

***Mrs Laura Gaddis v Hamilton Advertiser***

Clauses noted: 6

Mrs Laura Gaddis, President of the John Ogilvie High School Parent Teacher Association, complained to the Press Complaints Commission that an article headlined "Nicola films class after her parents snap over report" published in the Hamilton Advertiser on 29 March 2007, and audio-visual material published on the newspaper's website, breached Clause 6 (Children) of the Code of Practice.

The complaint was upheld.

The article reported that a 16-year-old student had filmed her unruly mathematics class at school on her mobile phone in order to explain poor results to her parents. The article included still images from the video, in which fellow pupils and the teacher could be identified. The newspaper published the moving images on its website.

The complainant said that no permission had been given by the school authorities, the children or their parents for the class to be filmed. Similarly, no consent had been given for the publication of the images and the video. No contact had been made with the school before publication to ascertain whether this was a genuine problem or a one-off incident.

The newspaper said that there was a clear public interest in the lack of supervision in the class which may have had an impact on the performance of the pupils. The paper had not infiltrated the school, but had rather published footage taken by a pupil, and it argued that the footage did not intrude into the education of the children featured, all of whom were over 16. The newspaper was willing to apologise if the article had caused distress to any of the pupils concerned, but it was not appropriate to apologise to the school authorities. The video on the website had been removed on the day of publication and an undertaking had been given not to use the images in the future.

*Adjudication*

The subject matter of the story – that classroom discipline was allegedly so lax that it was affecting pupil performance – was clearly one of considerable public interest, and to a large degree the video provided the evidence to support the girl's position about her teaching conditions. It was therefore entirely legitimate for the paper to bring conditions in the classroom to public attention, and to use – at least in part – the information contained in the video.

At the same time, the newspaper had a responsibility to ensure that the material it published did not infringe the rights of the pupils appearing in the footage, some of whom were clearly identifiable. They had not known they were going to feature in the newspaper and on its website, and there had been no consent for publication. While the newspaper had argued that obscuring the faces would have undermined the impact of the story, the Commission considered that any public interest in identifying the pupils was not so great as to override their rights under the Code. Steps should have been taken to conceal their identity or to obtain proper consent. Not doing so amounted to an unnecessary intrusion into the pupils' time at school in breach of Clause 6.

Adjudication issued 30/07/2007