
RUSSELL JOSLIN – AN INVESTIGATION

Into Formal and Informal Complaints or Concerns relating to Bullying and Harassment

Author: Lesley Granger
March 2013

BBC Foreword

1. This Report was commissioned by the BBC following the tragic death of Russell Joslin. The Report has been prepared by Lesley Granger, an external consultant after a lengthy investigation. Her findings are supported by witness testimony and a paper review. Ms Granger's Terms of Reference tasked her to consider:
 - what formal/informal complaints/concerns relating to bullying and harassment Russell Joslin had raised with the BBC and how he wished those complaints/concerns to be dealt with;
 - what may have prevented him from raising such concerns/complaints at an earlier stage;
 - how in fact the BBC dealt with such complaints; and
 - what formal/informal complaints/concerns Russell Joslin made with regard to the BBC's handling of his complaints.
2. The Terms of Reference specifically preclude Ms Granger from seeking to establish whether in fact bullying or harassment took place. Such matters have been looked at separately by a BBC Internal investigation [see para 4 below]. Given the limits imposed by the Terms of Reference, the individuals referred to in this report have not had the allegations put to them and nor have they had a right of reply or an opportunity to put their side of the story. It is essential that anybody reading this Report should bear in mind that where this Report documents, records or repeats allegations made by individuals against others, such statements are not seen to be, by virtue of their inclusion, proven allegations. They are untested and unproven and are merely recounted here as they are relevant to the narrative in terms of the BBC's handling of Russell Joslin's complaints.
3. In view of the above and, in particular, the fact that key individuals have not had a right of reply, the BBC has, where necessary, redacted and edited this Report for legal reasons ahead of publication. In some instances it has been necessary to quote from selected extracts of dialogue. Where legally sensitive material appears mid-sentence the redaction is shown. This process was carried out in consultation with Ms Granger and Ms Granger has confirmed that she is satisfied that the published version of her Report prepared by the BBC, is a fair and accurate representation of her findings.
4. The BBC has undertaken a separate internal fact finding investigation into whether bullying and harassment took place. We can confirm that the investigation has found that there are no grounds for proceeding with an allegation of sexual harassment and/or bullying. There was evidence that the standards of behaviour we expect were not adhered to and we have dealt with this accordingly.

27 March 2013

Contents

1.	Introduction	.....	2
2.	Methodology	.....	3
3.	Background & Content	.....	5
4.	Allegations made by Russell Joslin of Bullying and Harassment	.....	5
5.	Conversations with Russell Joslin’s Line Manager (2007/8 and 2012)	.....	6
6.	Conversation with Assistant Editor (July/August 2008)	.....	8
7.	Conversation with CH&W Case Worker (for BBC Occupational Health) (March 2012)	.....	10
8.	Conversations with Current Line Managers (October 2012)	.....	18
9.	What Prevented Russell From Making Complaints At An Earlier Stage		22
10.	Concluding Remarks	.....	25

1. Introduction

Appointment

- 1.1 Following the tragic death in October 2012 of Russell Joslin, a broadcast journalist with BBC Coventry and Warwickshire (BBC C&W), I was commissioned by the BBC to undertake an investigation to clarify the complaints or concerns Russell had about bullying and/or harassment at the BBC and the manner with which those complaints were dealt.

Terms of Reference

- 1.2 The full Terms of Reference for my investigation were finalised on 14 December 2012 and are attached in Appendix 1 but, for ease of reference, they are summarised as follows.
- 1.3 To establish and detail:
- 1.3.1 What formal/informal complaints/concerns relating to bullying and/or harassment Russell raised with the BBC; and
 - (a) how he wished the complaints/concerns to be dealt with; and
 - (b) what may have prevented Russell from raising any such complaints/concerns at an earlier stage;
 - 1.3.2 How in fact the BBC dealt with such complaints/concerns; and
 - 1.3.3 What formal/ informal complaints/concerns Russell made with regard to the BBC's handling of his complaints/concerns.
- 1.4 My Terms of Reference make clear that I must not address certain matters in this Report. These are:
- 1.4.1 I must not seek to establish the facts behind any complaint of bullying or harassment. I am informed that such matters will be investigated separately by the BBC in accordance with its bullying and harassment procedures;
 - 1.4.2 The cause or causes of Russell's death, including the impact the facts surrounding the complaints, and the BBC's handling of them, had on Russell; and
 - 1.4.3 Matters that will be considered by HM Coroner for Warwickshire at the forthcoming inquest.
- 1.5 It will be seen from the Terms of Reference, therefore, that my task is a very narrow one. Quite naturally, when I spoke to Russell's colleagues (managers and staff), his friends and family, they were keen to tell me about the sort of man Russell was, his career aspirations, successes or disappointments. They also told me about how Russell experienced unwanted changes at work and other work related issues that did

not amount to bullying or harassment but which mattered very much to him. Some also talked about their own work or management issues and how those issues were dealt with. Those issues all go to building up a complete picture, the context in which the complaints were made or not made. However they are outside my terms of reference and are not dealt with in this report, except in so far as they have relevance to what may have prevented Russell making a complaint at an earlier stage (see 1.8 and section 9.0 below).

