

Ms Karen Croft v Daily Mail

Clauses noted: 8

Ms Karen Croft, the Corporate Communications Manager of the Priory Group, complained that a journalist from the Daily Mail had entered a private area of the Priory Hospital Roehampton without consent in breach of Clause 8 (Hospitals) of the Code.

The complaint was not upheld.

A reporter from the Daily Mail visited the private hospital in order to ascertain whether the singer Pete Doherty had recently become a patient, after he had been directed to do so by a court.

The complainant considered that the reporter had wilfully breached the Code by entering the private grounds of the hospital without asking permission and not immediately making her presence known to hospital management. She made clear that journalists were not allowed into the hospital at all. In more than three years since the complainant had worked for the hospital, this was the first example of a journalist entering the hospital grounds. When the journalist identified herself at reception, she was escorted from the premises.

The newspaper made clear that the journalist was following up the court hearing, and seeking to confirm that Mr Doherty had obeyed the instructions of the court. There was no security presence at the gate of the hospital – the barrier was up – and the journalist was not challenged as she made her way to reception. At reception, she identified herself as a journalist (in accordance with the terms of the Code) and asked to speak to someone about the Doherty case. She did not speak to any patient, indulge in any covert behaviour or file any story about her time at the hospital. She left when asked to do so. In order to resolve the complaint, the newspaper undertook to make clear to journalists that the preferred means of contacting the hospital was by telephone, rather than by personal visit.

The complainant said that issues regarding the external security of the hospital had been addressed following the reporter's visit. But in any case, journalists were not allowed on the private grounds of the hospital. The journalist on this occasion was seen walking the grounds and waiting in a hospital sitting room before identifying herself. These areas were private, not public, places.

Adjudication

Clause 8 requires that journalists "identify themselves and obtain permission from a responsible executive before entering non-public areas of hospitals or similar institutions to pursue enquiries".

On this occasion, the journalist said that she had entered the grounds of a private hospital in order to make her identity known at the reception area. It was not in dispute that, at the time, there was no security presence at the gate of the hospital which would have provided an earlier opportunity for the journalist to have identified herself. Consequently, the position appeared to be that the journalist, in order to comply with the first part of the clause (her identification), had entered a non-public area of the hospital in possible contravention of the second part.

The Commission took account of the behaviour and apparent intention of the journalist. Although there was some dispute as to how long she was on the premises before identifying herself, it noted that the journalist did not approach or photograph any patients, did not write a story based on her experiences, and did not conceal her identity as a journalist. The privacy or welfare of any individual in the hospital did not appear to have been compromised as a result of the visit.

While it would clearly have been preferable for the journalist to have been able to identify herself at the gate of the hospital, that was not an option – and the Commission did not consider that, in those

circumstances, visiting the reception area of the hospital constituted a breach of the Code. That said, the Commission acknowledged and sympathised with the hospital's concern that, in the interests of patients, journalists should not routinely be on hospital grounds. Given that the hospital had apparently amended its security procedures, and that the newspaper had noted the preferred form of contact for future reference, the Commission trusted that a positive outcome of this complaint would be that a similar problem would not occur again.

There was, however, no breach of the Code on this occasion.

Adjudication issued 03/11/2006