

Mr Phil Adey v Liverpool Daily Post (Welsh edition)

Clauses noted: 6

Mr Phil Adey of St Asaph complained to the Press Complaints Commission that a reporter from the Daily Post Wales had interviewed his fifteen-year-old daughter without parental consent in breach of Clause 6 (Children) of the Code of Practice.

Although there were several mitigating factors, the complaint was upheld.

The complainant said that a reporter from the newspaper had interviewed his fifteen-year-old daughter at home following a serious road accident involving one of her school friends. At the time, the victim had been critically ill.

The newspaper said that the reporter had knocked at houses seeking information about the accident. The complainant's daughter had confirmed where the accident had occurred and the name of the boy who had been hurt. At that point, the reporter noticed that the girl was wearing school uniform, and realised that she may have been under 16. As neither of the girl's parents was at home, the reporter immediately left, as he understood he should not have been speaking to her without parental consent.

Adjudication

Clause 6 (Children) of the Code states that "a child under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents".

There were two initial tests for the Commission to consider: did the exchange between the reporter and the complainant's daughter constitute an interview; and did it involve her welfare?

On the first point, it was clear that the reporter was seeking substantive information about the crash from the complainant's daughter. The Commission felt that the exchange could therefore be classed as an (albeit brief) interview, and that the Code had therefore been engaged. The subject matter involved her welfare in that news of her friend's injuries had left her distressed. According to her father, she had been upset by being questioned about the accident. The Commission considered that the terms of Clause 6 of the Code would cover an interview with a distressed 15 year old in these circumstances.

But this breach of the Code was slight. While the reporter should arguably have been able to deduce immediately, from her school shirt, that the girl may have known the victim and was under 16, he did withdraw after a brief exchange when this occurred to him. It is clear that, with the benefit of hindsight, he should have taken greater care not to engage the girl in a conversation about the accident. But nothing from the interview was published – so there was no public impact on the complainant's daughter – and the Commission was satisfied that the breach of the Code was not serious.

Adjudication issued 11/02/2009