

A2 LEVEL

FACT FILES

Journalism

For first teaching from September 2013

For first AS award in Summer 2014

For first A Level award in Summer 2015

Legal Errors in
Reporting



journalism

in the Media and Communications Industry (JMC)

Legal Errors in Reporting



Learning Outcomes

Students should be able to:

- Consider the legal issues and considerations affecting online and broadcast journalists.



Content

Institutions, Ownership, Law and Regulations in Online, Print and Broadcast Journalism

(page 15, specification)

Common errors include simple spelling, grammatical or factual mistakes like getting someone's name or job title wrong. Other mistakes such as failing to 'stand up' claims using multiple, reliable sources – as in the case of a BBC Newsnight story that led to former Conservative treasurer Lord McAlpine being wrongly implicated in child abuse – can have more serious consequences. It goes without saying that a journalist must have a good knowledge of the law, particularly relating to contempt of court and defamation. Below are some examples of (fictional) stories that fall foul of the rules.



iStockphoto / Thinkstock.com

1. Identifying a victim of blackmail

A man who blackmailed a restaurant owner into handing over £6,000 has been jailed for four years at Ballyskeagh Crown Court.

Philip Carter, who is from Ballyskeagh, admitted

blackmailing Jason Hughes and causing criminal damage to his car.

The court heard threats were made to the businessman, the owner of Chilli Pepper Bistro, in a series of phone calls. Police were informed and officers made secret recordings of six calls between Carter and his victim in May 2012. During the calls, Mr Hughes was told that if he did not hand over the money, a dossier containing allegations about his business dealings would be given to the media.



Wavebreak Media / Thinkstock.com

During one call on May 21 he was also told he would be "hurt". Later that day his car was vandalised while it was parked outside his house.

Carter was arrested after the businessman handed over the money at a garage in the east of the town on May 29 2012. The accused initially denied involvement in police interviews but later pleaded guilty to blackmail and criminal damage.

Errors:

There is normally a court order banning the identification of victims in blackmail cases (under the Contempt of Court Act 1981). This is so blackmail victims are not deterred from coming forward to report the offence. In this case, even if the victim was not named in this story, he could still be identified by giving the name of his business.

The age and address of the defendant should be given in order to avoid falsely identifying (and thereby libelling) someone else – there could be another, entirely innocent, Philip Carter in Ballyskeagh who could be mistaken for the defendant by someone reading this story.

2. Defamation

A Ballyskeagh businessman has accused a rival of “ripping off” his customers.

Thomas Mackey who owns Mackey’s Curtains and Blinds in High Street claimed rival Harry Thomas is a “rip-off merchant” who is “dishonest” with customers.

Mr Mackey made the explosive claims after Mr Thomas expanded his own shop, Thomas Interiors, in High Street. Mr Mackey said: “Thomas is a rip-off merchant – it’s common knowledge around here. Lots of people have been coming to my shop complaining of how dishonest he is with customers. He’s just not straight with them and is charging far too much for his products – I know because we share the same suppliers.”



iStockphoto / Thinkstock.com

Mr Thomas has denied the allegations, which he said were “ludicrous”.

Error:

This story makes claims about Mr Thomas which tend to disparage him in his business, trade, office or profession. There is no evidence offered for the claims and any media organisation printing the claims could be sued for defamation, even though Mr Thomas’s denials are included.

3. Identifying victims of sexual assault

A Ballyskeagh man found guilty of attempting to rape his estranged wife has been jailed for five years.

Henry Randal, 46 and from Greenwood Terrace in Ballyskeagh, was convicted of the 2011 attack at Ballyskeagh Crown Court yesterday.

The court heard he had gone to his estranged wife’s home at Edenbrook Close in the early hours of April 17 2011 after drinking heavily in a local bar.

A prosecution lawyer told the court that the woman was attacked in her porch after she opened the door to an “aggressive and intoxicated” Randal.

The lawyer said the victim had been left “traumatised” by the attack.



iStockphoto / Thinkstock.com

Randal’s lawyer told the court his client was full of remorse about what he had done and wanted to apologise.

The judge said: “This was a nasty attack on your estranged wife, a vulnerable woman living alone. I have no hesitation in sentencing you to five years in jail.”

Error:

Victims of rape and other sexual offences have lifetime anonymity (Sexual Offences (Amendments) Act 1992). Although the victim is not named in this story, the fact that her estranged husband’s name and her address are published would make her easily identifiable.