

Call for information on the Effectiveness and Independence of Press Regulation in the UK: Press Recognition Panel

Families Outside

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Families Outside is a national independent charity that works solely on behalf of children and families affected by imprisonment in Scotland. We do this through provision of a national Support & Information Service (Helpline and online support) for families and for the professionals who work with them, as well as through development of policy and practice, delivery of accredited training, and face-to-face support.

Families Outside welcomes the opportunity to feed into the call for information from the Press Recognition Panel (PRP) on the effectiveness and independence of press regulation in the UK. We fully welcome the aim of the PRP “...to promote a free press whilst protecting those vulnerable in our society from harmful journalistic practices.” We believe that everybody deserves to be treated with dignity and have their human rights respected.

Families Affected by Imprisonment

The families we support have long been a hidden, vulnerable, and affected group when it comes to media reports about their family member's offence and personal details in the press. The families left behind are very often left vulnerable and continue to have their rights to safety and privacy breached. We support many children and families who are targeted in their own homes and are left fearing for their safety following the publication of information in the press.

“They don’t care about my life, or my children’s lives, all they want to do is get a headline.”

Family member affected by press reporting

In response to the call for information, we have set out our views below linking to the questions highlighted as well as some further information on our work and experiences of the families we support.

- 1) In light of further recent legal proceedings and allegations of intrusive journalistic practices, we would also like to invite people and organisations to share their views and experiences as to whether or not the issues identified in the Leveson Inquiry persist.**

The Leveson Inquiry concluded that families (of famous / newsworthy people) have a right to privacy, yet this is not necessarily being upheld sufficiently. Policies and recommendations are in place, but they are flexible and not necessarily preventative. In our experience, current press regulation does not sufficiently protect the rights of the children and families we support in the issues they face.

The Independent Press Standards Organisation (IPSO)¹ states: “When reporting a court case, a newspaper normally reports details about the defendants and witnesses such as their name, age and address. Normally, newspapers will report a partial address (for example John Smith of High Street). However, journalists are allowed to publish someone’s full address if this is necessary to identify someone.” However, by the time the story has been published ‘John Smith’ has already been found guilty and is now on his way to prison to serve his sentence. All too often, his family and children are the ones who suffer the hate mail, death threats, arson attempts, graffiti, and numerous other anti-social acts aimed at the perpetrator but experienced instead by the innocent family.

This is in direct violation of Council of Europe (2018) Recommendation 55,² which states: *“Information provided to, and by, the media should not violate the right to privacy and protection of children and their families, including data protection rules, and any media reporting should be carried out in a child-friendly manner.”* Currently in Scotland, this is not the case.

At Families Outside, we support thousands of families each year, a large percentage of whom report issues such as their family name and home addresses, as well as further information regarding the case, being published when the individual is already in prison. This can lead to breaches of privacy and child protection issues including:

- Vigilante groups targeting the home address
- Children being targeted/bullied at school, which can lead them to being removed from school
- Increased anxiety and fear of leaving the house in case families face further incidents
- Inaccuracies in reporting, which many families don’t complain about for fear of the media reprinting the story, causing them even more negative attention.

Article 16 of the United Nations Convention on the Rights of the Child (UNCRC) states: *“No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.”*³ Despite the UNCRC, the Council of Europe Recommendation highlighted above, and the current press regulation and ethics in place, we continue to see breaches from the media in terms of the rights and privacy and safety of children and families.

You can read here a [case study from a 16 year old we supported](#).⁴ Details of her father’s case as well as her address were printed in the media, leaving her and her family in harm’s way. She and her mother and three siblings aged 14, 6, and 5 were all living at the house.

Under the Contempt of Court Act 1981, the Courts have the power to restrict the reporting of trial proceedings. A judge or Sheriff can prevent disclosure of an address by using the provisions in the 1981 Act. They may use this power at their own discretion or on request by a party involved in the case. This is rare, however, and often details about the charge and case is printed in the media beforehand, meaning the damage to families is already done.

The IPSO Editors’ Code (2021)⁵ states that *“Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications,*

¹ <https://www.ipso.co.uk/>

² <https://rm.coe.int/cm-recommendation-2018-5-concerning-children-with-imprisoned-parents-e/16807b3438>

³ <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

⁴ <https://www.familiesoutside.org.uk/families/family-stories/i-have-a-right-to-privacy/>

⁵ <https://www.ipso.co.uk/editors-code-of-practice>

and editors will be expected to justify intrusions into any individual's private life without consent.” It further provides that “Relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story.”