1.6 Furthermore, I am asked to set out what concerns and complaints Russell raised about bullying and harassment but not to go into matters that relate to the truth or falsity of the allegations. There are valid reasons for this, as set out in 1.4 above, but it means that where witnesses have given information that might corroborate or refute the allegation, but is untested, I have excluded that material from this report.

1.7 Additionally, because I am not tasked with considering the truth or falsity of the allegations, and my terms of reference specifically preclude me from doing so, the individuals concerned have not had the allegations put to them and have not therefore had an opportunity to respond to them. Accordingly, there is nowhere in this report for people against whom allegations are made to put across a different account or version of events. It is absolutely vital that where this report documents allegations made by individuals against others such statements are not seen to be, by virtue of their inclusion in this report or in notes of interviews, proven allegations. The allegations may be true, partly true or indeed they may be completely false: they are untested allegations. This report is about what allegations were made and how they were dealt with. My role is to document the complaints and establish how they were handled. It is imperative that anyone referring to or quoting from this report does not forget this, does not quote out of context, and does not misrepresent the position. In respect of the main individual in this report to whom the central allegations relate, I would draw attention to the fact that the allegations of sexual harassment are denied.

1.8 When looking at the question of "*what may have prevented Russell from raising any complaint at an earlier stage*" it is also important that I do not speculate, but refer to the statements made by Russell himself which might be relevant in this regard. I have also sought to avoid referring to information that might establish the truth or falsity of the facts behind the allegations that Russell made. Accordingly my conclusions in this respect are general, but should the BBC wish to investigate this issue further, the complete set of documents and witness statements will be available to them.

2. Methodology

2.1 I have endeavoured to make sure that this investigation has been as thorough as possible and I have left no stone unturned. Initially it was envisaged that the investigation would involve approximately 30 staff and manager interviews in total. However, following representations from Russell's family and the trade unions, who had concerns that people may not wish to volunteer information and there-by risk their anonymity, it was decided to extend the scope to include interviews with all staff employed at BBC C&W. There was also a fairly widespread perception amongst staff, based upon statements made by Russell himself, that certain managers "*knew everything*". It was therefore important to try and establish exactly what this meant. This, together with the family interviews, has inevitably extended the timeframe of the investigation considerably.

2.2 Accordingly, the investigation included:

2.2.1 Interviews with:

- (a) 37 staff/freelancers in BBC C&W, lasting between 25 minutes to one and a half hours (a further 8 staff members confirmed in writing that they had nothing to add to the investigation);
- (b) 9 BBC managers
- (c) Two senior managers from Occupational Health: Chief Medical Officer, BBC Occupational Health Chief Medical Officer, Capita Health & Wellbeing.
- (d) Members of the Joslin family (Peter Joslin, Kathy Joslin, Dan Barnard, Angela Barnard, and 'T', a friend of the family)
- (e) Lucy Poulson, Russell's former girlfriend

2.2.2 The findings in this report are based upon evidence from these interviews and draw upon statements agreed with each of the above as a true record of what they told me. Where I have quoted directly from these statements, the relevant paragraphs are quoted in italics within double inverted commas eg. ".....". Where a quotation includes direct speech this is shown within single inverted commas eg. '.....'.

2.2.3 The investigation also included reviewing around 2.5 hours of tape recordings (and transcripts of these recordings), of conversations between Russell Joslin and Occupational Health between 13 March 2012 and 20th March 2012. It also includes a review of all relevant conversations between Occupational Health and other managers through to October 2012.

2.2.4 A paper review was also undertaken including:

- (i) Emails between Russell and his managers:
- (ii) Russell's Appraisals
- (iii) Russell's sick notes
- (iv) Staff Survey Results for the Radio Station

2.2.5 This report is accompanied by detailed appendices to support the findings, based on the above interviews, Occupational Health conversations and the paper review.

2.3 I am grateful to all of those who came forward to be interviewed. I would like to express particular thanks to Russell's family and Lucy Poulson, who gave considerable time to making sure I had a complete picture. The perspective their input gave me has been invaluable.

3. Background & Context

- 3.1 Events in this report span the period 2005 to October 2012. I have prepared a chronology of the key events
- 3.2 Russell was generally acknowledged to be an excellent journalist who could dig out stories and turn them into creative bulletins. He was described by some as "*an old fashioned journo who wanted the freedom to roam and sniff out stories*". He was friendly, although he liked to work independently and he chose not to socialise with colleagues outside of work. Russell felt things passionately and was described as having a "*very acute sense of justice*". The flip side of his creative talent was that he could be a bit idiosyncratic, eccentric and "*highly strung*". Whilst robust on the outside, some colleagues recognised his fragility and noticed his volatility. He was much loved and is greatly missed.

