



Ministry of
JUSTICE

Discussion paper

Sensitive Reporting in Coroners' Courts

CORONERS UNIT
Ministry of Justice
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Introduction

By Bridget Prentice MP, Parliamentary Under Secretary of State

The Government announced in October last year that Clause 30 of the draft Coroners Bill, which proposed introducing a power for coroners to impose reporting restrictions in inquests where there was no public interest, was to be removed from the Bill. This decision was the result of an extensive consultation culminating last summer in a workshop discussion involving a range of interested stakeholders with differing views.

Improving the way that the coroner system meets the needs of the bereaved while also serving the public interest is a key objective of our coroner reform proposals. We want to preserve the rights of the media to report matters which are of proper public interest. However, and while acknowledging this, we want to ensure that the rights of bereaved families are protected also and, in particular, that they are not subject to undue stress and upset through insensitive or intrusive press reporting.

Therefore, as an alternative to legislating on reporting restrictions, and as supported by those who attended the workshop, we are working with the Press Complaints Commission to consider whether its code of conduct for the press might be refined to ensure there is appropriate emphasis on the need for sensitive reporting of coroners' cases and also to consider what more could be done to increase public awareness about the code and the possible presence of the press at inquests.

This paper highlights some initial suggestions on one or two possible additions to the code. These are designed to reflect the original intentions in the Bill for sensitivity, especially in cases of apparent suicide and cases involving children. We have, however, and by way of example, also included brief anonymised details of a range of cases which have been brought to our attention in recent months.

The code is framed and revised by the Editors' Code Committee which is made up of independent editors of national, regional and local newspapers and magazines. The Press Complaints Commission is charged with enforcing the code and using it to adjudicate on complaints.

It is important to emphasise that we cannot, in Government, enforce any changes to the code. Views from this discussion paper will be discussed with the Code Committee and fed into their yearly review.

A further point to bear in mind is that the code covers a range of situations where the press interacts with families, not just in relation to coroners' investigations and inquests. This discussion paper relates only to coroners' investigations and inquests. Any other comments about the code should be sent directly to the Press Complaints Commission.

We would be extremely grateful to receive your views and hope you will be able to spare the time to consider the paper.

While this work is being completed, we will consider in parallel how the Code might best be drawn to the attention of bereaved families, and at what point in the coroners' process it would be most effective to do so. We would be interested to hear, therefore, and as part of this consultation, of any current good practice examples.



The Editors' Code of Practice

The Press Complaints Commission is charged with enforcing the following Code of Practice which was framed by the newspaper and periodical industry and was ratified by the PCC on 01 August 2007. The sections in **red** are our suggested additions, on which we would be grateful for comments.

THE CODE

All members of the press have a duty to maintain the highest professional standards. The Code, which includes this preamble and the public interest exceptions below, sets the benchmark for those ethical standards, protecting both the rights of the individual and the public's right to know. It is the cornerstone of the system of self-regulation to which the industry has made a binding commitment.

It is essential that an agreed code be honoured not only to the letter but in the full spirit. It should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it constitutes an unnecessary interference with freedom of expression or prevents publication in the public interest.

It is the responsibility of editors and publishers to apply the Code to editorial material in both printed and online versions of publications. They should take care to ensure it is observed rigorously by all editorial staff and external contributors, including non-journalists, in printed and online versions of publications.

Editors should co-operate swiftly with the PCC in the resolution of complaints. Any publication judged to have breached the Code must print the adjudication in full and with due prominence, including headline reference to the PCC.

1.	Accuracy
	<p>i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.</p> <p>ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published.</p> <p>iii) The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.</p> <p>iv) A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.</p>
2.	Opportunity to reply
	A fair opportunity for reply to inaccuracies must be given when reasonably called for.

3.	<p>*Privacy</p>
	<p>i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications. Editors will be expected to justify intrusions into any individual's private life without consent.</p> <p>ii) It is unacceptable to photograph individuals in private places without their consent.</p> <p>Note - Private places are public or private property where there is a reasonable expectation of privacy.</p>
4.	<p>*Harassment</p>
	<p>i) Journalists must not engage in intimidation, harassment or persistent pursuit.</p> <p>ii) They 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.</p> <p>iii) Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.</p>
5.	<p>Intrusion into grief or shock</p>
	<p>i) In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. This should not restrict the right to report legal proceedings, such as inquests.</p> <p>*ii) When reporting suicide, care should be taken to avoid unnecessary detail about the method used, and editors should be sensitive to the effects reports may have on those who are bereaved, including children</p>
6.	<p>*Children</p>
	<p>i) Young people should be free to complete their time at school without unnecessary intrusion.</p> <p>ii) 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.</p> <p>iii) Pupils must not be approached or photographed at school without the permission of the school authorities.</p> <p>iv) Minors must not be paid for material involving children's welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.</p> <p>v) Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.</p> <p>vi) Editors should be particularly sensitive to the effects reports of the deaths of children may have on grieving family members.</p> <p>vi), Editors should be sensitive to the effects on children when reporting the deaths of parents or other adult family members.</p>

