

A man v Staffordshire Newsletter

Clauses noted: 7, 11

A man complained to the Press Complaints Commission that an article published in the Staffordshire Newsletter identified a child victim of sex abuse in breach of Clause 7 (Children in sex cases) and Clause 11 (Victims of sexual assault) of the Editors' Code of Practice.

The complaint was upheld on the basis that details of the article had the potential to imply the connection between the accused and his victim. This adjudication is written in broad terms to avoid repeating any of the identifying information.

The article reported that a man had been jailed after admitting charges of sexual activity with a child. The article named the man and included a photograph of him. The article also referred to the gender of the child, the child's age when the abuse began and the period of time in which the abuse was carried out. The grandfather of the victim, complaining on behalf and with the consent of the victim's mother, contended that the article had effectively identified his grandchild.

The complainant was primarily concerned about the newspaper's use of a photograph of the convicted man. Nonetheless, he also confirmed that the other details in the report were very likely to point to his grandchild as the victim of the offences. Consequently, within the child's school and in the local community, the victim's identity was now common knowledge.

The newspaper said it was at liberty to publish the name and photograph of the convicted man. The victim had not been identified, in accordance with the reporting restrictions that were in place. The newspaper added that it had not been privy to information about the connection between the victim and the abuser (as the copy had been supplied by a reliable outside agency).

Adjudication

In addition to the general requirement not to identify victims of sexual assault set out in Clause 11, Clause 7 of the Code states that the press "must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences". The Code then makes clear how this obligation can be met, including the following: "care must be taken that nothing in the report implies the relationship between the accused and the child". This places a considerable onus on editors to consider how the information they publish might enable those who know the accused to work out the identity of the victim.

In this case, it was important first to recognise that the newspaper was fully entitled to identify the convicted man. In accordance with the principle of open justice, those convicted of serious criminal acts such as this should be identified to the wider public. The Code makes this specifically clear. Such identification can include the publication of a photograph of the convicted individual. There was no breach of the Code raised by the photograph on this occasion.

The Commission also had to have regard, however, for the additional information contained in the report, which included references to the child and the abuse as well as comments made by prosecution counsel and the judge. While each of the details (which it would not be appropriate to repeat here) might have seemed relatively insignificant, it was clear to the Commission that they had the potential to imply the connection between the accused and his victim.

Overall, the Commission did not agree that the newspaper had taken sufficient care to avoid this implication. While it may not have known the full facts about the case, it was the newspaper's responsibility - not the court's or the police's or an outside agency's - to take every possible step to avoid identification. This it had failed to do and the result was a serious, albeit inadvertent, error.

The Commission upheld the complaint.

Adjudication issued 03/05/2011