4. Allegations made by Russell Joslin of Bullying and Harassment

- 4.1 The allegations made by Russell against his colleague and which are the main focus of this report (hereinafter referred to as Colleague A) are detailed below. I must emphasise again that this report does not deal with the truth or falsity of these allegations. This report is only concerned with what Russell alleged, to whom and when, and how these allegations were dealt with.
- 4.2 Russell's claims were:
- 4.2.1 In December 2005, having declined an invitation to a Christmas party from Colleague A, she was unpleasant about it ("the Dec 2005 Christmas party invite allegation").
- 4.2.2 In January 2006 Colleague A declared an interest in him during an evening in a bar in Kenilworth ("the Jan 06 Kenilworth bar allegation").
- 4.2.3 In March 2006 Russell declined an invitation to an awards ceremony after which Colleague A did not speak to him and their relationship became frosty ("the Mar 06 Awards allegation").
- 4.2.4 On 14 April 2006, after an incident in a pub in Kenilworth, where Colleague A loudly declared her affection for him ("the Apr 06 Kenilworth pub allegation") she subsequently left him abusive voicemail messages including that "*you have pissed your chips*" ("the Apr 06 voicemail messages allegation").
- 4.2.5 On 4 July 2008 Russell received an email from Colleague A that he found inappropriate, asking him whether he was attending her birthday party. The email read:

Hiya,

Could you please let me know one way or t'other if you are coming on Thursday.

Thanks.

[Colleague A]

("the Jul 08 Birthday invitation allegation").

- 4.3 From the investigation I have identified that Russell spoke to BBC colleagues about these allegations on the following occasions:

Allegation	To whom (specific names removed)	When
Dec 2005 Christmas party invitation	HR	11 October 2012
Jan 06 Kenilworth bar	HR	11 October 2012
Mar 06 Folk Awards	HR	11 October 2012
Apr 06 Kenilworth pub	Local Manager	c. July/August 2008
	Local Manager	8 August 2008
	Capita Health Case Worker	16 March 2012 20 March 2012
	Local Manager	8 October 2012
	HR and Local Manager	10 October 2012
Apr 06 voicemail	Local Manager	8 August 2008
	Capita Health Case Worker	16 March 2012
	Local Manager	8 October 2012
	HR and Local Manager	10 October 2012
	Local Manager	October 2012
The Jul 08 Birthday invitation allegation	Local Manager	8 August 2008
	Capita Health Case Worker	16 March 2012 20 March 2012

- 4.4 I will now look at each of these conversations in turn to establish the nature of the conversations, whether they constituted a formal or informal complaint and how Russell wanted them dealt with.

5. Conversations With Line Manager ("LMX") (2007/8 and 2012)

When and how the allegations were made

- 5.1 Russell Joslin's line manager, ("LMX") for the relevant period, said in interview that he/she heard that something had gone on between Colleague A and Russell Joslin "a year or so after it had allegedly happened, because of office gossip". LMX said that he/she couldn't remember precisely when this was but, by my calculation, it would appear to be 2007/2008. LMX said that "initially, Russell had not spoken directly to [him/her] about it", however, at a later stage, when they did talk about what had happened, it had been in "general terms".
- 5.2 Additionally, LMX was generally aware from office comments that Russell had recorded conversations with Colleague A because Russell had claimed that she had been "a pest and [was] harassing him". LMX said that Russell himself had mentioned

this in the last couple of months but LMX still *“didn’t know what was in those messages”* and that *“the precise nature of these recordings and texts was not known to LMX (until recent months) when they appeared in the press”* (which would have been in October 2012).

- 5.3 LMX said that Russell had never suggested there was an issue with Colleague A in his appraisals and a review of these between 2005 and 2012, supports this. In many ways these appraisal records are not helpful as they give very little detail of the discussion that took place, but they do record Russell’s unhappiness with his lack of career progression and opportunities for further development. He states his frustrations repeatedly and openly each year and this would have been a clear opportunity for him to make a link between his lack of progression and his soured relationship with Colleague A. He did not do so.
- 5.4 LMX said that when faced with disciplinary action for an editorial breach in 2010, Russell did not offer the allegations as mitigation as something that might have impacted on his behaviour.
- 5.5 LMX also confirmed that whilst he/she had had sight of an Occupational Health report relating to Russell after a referral in March 2012, there was nothing in the version of the report that mentioned any allegations about sexual harassment.

How it was intended that the allegations should be dealt with

- 5.6 LMX said that the April 06 Kenilworth pub allegation was made by Russell *“in a conversational way and never in the form of a complaint”*. LMX said that although it had been *“something that Russell clearly felt had been unpleasant, it was something that had had happened between two free and consenting adults”, “an out of work incident”* some years ago in the past and *“a personal issue” that is, as boyfriend/girlfriend situation*.
- 5.7 LMX reported during interview that although they had talked about what had happened, *“it had been in general terms”* and there had been nothing before October 2012 that gave him/her an indication that *“Russell expected [him/her] to take any action as a result”, in particular that “Russell had ‘never drawn the line for [him/her]’ that it had impacted on his career” or that “he wanted [him/her] to investigate.”*
- 5.8 LMX explained that the first and only time that Russell said that he wanted someone to investigate anything to do with Colleague A was in October 2012, after she made comments to the press about having been the victim of sexual harassment.

How the allegations were dealt with by LMX

- 5.9 As LMX had no understanding in 2007/8 that Russell was making a complaint, he/she did nothing further.

