

Mr Keith Cousins v The Sunday Times

Clauses noted: 4, 5, 6

Mr Keith Cousins of London complained to the Press Complaints Commission that a journalist from the Sunday Times had been in contact with his 14 year-old-son in breach of Clauses 4 (Harassment), 5 (Intrusion into grief and shock) and 6 (Children) of the Code.

The complaint under Clause 6 was upheld. The complaints under Clauses 4 and 5 were not upheld.

The complainant's son attended the London school where Kiyon Prince had been fatally stabbed. After the boy had laid a wreath at the site of the murder, he was approached by a journalist, who allegedly offered him £1000 for a picture of the suspect, to be taken from the school database. The journalist spoke at length with the complainant's son and continued their conversation via telephone and text messages. The complainant said that his son had now had to leave the school, having been seen talking to the press by the suspect's friends.

The newspaper denied that its reporter had offered the complainant's son money or asked him to enter the school to obtain a photograph. It claimed that a reporter from another newspaper may have done so. The newspaper accepted that its reporter did speak to the boy, and accompanied him to an internet café to see if a photograph could be downloaded. No photograph was taken of the child and no interview ever published.

Adjudication

There was a considerable conflict between the accounts of the complainant and the newspaper over the contact between the reporter and the complainant's son. Nevertheless it was clear that a reporter from the newspaper had approached and spoken to the complainant's son on a subject that involved the welfare of the children at the school. The necessary consent from a custodial parent had not been obtained, and the result was a straightforward breach of Clause 6 (Children) of the Code. The complaint was upheld on that basis.

The complainant had also claimed that the behaviour of the reporter constituted harassment in breach of Clause 4 (Harassment) of the Code. However, there was no evidence that the reporter had persisted in his inquiries after having been asked to desist. While the complainant maintained that the reporter's attentions had been entirely unwanted, the newspaper had suggested that the complainant's son had continued their conversation via text message. Ultimately, the Commission considered that the breach of the Code had been caused by the fact that the reporter had spoken to a 14-year-old without the necessary consent, but it had not been established that the reporter had also harassed the boy in breach of Clause 4 of the Code.

Neither was the Commission satisfied that there was evidence that the journalist's contacts with the boy lacked sympathy or discretion in breach of Clause 5 of the Code, although they should not have been made under Clause 6.

Finally, the Commission wished to address the suggestion that payment had been offered to the complainant's son for a photograph, which may have involved a breach of Clause 6 (iv) of the Code. It had not been possible satisfactorily to establish the facts of the matter on this occasion, and the Sunday Times had strongly denied having been involved in making such an offer. However, the Commission wished to make clear that it will pursue the matter with whichever newspaper is concerned if further evidence on this point comes to light.

Relevant ruling

Everitt & Brick v Welwyn and Hatfield Times, 2003

Adjudication issued 27/07/2006