

Hillcrest School v Birmingham Mail

Clauses noted: 1

The Governors of Hillcrest School complained to the Press Complaints Commission that an article headlined 'Killed by bullies' published in the Birmingham Mail on 5 May 2005, and still available on its website, failed to distinguish between conjecture and fact in breach of Clause 1 (Accuracy) of the Code of Practice.

Following an offer of remedial action by the newspaper there were no remaining issues under the Code and the complaint was not upheld.

The article reported that a female pupil had hanged herself, apparently after being the victim of a long-standing bullying campaign. The school governors said that the claims of bullying, based on information provided by the girl's mother, were unfounded. Indeed, at the inquest – which did not take place until a year later – the coroner concluded that there was no evidence that bullying led to the pupil's suicide. In the tragic circumstances of this particular case the newspaper should, said the governors, have taken greater care over its initial story. Its failure to do so meant it had presented the conjectural claims of the girl's mother as established fact.

The newspaper disputed that it had blurred conjecture and fact. In fact, it said, a reading of the entire article made clear that the claims of bullying had been made by the dead girl's mother. The newspaper said it was entitled to present the allegations to its readers. In any case, the following day it had published another article setting out the school's denial that the dead girl had been bullied. Moreover, once the inquest had taken place, a further report had made clear that the coroner found no evidence of bullying. This clarified the situation for readers.

In an attempt to resolve the complaint, the newspaper offered to send a reporter to the school in order to compile a positive feature about how the school community had moved forward since the tragedy. The governors rejected the offer, arguing that it was 'a further example of [the editor's] utter callous disregard for the safety and well-being of vulnerable children'. They did not want to provide the newspaper with an opportunity to write more about the tragedy.

Adjudication

The Commission acknowledged the school's unhappiness with the way the newspaper had initially reported the death of one of its pupils. The headline and opening paragraph of the article had unequivocally stated that the girl had been a victim of bullying, something that was subsequently thrown into doubt.

There were a number of factors for the Commission to consider, however. The first was that the girl's mother – whether or not she was aware of all the facts so soon after the tragedy – was entitled to speak to the newspaper about her daughter's death. In reviewing the way in which the article as a whole was presented, the Commission considered that it would have been clear to readers that the piece followed an interview with the mother in which claims had been made that the dead girl had been the victim of bullying. It had not been suggested that this was a final or formal verdict on the reasons for the tragedy. In the Commission's view, the way the article was presented overall would have tempered the strong impression given by the headline and the opening paragraph, which, had they been taken in isolation, may reasonably have been considered to be misleading in breach of the Code of Practice.

Second, the Commission had regard to the fact that the article under complaint was part of a series of stories about the incident. The day after the first piece, for instance, the newspaper had run a statement from the school to the effect that it had found no evidence of its pupil being bullied. Subsequently, there was an inquest at which further material emerged, including the strong

conclusion of the coroner that bullying had not, after all, been a factor. This had been reported by the newspaper in further articles. It is usual for developments to arise in news stories which put previous coverage into context, and it is, by extension, not realistic to expect newspapers to be in possession of all the facts concerning an incident before they can publish information or comments about it. In this case, the coverage of the inquest in the paper helped to establish in the public domain the fact that there was another, formal, view of the background to the suicide which did not attach importance to the allegations of bullying.

Third, the Commission considered what further steps the editor had taken to resolve the complaint. Although the Commission noted the bad feeling that appeared to have arisen between the parties over this matter – something it regretted – the editor's offer to publish a follow-up piece seemed to have been made in good faith and would have provided a worthwhile opportunity for the school to put its position on the record and for the coroner's findings to be reiterated. The Commission hoped that this offer might be explored further, and that it would be possible for something that the complainants found satisfactory to be published.

In all the circumstances of the case, the Commission was satisfied that the steps taken by the newspaper to remedy any possible confusion caused by the initial article – primarily the reporting of the school's position on 6 May and the subsequent inquest report, but also the offer to publish a further follow-up – were sufficient. As a consequence, there were no issues for the Commission to pursue.

Adjudication issued 14/06/2007