6. Conversation with the then Assistant Editor ("the AE") (July/August 2008)

When and how the allegations were made

- 6.1 The Assistant Editor ("AE") said that he/she *"had been sufficiently worried"* about Russell in July/August 2008 to suggest that they meet up for a chat. On 31 July 2008, the AE suggested Russell should consult the BBC's confidential counselling service, the Employee Assistance Programme (EAP). On 1st August 2008, the AE emailed the then Editor to tell him that he/she had been speaking to Russell who was feeling very stressed. The AE reported that Russell was *"struggling to cope.....he doesn't feel he has any control or input in his role. This was sparked by changing his shifts this week and two 'lates' and a 'day-read'"*. He/she said that they arranged to meet the following week in Stratford upon Avon and this happened on or around 8 August 2008.
- 6.2 When they met, the AE said that *"he suggested going somewhere for a cup of coffee but Russell said he'd rather not sit down and would prefer to walk - which is what they did for the best part of an hour"* before he felt willing and able to sit down.
- 6.3 He/she recalled that Russell talked mostly about his frustration with lack of career progression. Russell also talked about the confines of working on the rota, and they spoke about what options might be open to him, such as buying extra leave, reducing his hours, or taking a career-break in order to give him more time to spend in Ireland.
- 6.4 At the end of a long conversation where they had talked about many other things, the AE said that Russell asked whether he/she knew anything about him and Colleague A. He then went on to talk about an embarrassing incident in Kenilworth when she subsequently left messages on his answerphone.
- 6.5 The AE said that Russell *"had not told him/her what the messages said, nor that he'd kept the messages. His tone was one of bewilderment, as if he couldn't understand what had happened but he didn't seem distressed about it. It sounded to me as if a "relationship" between two adults had not worked out"*. The AE said that *"he didn't ask about the nature of the "relationship" and he didn't offer any details."*
- 6.6 The AE did not recall Russell mentioning receiving an 'unpleasant email' ("the Jul 08 Birthday invitation allegation") from Colleague A, although this email was of significance to Russell, who referred to it as a "snotogram".

How it was intended that the allegations should be dealt with

- 6.7 The AE said in his/her statement that, *"in [his/her] mind, this was a pastoral get-together, not a meeting and certainly not formal. He/she was speaking to Russell as a friend and colleague, rather than as a manager"*, though that said, as the AE of BBC Coventry and Warwickshire, he/she also discussed what he/she could do to help Russell.
- 6.8 The AE said that Russell had not implied that the issue with his colleague *"was continuing in any way, and had he done so, [he/she] would have handled it differently"*.

- 6.9 From Russell's perspective, it appears that Russell placed huge significance on this conversation with the AE: this is evident both from the recording of the OH assessment on 16 March 2012 and from the interview with the Joslin family:
- 6.9.1 In the OH interview, Russell reveals that his EAP counsellor, who he was seeing at the time, had urged him to tell the BBC about his allegations. Russell then geared himself up to have this conversation with the AE as a result:
- 6.9.2 The Joslin family said that after the Stratford meeting Russell had texted them to say that "[the AE] has said that [he/she] will tell [Colleague A] to "back off".
- 6.10 We know from the transcript of the OH interview on 16 March 2012 that Russell expected, at the very least, for the AE to make a record of this conversation. He says:
- 6.10.1 "why it didn't appear [on the record] 3 years ago, as [the AE] knew"; and also
- 6.10.2 "I'd never told anyone about the [Colleague A] stuff.... apart from [the AE] who knew that, and that really should have been on my record somewhere".
- 6.11 It emerged later in Russell's meeting with Human Resources on 11 October 2012 and in my interviews with the Joslin family and Lucy Poulson, that Russell had expected his AE to speak to Colleague A about sending emails to him, and that he believed that he/she had done so:
- 6.11.1 "RJ said that [the AE] had told him that he would have a word with [Colleague A] about the email"; and
- 6.11.2 "RJ said that the harassment stopped after [the AE] spoke with her"
- 6.12 There is no evidence that Russell spoke about the matter with his AE again after their conversation in August 2008, but we learn from the OH interview of 20 March 2012 that Russell found talking to his AE helpful, saying, "[the AE] was a great help".
- 6.13 In light of the above, it is my opinion that Russell intended this conversation with his AE to be an informal complaint.

How the allegation was dealt with by the AE

- 6.14 For the reasons described above, the AE did not understand that Russell's intention was to make an informal complaint about the April 06 Kenilworth pub allegation, the April 06 voicemail allegation and the July 08 Birthday invitation allegation and he/she made no notes of the meeting. The AE said that during interview "[he/she] thought Russell would have 'run a mile' if [he/she] had taken out a note book".
- 6.15 The AE did, however, put in place a range of supportive flexible working arrangements – shorter hours, pastoral support and counselling, but he/she did not take any further the specific complaint with regard to Russell's allegations.

- 6.16 The AE did not recall Russell speaking to him/her about Colleague A's email of 4 July 08 (Jul 08 birthday invitation allegation) and he/she did not speak to Colleague A about it although the AE did speak to her about her habit of sending "*robust emails to all staff*".

