

## Harassment

**THE HARASSMENT** clause was formulated following the death of Diana, Princess of Wales. It is one of the toughest and most explicit in the Code and yet relatively few cases go to adjudication. This is largely due to the success of the guidance offered by IPSO and the action that it takes when approached by people who are the subject of media attention.

Complaints, when they come – often via IPSO’s helpline for the public – are usually from people who want the physical removal of journalists, perhaps from their doorstep. They may also be concerned that journalists are telephoning them about a story they are involved in, or that there will be unwanted press attendance at a sensitive forthcoming event, perhaps a family funeral following a tragedy.

### Advice and desist requests

IPSO staff will either advise complainants what they should say to journalists who they believe are harassing them, or alert editors directly to the fact that a complaint has been received. In some cases IPSO will contact individual publications or groups of publications to make them aware of people’s

### WHAT THE CODE SAYS

- i) Journalists must not engage in intimidation, harassment or persistent pursuit.
- ii) They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.
- 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.

*A public interest exemption may be available. [Click here.](#)*

concerns that the Code of Practice is being breached or may be breached, via a “private advisory” notice.

IPSO’s website gives detailed advice to people who are the subject of unwanted press attention ([www.ipso.co.uk/harassment/](http://www.ipso.co.uk/harassment/)) and staff are available to offer advice 24 hours a day (for contact details: [www.ipso.co.uk/contact-ipso/](http://www.ipso.co.uk/contact-ipso/)).

The informal alerts issued by IPSO are advisory only and are not binding. The Press makes its own judgments according to the circumstances. But an editor who ignored a desist request would – in the event of a complaint – need to

be able to demonstrate to IPSO a sound public interest reason for doing so.

Desist notices have proved effective in dealing with media scrums caused by particularly intense cross-media interest in a major story. The widely distributed advisory notices serve to alert all media organisations – even those not regulated by IPSO – about concerns over a story and are usually heeded by Press and broadcasters alike.

As Clause 3 requires journalists – which under the Code covers all editorial staff, including contributors – not to “persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on property once asked to leave”, they usually comply. In most cases the matter is resolved and no complaint follows.

The Code requires journalists to identify themselves and those they represent if requested. In reality this underwrites standard practice. It would be unusual for journalists not to identify themselves to a person they want to interview or photograph unless there was a legitimate public interest reason for not doing so.

## Newsgathering, not stories

The clause covering harassment relates to the conduct of journalists during the newsgathering process. It is not usually the case that publishing a number of articles on one issue constitutes harassment. For example, a so-called “Twitter troll” complained of harassment after a newspaper published a series of articles about his activities. IPSO

rejected the complaint and said: “The publication of a number of articles about the same person would not usually amount to harassment under the terms of the Editors’ Code. The newspaper had been entitled to report on the on-going controversy regarding the complainant’s online activities.”

*Ambridge v Essex Chronicle*: [www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=03097-14](http://www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=03097-14)

Likewise, Gerry Adams failed with a complaint that – in part – said a newspaper was engaged in a concerted campaign to undermine him through what he considered to be wholly disproportionate coverage of his activities.

IPSO said the Code does not include a requirement for balance and makes clear that publications are free to be partisan. The complainant’s contention that coverage of his activity, as an elected representative, was disproportionate or sought to undermine him did not raise a breach of the harassment clause.

*Adams v Belfast Telegraph*: [www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=01837-14](http://www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=01837-14)

## Persistence after request to desist

Adjudicating on harassment complaints can be difficult because of a wide discrepancy between the accounts of complainants and the journalists of the contact between them. Sometimes repeated attempts to contact the subject of a story may be well intentioned. However, if it is demonstrable that the journalist persisted, having been asked to desist, then

IPSO will usually find a breach of the Code, unless there is a public interest involved.

A BBC weather forecaster complained of harassment over a story that she was involved in a “DIY pregnancy” with her female partner. The reporter admitted making three approaches to the complainant but denied being asked on the first approach to desist. On the second approach, via the BBC, the reporter was assured by an official acting on the woman’s instructions that she did not wish to speak. The newspaper admitted making a direct approach to the complainant the next day.

The PCC said: “As the reporter had been made aware of the complainant’s position at least once prior to her final approach, the Commission considered that a breach of the Code had been established.”

*A woman v Scottish News of the World: [www.pcc.org.uk/cases/adjudicated.html?article=MjA4OQ](http://www.pcc.org.uk/cases/adjudicated.html?article=MjA4OQ)*

Even without a request to desist, making repeated unwelcome approaches could amount to harassment. A couple whose 16-year-old daughter committed suicide declined a weekly newspaper’s offer to publish a tribute, saying they would be in touch if they changed their minds. The reporter, with a deadline pressing, called four times in a few days.

The PCC said: “In this case, regardless of whether the complainants had explicitly told the journalist that she should leave and not return to their house, the Commission considered that common sense should have indicated that

the repeated approaches over a short period of time were not appropriate.”

*Kimble v Bucks Herald: [www.pcc.org.uk/cases/adjudicated.html?article=MjAzMQ](http://www.pcc.org.uk/cases/adjudicated.html?article=MjAzMQ)*

Another case, which also involved several attempts to contact the subject of a story, was not considered to be harassment. A man who as a boy had been a football mascot with Wayne Rooney brought a complaint after a newspaper launched an appeal to track him down for a story.

The complainant said he had been aware of the appeal story, but he had chosen to ignore it. He said he then received two telephone calls from a number, which he identified as being that of the newspaper, on his ex-directory telephone number. He ignored the telephone calls, but after 24 hours, he contacted the newspaper by email to ask it to stop contacting him and to request that no information about him should be released.

