Mrs Stephanie Grady v Halifax Evening Courier

Clauses noted: 1, 5, 6

Mrs Stephanie Grady of Brotton complained to the Press Complaints Commission that two articles headlined "Shattered lives and lost dreams" and "Tragedy... now wife has baby" published in the Halifax Evening Courier on 2 April and 12 July 2006 had intruded into her grief in breach of Clause 5 (Intrusion into grief or shock), and into her son's welfare in breach of Clause 6 (Children). The complainant also raised concerns under Clause 1 (Accuracy) of the Code.

The complaint was not upheld.

Both articles followed the Persian Gulf pleasure boat disaster in March 2006 in which the complainant's husband, Stephen Grady, had died. The first article was an editorial which reflected on the impact of the tragedy on the complainant's family, in particular her two-year-old son. The complainant argued that the article was written as though her son had given an interview to the newspaper, which was incorrect and a breach of the spirit of Clause 6 (Children) of the Code. In addition the piece projected inaccurate feelings onto her son, which no-one could have known: he had not once told her of his "confusing sense of loss" or asked her why "tearful adults [were] coming and going with special loving hugs". Moreover, he had never been to Bahrain or played on quad bikes there, as alleged.

The second article reported the fact that the complainant had given birth to a baby girl fourteen weeks after the accident. The complainant had informed the newspaper before publication that she did not wish the article to appear, and that she had not given consent for any picture of her newborn child to be published. In the event, the front page article included a smiling picture of the complainant and her elder son. This was taken the previous year in relation to a separate story, but the complainant had not given permission for it to appear in relation to the death of her husband. In addition, a photograph of the boat which killed her husband was included. She said that the juxtaposition of the photographs in the article was insensitive and inappropriate in breach of Clause 5, and that the newspaper had caused her great distress at the most difficult period of her life.

Finally, the complainant said that a reporter from the newspaper had tried to gain entry to her house on the day she had found out about her husband's death. He had arrived at the same time as other guests and had only identified himself when asked. The complainant was concerned that he would have attempted to enter the house without volunteering his identity and found this approach to be intrusive and insensitive, having occurred less than six hours after she had been informed of her husband's death.

In response, the newspaper expressed its sympathy for the complainant and her family. It said that its editorial was clearly identified as comment and did not purport to be an interview, but instead invited readers to put themselves in the complainant's son's place as a confused two-year-old missing his father. The newspaper believed that, taken as a whole, it was a sympathetic tribute to the complainant's husband and did not raise a breach of Clause 6. The references to the family visiting Bahrain were based on information given by Mr Grady's parents. It was happy, however, to correct any factual inaccuracies and to apologise for these.

Regarding the second article about the complainant's new baby, the newspaper said that it had been told of the birth by the Mr Grady's parents, who spoke of their happiness and provided photographs of the child. But following the telephone call from the complainant, the newspaper did reorganise its story to remove the picture of the new baby. The story was then illustrated with stock pictures, including the image of the complainant with her son which was posed the previous year. The newspaper regretted that the complainant had found the use of the photographs insensitive, but did not believe that most people would agree that the coverage was insensitive. The newspaper

pointed to an interview that the complainant had subsequently undertaken with the Daily Mirror to express surprise that the complainant had objected to the publicity.

Finally, the newspaper was satisfied that its reporter had identified himself properly at the complainant's home at the earliest opportunity and made no attempt to enter the house without permission.

Adjudication

Clause 5 of the Code requires newspapers to handle publication of material at times of grief "sensitively" and to make enquiries with "sympathy and discretion". This does not of course amount to a ban on covering tragic stories unless everyone concerned consents to publication, but rather is designed to prevent the tone of the coverage – and any approaches from journalists – from exacerbating what is inevitably a difficult time for the relatives of the deceased. It was clear in this instance that the newspaper's coverage had greatly upset the complainant, something the Commission regretted. It wished to express its sympathy to the complainant and her family.

The Commission reviewed the published material and did not conclude that it was insensitive – although it was clearly unwelcome to the complainant. Neither article broke the news of the accident or ridiculed the manner in which the complainant's husband had died, and while the complainant objected to the editorial, it appeared to be an attempt on the newspaper's part to illustrate the human consequences of the tragedy. While the Commission acknowledged the complainant's view that such an attempt was unsuccessful, it did not follow that the piece breached the terms of Clause 5.

Although the complainant wanted no publicity for the birth of her child, the Commission noted that the article included the reaction of the baby's grandparents, and they were entitled to speak to the newspaper. Again, what was important in terms of Clause 5 was how the news was reported – and the Commission did not conclude that there was anything inherently insensitive about the manner in which the article was presented. This included the newspaper's use of the photographs (including of the complainant and her son), which had been previously placed in the public domain and were not – in the Commission's view – reproduced in an inappropriate or insensitive way. The Commission recognised that the complainant felt that the very fact of publishing news of her baby's birth against her wishes and so prominently amounted to insensitivity, but this was not the test that the Commission can apply in cases such as this, where there are also the competing rights of others to speak to the media and the public to receive information.

Finally, under Clause 5, there was the issue over the newspaper's initial attempt to contact the complainant. The Commission was not in a position to determine the exact circumstances in which the reporter had made an approach following the tragedy. Nonetheless, it was clear that the reporter had given his identity and left after being asked to do so. There was no suggestion that he had attempted to make enquiries unsympathetically. In these circumstances, the Commission was satisfied that no breach of Clause 5 had been established in regard to the journalist's approach.

Turning to the complaint under Clause 1 in relation to the editorial, the Commission did not consider that readers would have concluded that the newspaper had actually spoken to the complainant's son. But the complainant had contested some of the factual references in the piece – such as whether her son had been to Bahrain and played on quad bikes with his father – and it was right for the newspaper to have offered to correct these points. This amounted to a satisfactory response to this part of the complaint.

Finally – while the Commission recognised the complainant's argument that the article breached the spirit of Clause 6 – it was not the case that the newspaper had interviewed or photographed the complainant's son. There could therefore be no breach of this Clause.

Adjudication issued 22/09/2006