

**Mr and Mrs Kimble v Bucks Herald**

Clauses noted: 4, 5

Mr and Mrs Kimble of Aylesbury, Buckinghamshire, complained that they had been approached by a reporter from the Bucks Herald in breach of Clause 4 (Harassment) and Clause 5 (Intrusion into grief and shock) of the Code of Practice and that publication of an article headlined "Girl found hanged" published in the newspaper on 6 September 2000 was insensitive in breach of Clause 5.

The complaint under Clause 4 was upheld.

In doing so, the Commission wanted to make clear that it was not ruling that the published article should not have been written. Indeed, the Commission recognises the legitimacy of researching and writing about such tragedies which are clearly in the public interest.

The complainants said that two days after their 16 year old daughter committed suicide they were approached by a reporter asking whether they wanted a tribute to appear in the local paper. They declined, and said that they would be in touch if they changed their minds. However, they maintained that the reporter called at least four times over the next few days.

The editor said that the complainants had indicated to the journalist that they did want to have a tribute published but not at that time. She therefore called again the following day – when there was a deadline – and, having not been told to go away and not come back, returned one more time the same day just before the deadline. The editor said that his journalists knew not to return to a home once it is made clear that a family do not want to talk.

*Adjudication*

The Commission recognises the difficulty for journalists in seeking information when the background to a story is of such a tragic nature, and that it can often be difficult to judge the impact of a particular approach on the recently bereaved. The Code at its heart, however, is designed to protect the vulnerable and the Commission will consider whether it is applied in spirit as well as to the letter. In this case, regardless of whether the complainants had explicitly told the journalist that she should leave and not return to their house, the Commission considered that common sense should have indicated that the repeated approaches over a short period of time were not appropriate.

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The complainants also complained that reporters went into the local church where they spoke to people about their daughter and were distressed by these approaches and others to people who knew their daughter. They said that the resulting article, in containing details about how their daughter had died, was insensitive.

In the Commission's view, while the reported approaches to other people had exacerbated the feeling of pressure felt by the complainants they were not, technically, breaches of the Code as it applies to the complainants themselves. Coming in conjunction with their own experiences, however, the Commission could understand why they found such approaches insensitive.

The Commission then examined the complaint about the article in isolation from the other complaints and found that, while undoubtedly and understandably upsetting for the complainants, the piece did not trivialise the incident or contain such a depth of graphic information about the death as to breach the Code.

Adjudication issued 2001