The printing of addresses and other information that can identify the family continues, however, even when they are not directly relevant to the story, which directly breaches ISPO Editors' Code (2021). In many cases, this is not justifiable or in the public interest but instead directly breaches children's and families' rights.

IPSO does state that if any person believes that media reporting of a criminal trial breaches the Editors' Code, they can make a complaint to IPSO. The families we support, however, rarely raise complaints, often because the damage is already done, and they fear attracting more attention and media coverage of the issue. (More information on this is below in section 2.)

The Independent Monitor for the Press (IMPRESS) also states that publishers must respect the privacy and family life of individuals, but again, challenges remain around raising complaints and protection for the families we support. They are not sufficiently considered or protected within current regulation standards, given their unique circumstances.

In practice, the Editors' Code and IMPRESS do not seem to carry the weight, for example, of the Code of Ethics of the Norwegian Press.⁶ In Norway, this Code of Ethics is taken very seriously and includes provisions requiring “*a legitimate need for information*” or “[*protection of the innocent from exposure to unjustified suspicion*” (para. 4.7) and, where children are involved, assessment of “*the implications that media focusing could cause in each case*” (para. 4.8).

Families Outside has long campaigned on these issues to improve the situation for the people we support. A few years ago, we led the [‘No Address in the Press’ campaign](#)⁷ that aimed to end the practice of printing the home address of somebody who has been sentenced. The campaign achieved widespread support from the public and other organisations, with 2,440 signatures on our petition via Change.org.

This led to a submission to the Scottish Parliament's Public Petitions Committee⁸ which achieved 123 signatures and was considered by MSPs at a Committee meeting. The petition called on the Parliament to urge the Scottish Government to make it illegal for any press or media outlet to publish a defendant's address. However, the Committee decided to close the petition under Rule 15.7 of Standing Orders on the basis that an established professional code of conduct, standards, and underlying legislation with the intention of ensuring that journalists do not publish personal information such as addresses, unless necessary to identify someone and provision, already exists to prevent disclosure of such materials as addresses by law, where considered necessary.⁹

This decision makes press regulation for the families we support even more vital, and the need to ensure that addresses and other information that can be used to identify families is recognised as an issue and monitored appropriately.

⁶ <https://presse.no/pfu/etiske-regler/vaer-varsom-plakaten/vvpl-engelsk/>

⁷ <https://www.familiesoutside.org.uk/noaddressinthePress/>

⁸ <https://www.familiesoutside.org.uk/noaddressinthePress-parliamentary-petition-lodged/>

⁹ <https://archive2021.parliament.scot/gettinginvolved/Petitions/defendantaddress>

One family member we supported told us of how they had to pack up their entire life and give up their home after information about them was printed in the press:

“I felt alone there was no one to talk to. I felt judged. I feared for my safety. I was verbally abused. My family home was repeatedly targeted. I had to pack up my whole life and had to give up our home, after living there for 23 years. This was heart-breaking for me, an upheaval which I did not need, especially seen as I hadn’t done anything wrong.”

Family member affected by press reporting

2) We invite consumers and organisations to share case studies and personal stories with us about their experiences of using the complaints processes and redress mechanisms of news publishers. We are happy to receive these in writing, or to meet with you in person or online.

The Levenson Inquiry highlighted that very often people “... do not complain, not because they do not have a valid complaint but because they do not have the energy for the inevitable fight, or because they are unwilling to expose their friends and families to hurt. This can hardly be described as a healthy state of affairs.”

In our work at Families Outside today, we very much still see this to be the case, and that the families we support mostly avoid raising complaints out of fear.

You can hear from one family member [here](#)¹⁰ on their experience with the media and having their details and address printed. At 4.20 on the audio clip, they specifically highlight issues around complaints, stating:

“I was told by my solicitor I couldn’t complain about it because he said they will come after you, they will follow you, they will follow your children, they will take pictures of you, so I felt completely vulnerable and violated and I felt like I had no rights at all. I just felt like I’ve done nothing wrong, I’m innocent so is my children but I can’t even complain and have anybody help me, because they are saying the press will then make the story bigger, so I’ll add fuel to what they have already done, so I felt completely helpless.

You feel oppressed in a way, you have to stay quiet when you don’t want to.”

Family member affected by press reporting

Local Press

One family member (M) told us based on their experience that “...*local papers are the worst.*” Inaccurate details of M’s son’s charge and appearances in court were reported in the local newspaper and on social media channels, leading to significant distress and harm for M and the wider family.