7. Conversations with CH&W Case Worker (for BBC Occupational Health) (March 2012)

When and how the allegation was made

- 7.1 I turn now to the conversation that Russell had with the BBC Occupational Health Case Manager, from Capita Health & Wellbeing (CM) (CH&W) where he made the first explicit reference to sexual harassment. CH&W is a public company to which BBC Occupational Health functions are outsourced.
- 7.2 Encouraged by his Employee Assistance Programme (EAP) counsellor, Russell decided to use the platform of a return to work assessment with a Case Manager from CH&W to talk in detail about his life, unhappiness at work and his mental state.
- 7.3 In establishing the facts about how Russell intended the BBC to deal with his complaint, I have taken into account that Occupational Health operates within a complex network of medical privilege and legislation that protects the rights of individuals, making it inappropriate for them to disclose, without prior agreement from the employee, information that has been revealed as part of a confidential medical assessment. I have redacted the documents as appropriate, so as to refer only to matters within my Terms of Reference.
- 7.4 Russell had three conversations with the case manager and I have relied upon recordings and transcripts of these conversations in this investigation. These conversations were on:
- 7.4.1 13 March 2012, to organise a date for a telephone assessment;
 - 7.4.2 16 March 2012, which comprised a long interview with Russell; and
 - 7.4.3 20 March 2012, which comprised a shorter discussion around whether reference should be made in the report to sexual harassment.
- 7.5 On 16 March 2012 the transcript of Russell's assessment with the CH&W Case Manager records his concerns and complaints. Given the sensitivities and the fact that they are unproven I have not re-produced the allegations here. The conversation is somewhat rambling and it 'ebbs and flows' throughout the one hour twenty minutes of dialogue.

How it was intended that the complaints should be dealt with

- 7.6 BBC Occupational Health does not play a formal role in the handling of complaints or grievances but it is not clear whether Russell would have understood this. Nevertheless, it is clear that he believed that by talking to Occupational Health he was recording his allegations in an official BBC domain. For this reason I consider his conversations with the case worker to be an informal complaint.

7.7 The extracts from the transcript of the conversation on 16 March 2012 below suggest to me that Russell wanted his allegations about Colleague A recorded:

7.7.1 *"CM – I mean what, cause I know the stuff about you not wanting to work in Coventry. What would you like me to put in the reason behind that?"*

7.7.2 *"RJ – Okay, why not put it there. One minute, you can't hear my words. I took a high profile job, you took it off me, I was sexually harassed..."*

7.7.3 *"CM – But do you want me to write that?"*

7.7.4 *"RJ – Yeah go on."*

7.7.5 *"CM – okay I'm guessing you haven't talked about this sexual harassment."*

7.7.6 *"RJ – yeah well stick it in there, sod um, I'm sorry if I'm being rude, stick it in there, to hell there is no point in having this conversation if I'm going to lie."*

7.7.7 *"CM – no, it's again what you feel comfortable with them knowing..."*

7.7.8 *RJ – okay take out harassment. Say concerns about my treatment by [Colleague A] who used to send snotogram, what we'd call snotogram oh come on she used to come in a 5 o'clock in the morning and spend*

and that's what went on, so go on stick it in, not sexual, say concerns about treatment, it is bloody sexual harassment isn't it."

7.7.9 *"CM –yeah it is, it is, I think what we'll do is, what I think is best, I'll write this report and before I send it I'll give you a call and I'll go through it with you."*

7.8 However on 20 March 2012 the Case Manager called and, I believe, sought to persuade Russell from making any allegation of sexual harassment and to encourage him to speak to his line manager:

7.8.1 *"CM - ...But the only thing I was worried about that you might want to, with regards to that, I am putting in the report that you report receiving a high profile position that was suddenly taken away from you without explanation and also reports of being sexually harassed in the workplace.*

7.8.2 *RJ – yeah I mean that's a big allegation*

7.8.3 *CM – these are the things that, yeah, either if you want to reword them or if they*

7.8.4 *RJ - yeah that's what I think, I think I did say was that the feeling I had with it was that something, I have been trying not to blame anyone but maybe the machine or the system. But maybe that's what happened, but I don't believe that anyone in particular is evil. What happened to me was pretty unpleasant because it was systematic. I mean not systematic, it went on over a period of time, and I said no twice and then, what's the*

word, she wouldn't take it and in a moment of madness she kind of threatened me.