	vii) When reporting the evidence given by children at inquests, the press should, even if legally free to do so, think carefully before identifying them by name and consider, in particular, what effect the report may have on their private lives.
7.	*Children in sex cases
	<p>1. The press must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences.</p> <p>2. In any press report of a case involving a sexual offence against a child -</p> <p>i) The child must not be identified.</p> <p>ii) The adult may be identified.</p> <p>iii) The word "incest" must not be used where a child victim might be identified.</p> <p>iv) Care must be taken that nothing in the report implies the relationship between the accused and the child.</p>
8.	*Hospitals
	<p>i) Journalists must identify themselves and obtain permission from a responsible executive before entering non-public areas of hospitals or similar institutions to pursue enquiries.</p> <p>ii) The restrictions on intruding into privacy are particularly relevant to enquiries about individuals in hospitals or similar institutions.</p>
9.	*Reporting of Crime
	<p>(i) 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.</p> <p>(ii) Particular regard should be paid to the potentially vulnerable position of children who witness, or are victims of, crime. This should not restrict the right to report legal proceedings.</p>
10.	*Clandestine devices and subterfuge
	<p>i) The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents or photographs; or by accessing digitally-held private information without consent.</p> <p>ii) Engaging in misrepresentation or subterfuge, including by agents or intermediaries, can generally be justified only in the public interest and then only when the material cannot be obtained by other means.</p>
11.	Victims of sexual assault
	The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and they are legally free to do so.

12.	Discrimination
	<p>i) The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any physical or mental illness or disability.</p> <p>ii) Details of an individual's race, colour, religion, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.</p>
13.	Financial journalism
	<p>i) Even where the law does not prohibit it, journalists must not use for their own profit financial information they receive in advance of its general publication, nor should they pass such information to others.</p> <p>ii) They must not write about shares or securities in whose performance they know that they or their close families have a significant financial interest without disclosing the interest to the editor or financial editor.</p> <p>iii) They must not buy or sell, either directly or through nominees or agents, shares or securities about which they have written recently or about which they intend to write in the near future.</p>
14.	Confidential sources
	Journalists have a moral obligation to protect confidential sources of information
15.	Witness payments in criminal trials
	<p>i) No payment or offer of payment to a witness - or any person who may reasonably be expected to be called as a witness - should be made in any case once proceedings are active as defined by the Contempt of Court Act 1981.</p> <p>This prohibition lasts until the suspect has been freed unconditionally by police without charge or bail or the proceedings are otherwise discontinued; or has entered a guilty plea to the court; or, in the event of a not guilty plea, the court has announced its verdict.</p> <p>*ii) Where proceedings are not yet active but are likely and foreseeable, editors must not make or offer payment to any person who may reasonably be expected to be called as a witness, unless the information concerned ought demonstrably to be published in the public interest and there is an over-riding need to make or promise payment for this to be done; and all reasonable steps have been taken to ensure no financial dealings influence the evidence those witnesses give. In no circumstances should such payment be conditional on the outcome of a trial.</p> <p>*iii) Any payment or offer of payment made to a person later cited to give evidence in proceedings must be disclosed to the prosecution and defence. The witness must be advised of this requirement.</p>
16.	*Payment to criminals
	<p>i) Payment or offers of payment for stories, pictures or information, which seek to exploit a particular crime or to glorify or glamorise crime in general, must not be made directly or via agents to convicted or confessed criminals or to their associates – who may include family, friends and colleagues.</p>

	ii) Editors invoking the public interest to justify payment or offers would need to demonstrate that there was good reason to believe the public interest would be served. If, despite payment, no public interest emerged, then the material should not be published.
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THE PUBLIC INTEREST

There may be exceptions to the clauses marked * where they can be demonstrated to be in the public interest.

1. The public interest includes, but is not confined to:
 - i) Detecting or exposing crime or serious impropriety.
 - ii) Protecting public health and safety.
 - iii) Preventing the public from being misled by an action or statement of an individual or organisation.
2. There is a public interest in freedom of expression itself.
3. Whenever the public interest is invoked, the PCC will require editors to demonstrate fully how the public interest was served.
4. The PCC will consider the extent to which material is already in the public domain, or will become so.
5. In cases involving children under 16, editors must demonstrate an exceptional public interest to over-ride the normally paramount interest of the child

Press Reporting at Inquests - Case Examples:

