

Ms Sally Everitt and Mr Andy Brick v Welwyn & Hatfield Times

Clauses noted: 6

Ms Sally Everitt and Mr Andy Brick of Welwyn Garden City complained to the Press Complaints Commission that a reporter from the Welwyn & Hatfield Times interviewed Ms Everitt's son in breach of Clause 6 (Children) of the Code of Practice.

The complaint was upheld.

The complainants said that proper consent had not been sought by the journalist to interview the child. She had merely spoken to Mr Brick – not the boy's legal guardian – who had said that, while there probably would not be a problem, he would have to check with the boy's mother. He asked the journalist to call back once he had had the chance to speak to his partner. The complainants said that the journalist had then phoned the school and interviewed the boy, who had appeared in a television programme, and claimed that she was doing so with consent. She did not call the complainants back.

The newspaper said that the journalist had only phoned the school once Mr Brick had said it 'wouldn't be a problem' for the journalist to speak to the child. The newspaper accepted that there appeared to have been a misunderstanding about whether she could telephone the boy at school. The journalist had therefore apologised to the complainants and the newspaper had agreed not to publish anything resulting from the interview.

Adjudication

While the newspaper suggested that there had been a misunderstanding about whether the boy could be interviewed, the wording of Clause 6 should be sufficiently clear to prevent any such confusion. The journalist knew that she had not spoken to the boy's legal guardian, but to his mother's partner who it must have been clear was not in a position to give consent. The Commission appreciated that nothing had been published but the journalist should not have telephoned the boy at school without proper consent, and the complaint was therefore upheld.

Relevant rulings

Brecon High School v Brecon & Radnor Express, 2002

Granton v Daily Post, 2002

Adjudication issued 2003