- 7.8.5 *CM – Yes, I mean is this something that you would rather discuss with your Manager, explain the situation, would that be easier?”*
- 7.8.6 *CM – I mean the thing is I mean I can put in that, you know, you find difficulties regarding the psychological environment at work in Coventry and you know I have recommended anyway that you do have a meeting with [the Editor] to discuss all these issues you have been experiencing so I am not sure if you would rather speak to [him/her] about it. I mean, you know, then at least you don't have it on paper, and you are not kinda, you know what I mean.*
- 7.8.7 *RJ – yeah I'm a little bit sad. I think I've said it, I think I've got to do it, but I think at the heart of it I think that's what my problems been.*
- 7.8.8 *CM – yes I definitely think that's it, but you've got to be comfortable about saying it as well, I think if you are sitting with [him/her], I don't see, I think you really should tell it to [him/her] to be honest.”*
- 7.8.9 *CM – I think it could be the situation and might not be the situation, but I think the best way to resolve it is that you talk about it.*
- 7.8.10 *CM – exactly it makes perfect sense and I do think you need to speak to [him/her] about it to be honest. I mean what I can do with this report is, as I think it's got a lot to do with sorting it out at work, I think what I can do is steer it in the right direction maybe saying that Coventry that's where you feel the main issue and that's where I can give the recommendation that you don't work in Coventry.*
- 7.8.11 *CM – to be honest I think it's the only way forward, I won't put it in umm, that was the only bit I actually wanted to discuss with you.*
- 7.8.12 *RJ – I can see that, is the words, I don't think the word is unwanted solicitations and when I rejected it once and twice I was threatened – there was a big scene in a pub here in a pub garden and that kind of humiliated me because there was lots and lots of people around and people were texting and saying there was something going on in that garden so that's not okay I do feel very much. Even if I'm wrong you see what I mean it has affected me so badly all these years down the line.*
- 7.8.13 *CM – yes, I think I will take it out of the report with regards to the sexual harassment, I thought you might change your mind.*
- 7.8.14 *RJ – yes the only thing I can come up with is unwanted advances.*
- 7.8.15 *CM – I think I should just leave it out and I think it should be something you talk to him/her about. I'll say that there are things that have occurred in the environment in Coventry that makes it uncomfortable for you to be there to the state that you are unable to cope there, it affects your confidence.*

- 7.8.16 *CM – yeah, yeah, definitely, well what I am going to put in the report, I'm not going to put anything specific, but as we talked about that the environment there at the moment psychologically impacts; it's got a lot to do with a lot of things building up, there are a lot of aspects involved that has caused your inability to cope in this environment. And that's something I recommend that you to talk to your Manager about at your meeting.*
- 7.8.17 *RJ – yeah excellent, I knew you would have caution going down the definite sexual harassment.*
- 7.8.18 *CM – because mean to be honest it is sexual harassment, but it is for your benefit I don't want this report, as you said there are other managerial lines coming in, I don't want this report to do you any harm, so it's totally up to you.*
- 7.8.19 *RJ – umm I think that's the way to do it though, you know, there was something that happened, I tried to deal with it myself, it happened again there were threats made and subsequently I really did fade away as a Journalist in Coventry even though they gave me the title Coventry Correspondent to the point at one stage, I was struggling to get on air at all.*
- 7.8.20 *CM – yeah well I'll put that on the report for you Russell and umm I hope it works out for you.*
- 7.8.21 *CM– alright, I'll put it in vague terms in my report and I really recommend you discuss this with your Manager and get these things cleared up.*
- 7.8.22 *CM –... Alright Russell I'll send you this report and good luck to you and I really hope that everything works out for you.*

7.9 The transcript does not, in my opinion, demonstrate that Russell Joslin intended the reference to “unwanted advances” be removed from the record and Russell and the CM appear to have been talking at cross purposes. He does agree that the reference to “definite sexual harassment” be removed but, as the CM did not make it clear that he/she was proposing the removal of both descriptions of the allegations, the resulting agreement is, at best, unclear.

7.10 It is also apparent from an email Russell sent on 13 October 2012 to Human Resources where he stated that, having spoken to the Occupational Health Case Manager about his allegations, they would at the very least have been recorded somewhere. He is very unhappy that there was apparently no record of this having been done. He writes:

7.10.1 *“I am extremely concerned that none of what I related to you on Thursday [i.e. to HR] appeared in the occupational health report. Extremely. I actually agreed the precise wording with the Capita counsellor. Can I please have a copy of the report?”.*

7.11 He writes again about two hours later on the same day:

7.11.1 *“What I have a right to tell the BBC as an employee, is what happened to me. I believed I had done that through Occupational Health, but apparently they decided not to write what was agreed in two lengthy conversations. And I think that is an issue in itself.”*

7.12 In this conversation with the Case manager, Russell also makes specific reference to some examples of bullying behaviour by another colleague senior to him. It is evident from the OH transcript that Russell was deeply unhappy with [his/her] “harsh management style” (corroborated by Witness MM) and he talks about being given a very severe public and “humiliating” dressing down in the office. (This incident was mentioned by Witnesses C & H in their statements). However, Russell’s relationship with him/her was complicated and contradictory. He goes on to say that he *“likes [him/her] as a human being, [he/she] is very kind and we have been though all kinds of things together”* but adds *“but [his/her] technique is frankly appalling”*. From this, I do not believe that Russell meant this to be a formal or informal complaint against that colleague.