1. A young man died during a sexual act where no other person was implicated. His mother told others that he died in a road crash. Following the inquest, the actual details of his death were published in the local press; his mother subsequently attempted to take her own life.
2. An 11 year old girl was found hanging in her bedroom and left a note indicating that she had committed suicide as a result of a petty dispute with her mother. The coroner stated that the investigation revealed no wider concerns about the relationship between mother and daughter (or any other family member), and there was no public interest in the case being reported.
3. An elderly person committed suicide following the death of his lifelong partner. The coroner said that it caused distress to other family members when reported.
4. A family was pursued by the press during the lunch recess of an inquest and photographs were surreptitiously taken of a family member. A sensationalised report appeared in the press attributing words to the family member that they had never said and which counteracted the positive contribution their deceased relative had played in the community.
5. A man took his own life in a particularly distressing manner. His ex-wife planned to inform her sons, who were 11 and 15 at the time, of further details of his suicide when they were older and subsequently answer any questions that they might have. She was forced by press coverage to tell them more details of their father's traumatic death than she would have chosen. Additionally, members of her husband's family who attended the inquest had been assured by the coroner that the hearing would be private but the case was covered in the regional and local press in an apparently sensationalist manner.
6. An article appeared in a regional paper in the north west reporting an inquest into the suicide of a local teacher. The wife of the deceased was concerned that the report contained the details of the complex way he had killed himself. She considered that this was particularly irresponsible, and that children taught by her husband might be adversely affected by such reporting. [She made a complaint to the PCC which upheld the complaint under Clause 5 of the PCC Code (Intrusion into Grief and Shock). In its response, the newspaper said that the article was an accurate report of the inquest. However, it accepted that too much detail may have been included about the method of death and apologised sincerely for causing the complainant distress.]
7. A man died who was severely obese. At the inquest it transpired that there had been a problem in removing his body from his home and that it was difficult to find anywhere suitable to hold a post-mortem. The man's daughter was very distressed at these details - which she felt mocked her father - being reported in the press.
8. A mother hanged herself after suffering for twenty years with manic depression. The local paper reported the inquest in detail. This caused the husband great distress as he had managed to keep the details of his wife's death from his young son up until then, and was planning to tell him at the appropriate time. However, the detailed reporting meant that he was forced to discuss the details of the mother's death with his child earlier than he intended.

How to respond

We would appreciate your views on the suggested additions to the Code as well other general comments and observations on how the Code might best be drawn to the attention of bereaved families, and at what point in the coroners' process it would be most effective to do so. The deadline for responses is 27 June 2008.

Please send written responses to:

Amanda.Lewis2@justice.gsi.gov.uk

Or by post to:

**Amanda Lewis
Ministry of Justice
Coroners Unit
5.08 Steel House
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Confidentiality

Information provided in response to this discussion paper, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

A copy of this paper is being sent to:

Association of Chief Police Officers (ACPO)

Adverse Psychiatric Reactions Information Link (APRIL)

Association of Personal Injury Lawyers (APIL)

Asbestos Group Forum

Assistance and Support in Surviving Trauma

Action against Medical Accidents (AvMA)

BBC

BRAKE

British Medical Association

British Lung Foundation

Bromley Bereavement Centre

Centre for Corporate Accountability

Child Bereavement Trust

Child Bereavement Network

The Compassionate Friends

Coroner's Officers Association

Coroners Courts Support Services

The Coroners' Society

Cruse Bereavement Care

Cardiac Risk in the Young (CRY)

Damage Against Medical Accidents (DAMN)

Department for Communities and Local Government

Department of Health

Department for Transport

Disaster Action

Epilepsy Bereaved

Families Against Corporate Killing

Fire Service

Forum for Preventing Deaths in Custody

Foundation for the Study of Infant Death

General Register Office

General Medical Council

Home Office

Health & Safety Executive (HSE)

Independent Police Complaints Commission

INQUEST

ITN

JUSTICE

Justice for Victims

Local Government Association

Liberty

Marchioness Action Group

Medical Defence Union (MDU)

Merseyside Asbestos Victim Support Group

Metropolitan Police

Ministry of Defence

MIND

National Association of Funeral Directors

National Bereavement Partnership

National Union of Journalists

The Newspaper Society

Northern Ireland Court Service

National Patient Safety Association (NPSA)

NSPCC

Office for National Statistics

Police Federation

Press Association

Press Complaints Commission

Refuge

Rethink

Road Peace

Royal British Legion

Royal College of General Practitioners

Royal College of Pathologists

Royal College of Physicians

Royal Society for the Prevention of Accidents

SAFE Justice Foundation

Samaritans

Support After Murder and Manslaughter (SAMM)

SAMM Abroad

The Scottish Executive

The Society of Editors

Sudden Adult Death Trust

Sudden Ahythmic Death Syndrome

Stillbirth and Neo-Natal Death Society (SANDS)

TUC

Victim Support

Victims Voice

War Widows Association

The Welsh Assembly

Youth Justice Board