

Council loses school catchment spying tribunal

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A council in Dorset which spied on a family to see if they lived in the right school catchment area has lost a landmark ruling over its actions.



Jenny Paton took Poole Borough Council to a tribunal after it used the Regulation of Investigatory Powers Act (Ripa) to spy on her family 21 times. The Investigatory Powers Tribunal ruled it was not a proper purpose and not necessary to use surveillance powers. Miss Paton said she was delighted. The council said it accepted the ruling.

It is the first time these powers have been challenged at an open hearing before the Investigatory Powers Tribunal (IPT).

Over-subscribed

The IPT also found that the surveillance breached the family's right to privacy under Article 8 of the Human Rights Act, when it ruled on Friday.

The council had argued that the covert surveillance, which took place between 10 February and 3 March 2008, was lawful under Ripa for the over-subscribed and successful school.

Two phone calls to the council were made by members of the public making formal complaints, alleging that the family was not living at the property in the catchment area. The second caller said Miss Paton had boasted about pretending to live in the property.

The sinister treatment of Jenny and her kids proves that these powers need to be far more tightly restricted and supervised"

The family also owned two flats in another property out of the catchment area and both addresses were kept under surveillance.

Miss Paton, from Poole, only found out she had been under surveillance when it was revealed during a meeting with council officials to discuss their school application. They

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were tailed round the clock, spied on at home and their movements were recorded in detailed surveillance forms. Their car was also described as a "target vehicle".

After the tribunal ruling, Miss Paton told BBC News: "It is absolutely brilliant. We are hopeful our case will highlight local authorities' misuse of Ripa [powers]. The highest legal minds have found Poole Borough Council was wrong even when it was adamant it was right. It is a damning indictment into how they behave - paying no attention to considering the impact of putting children under surveillance."

Ben Hooper, representing the local authority, had told the tribunal the surveillance "was minimally invasive of privacy".

'Nothing to fear'

But in statement the council said: "The council accepts fully the ruling of the Investigatory Powers Tribunal and would like to apologise to Miss Paton and her family for any distress caused as a result of its actions in this case. The council listened to public concerns about this case and subsequently decided that Ripa powers were no longer an appropriate means of investigating potentially fraudulent applications for school places."

Corinna Ferguson, legal officer for Liberty, said: "Intrusive surveillance is vital to fighting terrorism and serious crime but weak legal protections and petty abuses of power bring it into disrepute. Former ministers claimed that the innocent had nothing to fear but the sinister treatment of Jenny and her kids proves that these powers need to be far more tightly restricted and supervised."

The government is reviewing the use of Ripa powers - which cover all types of serious crime - buy local authorities as part of the Counter Terror Review announced by Home Secretary Theresa May last month.

Name _____ Date _____



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1. Read the text and then answer the questions.

- a) What act did the council use to enable to them to spy on Miss Paton and her family?

- b) How many times have the powers under this act been challenged at an open hearing?

- c) Why did the council undertake the surveillance?

- d) How many people complained to the council and what did they allege?

- e) How did Miss Paton discover she was under surveillance?

- f) How was the family car described on surveillance forms?

- g) Do you think Ben Hooper felt that the council had invaded the family's privacy?

- h) For what reason is intrusive surveillance vital, according to Liberty?

- i) Who announced a review of Ripa powers?

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2. The following are anagrams of various single words found in the text. Please find the word in the text. The words below are in the order they are in the text. They are all parts of verbs.

edips	
dais	
cede pact	
glance held	
fondue	
dug ear	
edam	
ed won	
eel raved	
cod erred	
breed disc	
use cad	

3. There are five words in the text that have been misused. Find them and then write the correct spelling of the word that should have been used. They are all on page 1.

Name _____ Date _____



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4. What are your views? Should councils be allowed to use the powers to check where people live? Is it an invasion of privacy?

Write several paragraphs about your views on the article.

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ANSWERS

1.

- a) Regulation of Investigatory Powers Act (Ripa)
- b) It has never been challenged before.
- c) To check if the family live in the catchment area for a popular school
- d) Two – one saying that the family did not live in the property in the catchment area and the other alleged Mrs Paton had boasted about pretending to live in the property
- e) When she attended a meeting with council officials
- f) Target vehicle
- g) No as he said the surveillance “ was minimally invasive of privacy.”
- h) For fighting terrorism and serious Crime
- i) Theresa May, Home Secretary

2.

edips	spied
dais	said
cede pact	accepted
glance held	challenged
fondu	found
dug ear	argued
edam	made
ed won	owned
eel raved	revealed
cod erred	recorded
breed disc	described
use cad	caused

3.

sea should be see
 witch should be which
 bean should be been
 too should be two
 there should be their