How the allegation was dealt with by the case worker & BBC

7.13 The Case Manager makes the repeated suggestion during the conversations on 16 and 20 March 2012 that Russell should “speak to his line manager” but failed to pick up, what in my opinion was the vital point that for a number of reasons Russell had not felt able to do this for the past 6 years. He made the point that this was especially difficult as the particular manager he trusted was leaving the station:

7.13.1 *CM – I mean if you have a good relationship with the Acting Editor, I would definitely recommend that you speak to [him/her]. I know that [he/she’s] leaving, but*

7.13.2 *RJ – But [he/she’s] probably gone, but what’s coming in is the Editor that is her best mate, who won’t talk to [him/her,] he /she won’t talk to [the acting Editor] doesn’t like him so...*

7.13.3 *CM – is there nothing else, you could talk to [the Acting Editor] about it, so you could at least get it known that this has been happening.*

7.13.4 *RJ – I don’t know to be honest with you.*

7.13.5 *I think the only thing is I think I am pretty sure he/she is going at the end of this month and it’s getting closer to it so that lab report is likely end up on the Editors desk who is Colleague A’s best mate.*

7.14 Similarly, the CM suggested that he speaks to his trade union, although he has already told her that he is not a member:

7.14.1 *CM – the other thing I’m thinking is, I definitely recommend you speak to your Union because this is a...*

7.14.2 *RJ – but I’m not a member of it you see that’s the point, I’m not a member of it, I don’t want, I should have been a member of it, but I don’t want them to fight my battles as I should have been in it for them to fight it, I’m*

on my own here and I know that that's the point, the Union Rep hasn't rung me...

7.15 In the conversation with Russell on 20 March 2012, the Case Manager decided to suggest to Russell that he remove the reference to sexual harassment and it is not clear why he/she decided to do this, other than his/her statement:

7.15.1 ... *"to be honest it is sexual harassment, but it is for your benefit I don't want this report, as you said there are other managerial lines coming in, I don't want this report to do you any harm, so it's totally up to you"*.

7.16 The Case Manager in question no longer works for CH&W and could not therefore, be interviewed. CH&W, writing to the BBC's Chief Medical Officer on 14th October by email, says:

7.16.1 *"Unfortunately the Case Manager for the case is no longer working for Capita so (I) have investigated fully the case notes and supporting documents to make an informed judgement as to what went on"*.

7.17 However, following repeated requests for sight of these, I was finally told by CH&W that *"no additional notes existed of these discussions... beyond the activity record of the case"*.

7.18 This was clarified subsequently on 28th January 2013, by CH&W that:

7.18.1 *"with regard to your enquiry, there are no additional case notes as the case manager would type directly into the report template whilst conducting the assessment and finalise the report once the telephone assessment had completed"*.

7.19 It is therefore difficult to understand which *"case notes and supporting documents"* had been *"investigated fully"* as stated by CH&W *"to make an informed judgement as to what went on"*.

7.20 Consequently, despite there being almost 2 hours of recorded telephone conversations over the two principal interviews, the only written record of these conversations¹ were the brief comments included in the Occupational Health referral report that was sent back to the line manager. In the absence of any detailed notes, there is very little evidence on which to base an assessment of why the Case Manager decided to suggest to Russell that he remove the words *"sexual harassment"* or *"unwanted advances"* from the record.

7.21 There is also no evidence as to whether, having heard allegations of sexual harassment, the Case Manager discussed the matter with a supervisor or sought higher professional advice. CH&W have confirmed that, at the time, there were no formal procedures governing the escalation of cases of bullying and harassment but, since October 2012, they have established a clear procedure for obtaining a second opinion with an OH professional if there is any mention of bullying or harassment. They have also initiated a review of their case manager services.

¹ before transcripts of the recorded conversations were made as part of this enquiry

- 7.22 Following the assessment interview the CM sent the resulting referral report back to the acting Editor (on attachment). The report is brief:
- 7.22.1 There is no reference in the final report to either *“sexual harassment”* or *“unwanted advances”*.
 - 7.22.2 There is no reference to the bullying to which Russell claimed he had been subjected.
 - 7.22.3 There is no reference to his mental state where he calls his illness ‘depression’. He says *“I don’t care what they say, it is depression, I have been seriously depressed, I really have”*; or any indication of the distress he is in when talking about these matters - he breaks down in tears.
 - 7.22.4 There is no reference to the distressing references that Russell makes about having had suicidal thoughts.
 - 7.22.5 In the section of the form reserved for ‘advice to the member of staff’, the Case Manager advises Russell *“to continue counselling and to continue exercising”*. The Case Manager does not record that he should speak to his manager, despite this being the main thrust of his/her advice in the interview.
 - 7.22.6 The line managers are left without any medical insight or guidance about Russell’s illness, or any conditions attached to his return to work. The CM simply states, *“I advise that Russell does not work in Coventry, ensuring his psychological wellbeing in the future”* but gives no rationale for this. The CM does however, recommend that the line manager has a meeting with Russell to discuss the issues he is experiencing.
- 7.23 On the question as to whether or not Russell intended the final report to include reference to *“unwanted advances”* following their final conversation, the Case Manager promised to send the report of his/her findings back to Russell. There is no record of this having happened.
- 7.24 CH&W says (14 January 2013):
- 7.24.1 *“We have checked through the Case Manager’s email history and can find no record of the report being sent by email. The Case notes do not confirm that same was sent by post either and I am unable to trace any letter to RJ attaching the report.”*
 - 7.24.2 *“Interestingly there is no record of any further contact from RJ chasing a copy of the report”.*
- 7.25 Further, CH&W states (28th January 2013):
- 7.25.1 *“we have been unable to provide conclusive proof of the report being sent. Given that Mr Joslin was off work at the time it would have been likely that it was sent to his home address by post”.*

