

Mr Brian Simpson v Scottish Daily Mail

Clauses noted: 4

Mr Brian Simpson of Glasgow complained to the Press Complaints Commission that his family had been harassed by the Scottish Daily Mail in breach of Clause 4 (Harassment) of the Editors' Code of Practice.

The complaint was upheld.

The complainant was the father of Bryan Simpson, a Scottish university student who had been photographed at a tuition fees protest in London in November 2010 allegedly attempting to take a police officer's hat. The newspaper had published two articles about Bryan Simpson's involvement in the demonstrations on 11 and 12 November.

The complainant said that reporters and photographers representing the newspaper had attended his home four times in a 24-hour period. He and other members of his family had refused to comment and asked the representatives to leave the property each time. On a further occasion the complainant had been approached near his home and asked for his comment. He had contacted the police, who had asked the newspaper's representatives not to approach the house.

The newspaper said that its enquiries related to a matter of public interest: Bryan Simpson had been photographed allegedly assaulting a police officer. He had subsequently been questioned by police and bailed pending further enquiries. It had a duty to seek a response to the allegations. The journalists had returned to the home in response to new information that Bryan Simpson had been seen entering the property; when asked to leave they had done so. They had also complied with police requests. Following the complaint, the newspaper was willing to write a private letter of regret to the complainant and circulated an internal note making clear that the family would have no comment on future stories.

Adjudication

Clause 4 of the Code states that journalists "must not engage in intimidation, harassment or persistent pursuit" and "must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on their property when asked to leave and must not follow them".

In this case, it was not in dispute that the newspaper had approached members of the complainant's family on four separate occasions at the family home. A journalist had also spoken to the complainant outside his home on a separate occasion.

The Commission accepted that there was a limited public interest in seeking Bryan Simpson's response to the allegations against him. However, the complaint was that the journalists, on several occasions, had contacted the complainant and his family, who plainly did not wish to speak and who had made their feelings clear from the start. It seemed to the Commission that the journalists had persisted in questioning the complainant, who was not at the centre of the story, and against whom no allegations of impropriety had been made. The result was a breach of Clause 4 of the Code.

Adjudication issued 18/03/2011