His email said: “I am writing to inform you that if you contact me once more and/or release information about me, I will take every legal action that is available to me.” Twenty minutes later, the complainant received a reply from the newspaper, explaining that it was going to run a story about him appearing as a mascot with Rooney in 1996. It was contacting him in the hope that he would share his memories of the football match for what would be a “lovely story”. If he did not wish to contribute to the story, he should let it know and no one would contact him again.

IPSO said it did not consider that the newspaper’s two telephone calls to the complainant, which had not

been answered, or its courteous responses to his emails constituted harassment.

*Talavera v Liverpool Echo*: [www.ipsa.co.uk/rulings-and-resolution-statements/ruling/?id=05748-15](http://www.ipsa.co.uk/rulings-and-resolution-statements/ruling/?id=05748-15)

## Court cases

It is common for defendants in court cases to be photographed outside court and IPSO has said it is in the public interest to identify those convicted of crime.

IPSO rejected a complaint from a doctor convicted of sexual assault, who said a photographer harassed him outside court. The complainant said court staff helped him to avoid the photographer as he left the building. The photographer had, however, “stalked” him for about 150 yards. The fact that he sought help from court staff, and had been running away, clearly demonstrated that he did not wish to be photographed.

IPSO said it was apparent that the complainant had taken steps to avoid having his picture taken, rather than

making clear a request that the photographer desist. Even on the complainant’s account, his concern that he had been followed by a single photographer over what was apparently a relatively short distance did not constitute harassment or persistent pursuit. IPSO said the photographer had not acted in an aggressive or intimidating fashion in seeking to obtain a photograph. It also noted that there is a public interest in identifying those convicted of crime.

*Kumar v The Sun*: [www.ipsa.co.uk/rulings-and-resolution-statements/ruling/?id=02481-14](http://www.ipsa.co.uk/rulings-and-resolution-statements/ruling/?id=02481-14)

*Kumar v Telegraph & Argus*: [www.ipsa.co.uk/rulings-and-resolution-statements/ruling/?id=02478-14](http://www.ipsa.co.uk/rulings-and-resolution-statements/ruling/?id=02478-14)

A woman complained to IPSO after she was photographed outside a court in Belfast. IPSO concluded that the process of taking the pictures, over an eight-second period, did not amount to harassment.

IPSO said: “In the first four images, the complainant had been unaware that she was being photographed; the last two showed her looking directly at the camera alert to the fact that her photograph was being taken. It was at this point that the complainant had told the photographer that she did not consent to being photographed.

“The roll provided by the newspaper appeared to indicate that no further images were taken. The Committee was satisfied that the newspaper had not failed to respect the complainant’s request to desist; there was therefore no breach of Clause 3 on this point.”

*Best v Sunday Life*: [www.ipsa.co.uk/rulings-and-resolution-statements/ruling/?id=00555-16](http://www.ipsa.co.uk/rulings-and-resolution-statements/ruling/?id=00555-16)

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## Time limit

A desist request issued by IPSO does not last indefinitely. The passage of time may lessen the risk of harassment and the circumstances surrounding a story may change, sometimes rapidly. In those circumstances a fresh approach may be legitimate. There is no set formula for deciding this. These are judgment calls for editors and, if a complaint arises, IPSO will judge each case on merit. It would usually require editors to show reasonable grounds, such as a material change in circumstances, for a renewed approach.

Greater Manchester Police complained that the *Daily Telegraph* breached a request not to approach either the family of a 10-year-old boy who drowned in a pond or two police community support officers who arrived at the scene soon after but did not enter the water to rescue him.

The PCC accepted that following the police desist request, the story had moved on as it had been highlighted by then-opposition leader David Cameron. It said the newspaper's approach had been proportionate to that development and the complaint was rejected.

*Greater Manchester Police v Daily Telegraph: [www.pcc.org.uk/cases/adjudicated.html?article=NTE2MA](http://www.pcc.org.uk/cases/adjudicated.html?article=NTE2MA)*

## Useful checks

It is helpful to check whether desist requests already exist when reporting a story.

The *Mail on Sunday* was found to have breached the

## KEY QUESTIONS

- Was there a request to desist? Subsequent pursuit would need to be justified by the public interest or changed circumstances.
- Was there a request for non-identification? If there was, was there a public interest reason for not complying?
- Did non-staff contributors comply with the Code?

harassment clause when it approached a woman about a crime story some months after two desist requests had been made. The newspaper explained that a member of staff had failed to check its internal record of PCC advisory notices.

*A woman v The Mail on Sunday: [www.pcc.org.uk/cases/adjudicated.html?article=ODY2OA](http://www.pcc.org.uk/cases/adjudicated.html?article=ODY2OA)*

In such cases it would be useful to contact IPSO to confirm whether a desist notice has been issued and to seek informal advice on its status.

## Freelance contributors

Editors must ensure that the rules on harassment are observed not only by their staff but also by contributors such as agencies. Pictures and stories from freelance contributors that are obtained by harassment will not comply with the

Code. The PCC made this clear when it considered a complaint about a confrontation between two freelance journalists and a member of the public that resulted in police being called.

The newspaper explained that it had asked an agency to attend the complainant's house to follow up a potential story. Without its knowledge, the agency sub-contracted the task to a freelance photographer described by the newspaper as "somebody [it] would not use".

The PCC said the principle of editorial responsibility applied to the case and declared: "The newspaper was fully accountable for the actions of the men."

*Varey v The People*: [www.pcc.org.uk/cases/adjudicated.html?article=ODkxMg](http://www.pcc.org.uk/cases/adjudicated.html?article=ODkxMg)