

A couple v Esher News & Mail

Clauses noted: 3, 5

A couple complained that an article headlined 'Father loses second baby at St Peter's' published in the Esher News & Mail on 12 June 2002 invaded their privacy in breach of Clause 3 (Privacy) and intruded into their grief in breach of Clause 5 (Intrusion into grief or shock) of the Code.

The complaint was upheld.

The article reported that the complainants' newborn child had died at the maternity unit of a local hospital. It linked this tragedy to the fact that, two years before, the male complainant had lost another baby, and his previous partner, at the same maternity unit. The complainants said that publication of the story was an intrusion into their privacy and into the grief they were suffering.

The newspaper said that the male complainant and the complainants' daughter had been identified because the story was in the public interest. Indeed, the tragedy was the subject of a police and coroner's investigation. The newspaper explained that there was considerable concern at alleged problems at the maternity unit and that the male complainant's double tragedy highlighted the fact that something was wrong there. The fact that he had lost a child and partner two years ago had been reported at the time.

The complainants agreed that apparent problems with the maternity unit were in the public interest but disputed the need for identifying their daughter and the male complainant. The tragedy was a private matter that had been exacerbated by insensitive press coverage.

Adjudication

Long-running concerns about apparent problems at the maternity unit involved in this case meant that the story itself was in the public interest. However, the Commission saw no reason why the complainants' wishes (explicitly communicated to the newspaper) could not have been respected in the direct aftermath of the tragedy, at the time when the need for sensitivity was at its greatest. Therefore, while the Commission did not believe that the editor had acted in a cavalier fashion, it considered that the piece could have served the public interest just as well without naming the male complainant and the complainants' daughter. In upholding the complaint the Commission wished to make clear that it regretted that the complainants had been caused gratuitous distress at such a difficult time.

Adjudication issued 2003