

Mr & Mrs C Entwistle v Worksop Guardian

Clauses noted: 3, 4, 5, 10

Mr & Mrs C Entwistle of Worksop complained to the Press Complaints Commission that the Worksop Guardian had harassed them in breach of Clause 4 (Harassment) and intruded into their grief in breach of Clause 5 (Intrusion into grief or shock) of the Code of Practice. They also complained that the newspaper had photographed Mrs Entwistle in a private place in breach of Clause 3 (Privacy) and Clause 10 (Clandestine devices and subterfuge).

The complaint was not upheld.

The complainants' son, Neil Entwistle, had been convicted of the murder of his baby daughter and wife Rachel in the USA. The complainants said that, following a public statement from Mrs Entwistle after the verdict, the newspaper had published a series of hostile letters which were insensitive to the grieving couple in breach of the Code. Mrs Entwistle's statement had said: "We know that our son Neil is innocent, and we are devastated to learn that the evidence points to Rachel murdering our grandchild and then committing suicide. I know Rachel was depressed. Our son will now go to jail for loving, honouring and protecting his wife's memory."

The complainants also said the newspaper had harassed them: publishing the readers' letters was an attempt to bully them into elaborating on the statement; there were three separate visits by a reporter to their home; an e-mail asking Mr Entwistle for comments was sent after they had told the newspaper not to contact them; and reporters had "hounded" parents and children at the school where Mrs Entwistle worked on the day of the verdict. Finally, the complainants said that Mrs Entwistle had been secretly photographed by the newspaper while on school property in breach of Clauses 3 and 10 of the Code.

In response, the newspaper said it had published a representative sample of the letters it had received following Mrs Entwistle's statement. It stated that its reporter had visited the complainants on two occasions, both before the trial. After these visits, on 7 July, the complainants asked the paper not to approach them. But subsequently the newspaper had been (erroneously) informed that Bassetlaw District Council had planned to disqualify Mr Entwistle as a councillor as he had not attended the necessary number of meetings. It therefore contacted him once by e-mail for his comments. The newspaper said that one reporter had attempted to speak to parents at the school. It denied that its reporter had "hounded" any children or parents.

The photograph of Mrs Entwistle had been taken discreetly from a car on a public road at a distance of 20-25 yards. The newspaper said the complainant had been on the pavement by the main entrance to the school when the image was taken.

Adjudication

The complainants had been caught up in a high profile news story through no fault of their own. But the newspaper was entitled to cover the many different angles of the case, including the local context and the public's reaction to Mrs Entwistle's statement suggesting that Rachel Entwistle had murdered her child before committing suicide. In light of her son's conviction for the double murder, the decision to issue this statement would inevitably have been controversial – and in these circumstances the Commission did not consider that publishing a variety of views from readers in response, including those that were robustly critical, could be considered to be insensitive in breach of the Code. Furthermore, as Clause 4 relates to the physical behaviour of journalists, the complaint that the newspaper had harassed the couple by publishing items hostile to them did not fall for consideration under the Code.

Under Clause 4, the Commission was satisfied that the newspaper's approaches to the complainants were carried out in accordance with the terms of the Code. While the reporter had attempted to speak to the complainants at their home before the trial, there was no suggestion that she had acted in an intimidating fashion or returned having been asked to desist. The reporter had not approached Mrs Entwistle at the school, and her attempts to speak to other people at that time did not give rise to any complaints to the PCC.

Although the complainants had asked the newspaper, on 7th July, not to contact them again, the Commission did not consider that the e-mail sent to Mr Entwistle after that date constituted harassment in breach of the Code. The one, polite, written approach to Mr Entwistle was sent after the story had developed somewhat in relation to Mr Entwistle's position as a councillor. The Commission has never interpreted the Code to mean that people in the news must never again be approached by journalists once they have asked not to be contacted. Whether or not an approach is acceptable will depend on the degree of public interest or the extent to which the story has moved on. In this case, there was a legitimate reason to ask Mr Entwistle for a further comment. This was the news that suggestions that Mr Entwistle had failed to attend the required number of council meetings were false.

The Commission then considered the complaint about the photograph of Mrs Entwistle. Clause 3 states that it is unacceptable to photograph individuals in private places without their consent, defining a private place as public or private property where there is a reasonable expectation of privacy. In this instance, the question of whether the complainant was technically standing on school property when the photograph was taken was ultimately not significant. The Commission's approach – set out in a previous ruling (*Sheridan v The Sun*, Report 75) – is to consider whether the complainant would have been "visible and identifiable from the street when the photograph was taken". Given that the complainant was adjacent to the pavement and in public view, the Commission did not consider that she was somewhere where she had a reasonable expectation of privacy. There was therefore no breach of Clause 3. The photograph had not been taken as a result of harassment, and the fact that the photographer had elected to remain in the car did not mean that the picture was taken undercover in the sense of Clause 10 of the Code (Clandestine devices and subterfuge).

Adjudication issued 29/09/2008