does not consider it appropriate – or within the meaning of Clause 4 – to assume that a request for journalists and photographers to desist from approaching a complainant lasts in perpetuity. It would be artificial not to recognise that circumstances change. The Commission judges each case on its merits, and on this occasion it noted that the approach had taken place ten days after the request to desist, during which time there had been demonstrable developments in the story.”

This had some relevance here. On this occasion, GMP had informed the newspaper that the PCSOs did not wish to speak to the media, and then circulated this request more formally through the PCC on 28th September. But by the 5th October the story had a renewed relevance, as a matter of political importance and comment, following David Cameron’s speech. This had clearly moved the story on to some degree, and the Commission did not consider that the newspaper’s approach, or the manner of it, was disproportionate to the development in the story. This was also against the background of a legitimate public interest in what had happened to Jordon Lyons; the role of PCSOs in general; and the fact that the individuals here were involved in the story by virtue of their public role rather than, for instance, being vulnerable through grief.

For these reasons, while welcoming the newspaper’s offer of an apology to the mother of one of the PCSOs, the Commission found that this one visit did not breach Clause 4 of the Code.

Other complaints about the accuracy of some of the coverage of this incident – particularly in relation to the PCSOs’ behaviour at the scene – have been successfully resolved following the negotiation by the Commission of corrections and apologies. Details are available on the PCC’s website – www.pcc.org.uk.

Relevant ruling

Fortier v Sunday Mirror, 2004

Adjudication issued 12/06/2008