

Nottingham City Council v October Films Ltd

[1999] 2 FLR 347

26/04/1999

Court

Family Division

Summary

Filming children in care

Facts

Five young people from Nottingham consented to be filmed by October Films, who were making a documentary on delinquent young people for Channel 4. All five were under 16 and were clearly 'at risk', being involved in a range of delinquent activity, including prostitution. When October Films first contacted them, two of the five were being accommodated by the local authority, and the other two were the subject of care orders (a third was later accommodated). Two of them were on bail, subject to bail conditions. October Films filmed the children engaging in a range of damaging and criminal activities, members of the crew socialised with them and there was evidence that the crew had treated the children to presents of food, drink and cigarettes. Following reports from the social workers supervising the residential units in which the young people were staying, the local authority sought to restrict the filming, but October Films contended that any interference would be against the public interest. The local authority obtained leave under the Children Act 1989, s 100 to invoke the inherent jurisdiction of the High Court, and asked the court to restrict and prevent the further filming of each of the five. Two of the children had now withdrawn their consent, October Films did not wish to use two others who were now in secure accommodation, but there were plans to go on filming the fifth child.

Held

Held – accepting undertakings and discharging wardship orders – while recognising the importance of freedom of the Press in a democratic society, it was nevertheless in the public interest that interference with, and exploitation of, vulnerable children by the media should be discouraged and prevented, and that the caring professionals working in the difficult field of delinquent children who were at risk should be supported in their role. The problems in this case principally arose because the film company took the deliberate decision not to alert or to inform the social services of their proposed operations. They approached the children without parental consent or knowledge, and without the knowledge of anybody whose duty was to try to provide supervisory assistance to the children. Their conduct went far beyond merely observing the children, who were undoubtedly all affected by the excitement of the filming operation. The local authority was entitled to invoke the inherent jurisdiction of the court to prevent interference with the statutory duty of the local authority to protect vulnerable young people. Formal intervention was not required in the case of the fifth child, as there was no evidence of harm to him, and no evidence which would justify on welfare grounds the making of a restrictive injunction in his case, but

the local authority had made out its case in respect of the other four. Undertakings would be accepted as a satisfactory alternative to restraining orders by way of injunction.

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