

Ms Irene Shubik v The Wood and Vale

Clauses noted: 1, 3, 5, 10

Ms Irene Shubik complained to the Press Complaints Commission that an article published in *The Wood and Vale* on 5th March 2004 and headlined "Tributes to top Telegraph man" was inaccurate in breach of Clause 1 (Accuracy) and intrusive at a time of grief in breach of Clause 5 (Intrusion into grief and shock) of the Code of Practice. She also complained under Clauses 3 (Privacy) and 11 (Misrepresentation) of the Code.

The complaint was not upheld.

The article reported the death of journalist Andrew Dickson, making reference to his alleged alcoholism to which the complainant objected. The complainant – a close friend who was named in the article – said that he suffered from lung cancer and severe intestinal problems, but that the Coroner had concluded that he had died from a fall and his death was accidental. The death certificate listed alcohol only as a secondary cause of death. The complainant objected to what she saw as the article's insensitive treatment of the subject and to a number of inaccuracies, including the suggestion that Mr Dickson was an alcoholic and the implication that he was somehow 'down and out'. She also complained under Clause 11 that the article had included details from a report on Mr Dickson that she had submitted to the coroner, and which she had understood would remain confidential. She said that the article was misleadingly presented to make it appear that she had spoken directly to the newspaper. She also complained that the journalist's approach to her – which focused on whether or not Mr Dickson was an alcoholic – was insensitive, something that was compounded by the editor's subsequent attempt to contact her.

Regarding her complaints about insensitivity, the editor said that the complainant had initially been helpful once the journalist had contacted her, but she had become agitated when some of the details from the inquest were discussed. Aware of the complainant's distress, the deputy editor ensured that the headline for the story was appropriately sensitive and that some material from Mr Dickson's career was included. Having received a letter from her after publication, the editor had telephoned the complainant in order to discuss her concerns, although the conversation was not a success as a result of the complainant's distress.

Regarding publication of the article itself, the editor said that the article in question was based on an agency report which provided direct quotations from the inquest and the coroner which made reference to alcohol and alcoholism. The complainant's statement had been read out in court, and the newspaper was therefore entitled to publish it, something it had done accurately. Indeed, these comments allowed the newspaper to say something about Mr Dickson and his career, rather than just focusing on the circumstances of his death. While the newspaper did not consider a published apology to be appropriate in the circumstances, it was happy to write to the complainant with a full explanation and to correct any substantive inaccuracies in print if any arose.

Adjudication

The Commission considered that the central issue in this complaint concerned the complaint under Clause 5 of the Code. This requires newspapers to handle the publication, and gathering, of material 'sensitively' at times of grief. It also preserves a newspaper's right to report legal proceedings such as inquests.

The Commission sympathised with the complainant, given that she had obviously been distressed by the approaches both of the journalist and, subsequently, the editor. However, given the conflicting versions of the two conversations from the two parties, the Commission did not consider that there was sufficient evidence to conclude that the approaches to the complainant constituted a breach of the Code.

Regarding the article itself, it was evident that any judgement as to its sensitivity would necessarily be a subjective one. However, the Commission concluded overall that the material was not presented in a sufficiently insensitive manner to breach Clause 5. In coming to this view, it had to bear in mind that the information was publicly available as a result of the inquest, and that the Code of Practice protects the right of newspapers to report such proceedings. Nonetheless, in light of the complainant's obvious distress, the Commission was pleased that the editor had offered to write to a personal letter to the complainant.

Turning to the complaint under Clause 1, it was clear to the Commission that the article was predominantly based on a report which had been provided by a news agency. While it acknowledged the complainant's concerns about the quality of the agency reporting, it did not find that the article contained any significant inaccuracies in breach of the Code. In particular, the newspaper's reference to alcoholism was clearly based on comments made by the coroner himself, who was quoted as a named source in the article. It was also not in dispute that alcohol had played a role in the tragic death of Mr Dickson and the Commission noted that the complainant's position – that Mr Dickson had cut back on his drinking, and did not drink every day – was contained in the article. Given the apparent willingness also of the newspaper to correct any specific points of disputed fact concerning the inquest should they arise, the Commission was satisfied that there were no outstanding issues to pursue under Clause 1 of the Code.

Finally, as the complainant's statement had been apparently been read in open court, there was no breach of Clauses 11 or 3.

Relevant ruling

Kearney v Sunday Life, 1999

Adjudication issued 2004