

Ms Carol Munro and Ms Doris Bancroft v Evening Standard

Clauses noted: 1, 6, 10, 11

Ms Carol Munro and Ms Doris Bancroft, Headteacher and Chair of the Governors of Salusbury Primary School, London NW6, complained that an article headlined 'There was such a staff shortage the security system had to be put in the charge of two 11 year olds' published in the London Evening Standard on 21 March 2001 contained inaccuracies in breach of Clause 1 of the Code of Practice and identified a child victim of sexual assault in breach of Clause 12 (Victims of sexual assault). They also complained that a journalist had obtained information for the article in breach of Clause 11 (Misrepresentation) and Clause 6 (Children).

The complaint was upheld.

The article was based on the diary of a journalist called Alex Renton who had spent a week at the primary school pretending that he was interested in becoming a teacher.

The complainants objected to this subterfuge, saying that there was no public interest to justify it. They pointed out that in cases involving children, the Code requires an exceptional public interest justification.

Parents and staff were angry at the deceit, and the children could not understand why a trusted adult had lied to them. The article referred to an occasion when two children were helping the headteacher with the intercom of the main gate, claiming inaccurately that this meant that the two pupils were in charge of security at the school. The complainants also maintained that, contrary to a claim in the piece, a boy had not had a conversation with Mr Renton in the lavatory in which the boy threatened him. The complainants said that the report had also identified a suspected victim of sexual assault by including sufficient information for people to work out who the child was. Finally, they said that, in speaking to children for an entire week while pretending to be somebody else, the journalist had breached Clause 6 which requires that permission must be sought before pupils are approached at school.

The newspaper said that the school was chosen more or less at random in order to produce a feature on the problems facing a London school and the teaching profession. Concerns over security, health and government claims over improvements in teachers' pay and conditions gave a public interest justification to the necessary subterfuge. Indeed, that the journalist could obtain a placement at the school without a police check was in itself a security issue. The newspaper stood by the accuracy of the piece, which was based on the journalist's experience at the school and therefore bound to be - and be seen to be - subjective. With regard to Clause 6 of the Code about approaching children while they are at school, Mr Renton made sure that he did not ask any question of a child that could not have asked as an assistant teacher. The newspaper accepted that it may have erred in the case of the suspected victim of sexual assault but hoped that no damage had been caused.

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The Commission was not in a position to make a finding about the disputed areas of fact, but noted in any case that readers would have been aware that the piece was clearly presented as the journalist's own recollections of his time at the school and that it was therefore highly likely to have been a partisan account.

The Commission considered that the bulk of the complaints - under Clauses 6, 11 and 12 - were matters that raised serious issues where there were clear breaches of the Code. The Commission firstly considered the public interest justification. Such retrospective justification - that the journalist had found some shortcomings once he was there which he was unaware about before - was not

acceptable. As the newspaper had conceded, the school had been selected more or less at random - there was nothing to suggest to the journalist or the newspaper in advance of the visit that anything was going on at the school that needed to be investigated in the public interest. Given that virtually every school will or may have some 'shortcomings' at any given point, to have accepted the public interest justification would have been to entitle any journalist at any point to gain access to any school using subterfuge. Clearly such a situation would be unacceptable. The Code is there precisely to stop such unjustified 'fishing expeditions'. There was no public interest in engaging in this serious misrepresentation in order to produce a feature article. The Commission noted the newspaper's contention that the reporter was able to gain access to the school without a police check. However, this fact - which was not mentioned in the article - could have been reported without pursuing the subterfuge.

The Commission next considered the complaint under Clause 12, regarding the alleged identification of a child who was suspected of being the victim of a sexual assault. The newspaper did not think that the article would 'necessarily' have identified the child - although it accepted that it 'may have erred' - but the Commission was persuaded that the piece contained sufficient information for pupils and parents to work out the child's identity. While this might not have been the newspaper's intention, it was the result of - at best - thoughtless journalism, and the consequence was a serious and highly regrettable breach of the Code.

The Code at its heart seeks to protect the vulnerable - and it was difficult to conceive of a potentially more vulnerable person than a sexually abused primary school child. To have published material likely to identify the child was a considerable intrusion and the Commission urged the editor to take steps to ensure that such a situation is not repeated.

Having found no public interest justification, the Commission also upheld the complaint under Clause 6. Mr Renton should not have been speaking to children at school in the pursuit of a feature for a newspaper.

In conclusion, the presence of the reporter in the school and the resulting article were significant breaches of the Code which the newspaper should have sought to resolve at an early stage rather than seeking to justify. The Commission had no hesitation in upholding the complaint.

In view of the number of serious breaches of the Code, the Commission asked the editor to review the application of the Code on his newspaper and to report back to the Commission.

Adjudication issued 2001