M’s son has complex mental health and learning disabilities, and M also has two other children with similar support needs. M’s family has had to change their routines completely as a result of the public reaction to the story locally and fearing for their safety. M felt that the local newspaper stigmatised their son and fuelled public vitriol towards the son and their

¹⁰ <https://www.familiesoutside.org.uk/families/family-stories/families-and-the-media/>

immediate family. The public response and stigma have left M and the family feeling unsafe and unable to leave their house to complete simple tasks for the family, such as food shopping.

M felt the reporting was not fair and balanced in relation their son's charge and trial, and while they felt they had a legitimate complaint, M felt fearful of the repercussions should they raise one.

Families Outside submitted a complaint on behalf of the family to the editor outlining the concerns, especially around the public Facebook comments that had led to people asking for their address. We received no reply.

This family is particularly concerned about the right to a fair trial, and when articles are published that they believe are not fair, balanced, or factual, they are unsure of what to do or where to turn.

Positive Practice

We spoke with one family member (B) who contacted the Independent Press Standards Organisation (IPSO) asking for a "private advisory" to be made to the press.¹¹ B advised that they called ISPO to say they were being harassed by the media and that they did not wish to comment or be photographed. B noted that the private advisory was put in place quickly, and the press seemed to listen. They felt that fewer members of the press were present at the last hearing, though they are not sure if this is the reason why.

While we note this as one potential example of positive practice, it does not take away from the harassment and damage already caused to B prior to this. Also, the ISPO website states that:

"Private advisory notices are not injunctions, and they do not have legal powers. But they do put editors on notice, and we know they are extremely effective at dealing with a number of concerns."

This means there could still be a risk that this will not be followed, and further harm could be caused to B and other family members.

3) What do you believe needs to be done to encourage all sectors of the press to join a recognised self-regulator or establish a self-regulator fit for their purpose that can apply for recognition?

More awareness of the impact on children and families

The Council of Europe (2018) Recommendation 56 states:

"The media, professionals and the general public should be provided with reliable and up-to-date data and good practice examples to increase their awareness regarding the numbers of children affected and the impact of parental imprisonment, and to avoid negative stereotyping and stigmatisation of children with imprisoned parents."

¹¹ https://www.ipso.co.uk/media/1539/ipso-harassment-help-leaflet_v3.pdf

We fully support this recommendation and note a need for more awareness and accountability across all sectors of the press in relation to their role in having a devastating impact and breaching the rights of children and families due to irresponsible reporting. Indeed, we would like to see full commitment to articles 55 and 56 of the 2018 Council of Europe Recommendations to protect a family's right to privacy and increase awareness. Stronger ethical commitment from the media, such as the practice evident in Norway, would promote positive practice in Scotland as well.

Greater use of press regulation to support innocent children and families

As previously highlighted, and in line with the aims of the Press Recognition Panel, which is to protect those vulnerable in our society, we urge the PRP to do more to protect children and families who experience a close family member's imprisonment from further harm.

Often by the time it gets to a complaint stage, it can be too late, and the damage is already done for these families. The address or other information is in the public domain, meaning they are targeted and often have to relocate and/or face abusive attacks and threats to their lives. Tighter regulation and more effective redress are required for the printing of information that could and does put children and families at risk.

Families Outside would be keen to work with the PRP where appropriate to identify processes that could further protect the rights of children and families affected by imprisonment and the justice system. We would also be happy to comment further, alongside families, to give more detail to what we have outlined in this document should the PRP feel that would be helpful.

Increased attention to local newspapers and online harm

Based on the evidence we have heard from family members, we see a need for more focussed awareness and routes for redress relating to the harm caused by local newspapers and online social media reporting. Media reporting of people's home addresses has a direct impact on the privacy and safety of innocent people, including children, that is clearly not in the public interest. This cannot continue.

Greater attention around online safety is being recognised via the Online Safety Bill and proposed changes. Changes to the bill would mean managers of sites hosting user-generated content, including social media sites, would be obliged to take "proportionate measures" to stop children seeing harmful material. The family of a 13-year-old in Reading who was stabbed to death in January 2021 welcomes the changes noting "The content that the perpetrators of Olly's murder saw altered their mindset. It's brainwashing in a way, the amount of data that they see which is harmful is changing society." ¹²

For more information and follow-up, please contact:

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¹² <https://www.bbc.co.uk/news/uk-england-berkshire-64294933>

