

### **PCC rules on complaint about reporting of patients at psychiatric unit**

The Press Complaints Commission has today published its ruling in a case against the Birmingham Mail and Birmingham Mail Extra, following a complaint made under Clauses 3 (Privacy), 5 (Intrusion into grief or shock) and 8 (Hospitals) of the Editors' Code of Practice. The complaint was not upheld. The front-page articles in question reported that three patients at a psychiatric unit had (several days before publication) attempted suicide over concerns about the future of the unit. The newspaper articles - which were prompted by the subsequent news that the unit was to be closed - included pixellated photographs of the patients being informed of the decision, which showed them in a distraught state. The coverage said that the photographs were "supplied by the patients themselves via their psychiatrist".

The complainant - the Chief Executive of the Birmingham and Solihull Mental Health NHS Trust - argued that the articles were intrusive: the patients were extremely vulnerable adults who were not in a position to give clear consent for the photographs to be taken or published. The photographs were taken in breach of patient confidentiality by a GP who was not their consultant or primary carer. The newspaper argued publication could be justified for several reasons: the closure of the psychiatric unit was a major local issue; the photos had been taken with the consent of the (adult) patients involved by a medical professional; and it had taken steps to protect the patients' identities by pixellating their faces.

The Commission made clear that any attempt to "bypass the terms of the Code, and compromise the welfare of patients, would be the subject of vigorous censure by the Commission". It did not believe that this was the case here. The Commission recognised that "legitimate concerns would exist about the patients' capacity", which the papers had been obliged to take into account. However, there were other factors which, when taken together, "tipped the balance" in favour of the newspapers' decision to publish: the involvement of the doctor; the decision to pixellate the patients' faces; and the public interest in the story. It concluded that "the newspapers had managed to balance their duty to behave responsibly towards vulnerable individuals with the need to cover a story of important public interest".

PCC Director Stephen Abell commented: "As often in cases before the PCC, this was about the need for proper balance to be struck. The Commission had to weigh here the apparently conflicting views of both the patients and of the Trust. In the end, while reaffirming the strong protection afforded to the vulnerable by the Code, the Commission recognised that the newspapers had acted appropriately in publishing the pixellated images to illustrate a story in the public interest".

### **ENDS**

#### Notes to editors:

1. For further information, please contact Jonathan Collett on 020 7831 0022 or 07740 896 805;
2. The PCC does a considerable amount of work with mental health organisations, including speaking at seminars and conferences. A report of a recent seminar it held in conjunction with Shift and the Royal College of Psychiatrists can be read here: <http://www.pcc.org.uk/news/index.html?article=NjQ3NQ>
3. The PCC's guidance note to the industry on the reporting of mental health issues can be accessed here: <http://www.pcc.org.uk/advice/editorials-detail.html?article=NDIwMA>

4 August 2010