- 7.26 The family, who were in extremely close contact with Russell at the time (he was hospitalised within three days of the assessment interview) have confirmed that they are not aware of any such letter having been received by Russell. Clearly, this omission is significant as, had Russell seen a copy of the referral report, he would have had the opportunity to query its contents and omissions and have known what was recorded on his file.
- 7.27 CH&W makes the point that Russell himself did not follow up when the report failed to arrive. On the face of it, this may seem curious. However, we now know that almost immediately following this assessment, Russell was hospitalised. He did not return to work for another month.
- 7.28 The result of these omissions was that Russell remained unaware of exactly what had been recorded with Occupational Health and his allegations did not surface for a number of months, only emerging six months later (see 8.10 below). In October 2012, the lack of a record on his file contributed to his assumption that there had been an elaborate cover up.
- 7.29 On 27 March, following receipt of the assessment report, the Editor expressed his/her extreme dissatisfaction with it and the lack of guidance that it contains:
- 7.29.1 *"I would like to say that I think this OH report is unhelpful – in fact, it serves no purpose at all. It simply puts on record Russell's view that he'd rather not be working in Coventry. Having spoken to Russell, he's made it clear that he's talking about the city – he's stressed this is nothing to do with personalities at BBC Coventry and Warwickshire. There is no diagnosis or prognosis in this report – I could have written it myself. It had no medical insight at all so I'm at a loss to know what to do with it".*
- 7.30 Via Human Resources, the Editor asked to register his/her dissatisfaction, and the matter was elevated to the BBC's Chief Medical Officer, who agreed that the report was inadequate and raised his concerns. Following this complaint, CH&W wrote to HR giving his/her reasons why she thought the acting Editor's complaint about the report was not justified.
- 7.31 Two days later (30th March, 2012) CH&W revised their opinion saying:
- 7.31.1 *"On further review of the report, the manager has said that the recommendations of the report need reviewing. The next steps will be to:*
- (a) *Listen to the call recording, as we need to fully understand the recommendations that were specifically discussed with the employee;*
 - (b) *Review this case with the Case Manager;*
 - (c) *Discuss with the BBC; and*
 - (d) *Then issue an updated report".*
- 7.32 This review did not happen and nothing further was heard until 2 months later.
- 7.33 On 27 June, 2012, a newly assigned Case Manager picked up Russell's case and called his line manager to discuss his progress now that he was back at work. Clearly the

case had been kept open, but the Case Manager made no reference to the outcome of the promised review of the original case.

- 7.34 Following this discussion, his line manager agreed with Russell to extend his two-day working, with additional optional shifts should he agree. This was put in place for three months and then extended again at Russell's request, until March 2013.

8. Conversations with Current Line Managers (October 2012)

- 8.1 A sequence of events in October 2012 prompted Russell finally to put the full information about his concerns in the hands of BBC managers.

When and how the allegations were made

- 8.2 Following the news surrounding Jimmy Savile in October 2012, Russell was very upset to read comments in the Sunday newspapers about alleged sexual harassment made by the individual who he himself had concerns about. He was also being approached by print journalists who had made a link with him and Colleague A.
- 8.3 Against this backdrop, Russell became seriously troubled and agitated. On 7 October 2012 the then AE missed 2 calls from Russell in the evening and received a voice message. He/she said in his/her statement *"he sounded disturbed and .. Russell said that he needed to talk to [him/her]"* adding *"that he was not happy with 'the [Colleague A] situation'"*. The AE called Russell back and described Russell as sounding *"very disturbed – panicky, angry, distressed"*. In his/her statement he/she added that Russell was due in on early shift (6am – 2pm) and Russell said he could not make that and asked if he could he do the later shift instead. Russell's concern was *"that he would be put on the story"* and that he felt very uncomfortable and *'compromised'* by that adding, *'given what happened'*. The then AE took that to mean a consensual relationship.
- 8.4 The then AE, realising how Russell had been affected by the events over the weekend, rang the Editor to alert him to the situation. The AE then met Russell the next day (8 October 2012). Russell thanked him for agreeing to the change in the shift *"but then went on to relay his allegations about what had happened in a pub several years earlier, how RJ had walked out because of embarrassment and the subsequent texts that he had received"*. Russell went into detail about his relationship with Colleague A. This was the first time the AE said he had heard about these allegations and he/she told Russell that he needed to speak to the Editor and the meeting was adjourned with the AE saying to Russell *'let's keep talking'*.
- 8.5 The AE and Editor met on 8 October to discuss the matter, and it was agreed that the matter should be elevated to the Head of Region. Russell's managers, recognising the seriousness of the allegations, decided to treat the matter as a 'formal complaint' and accordingly, the Editor met him on the 10 October 2012. During that meeting Russell recounted the Apr 06 Kenilworth pub allegation and the Apr 06 voicemail messages allegation". He said he was *"harassed at BBC C&W"*. The Editor asked what this meant and asked specifically if Russell was alleging that there had been any physical contact. Russell confirmed that there hadn't but he said that *'it was not really sexual harassment, more unwanted attention'*.

How Russell intended the complaint be dealt with

- 8.6 The Editor asked Russell why he had not told them about his allegations before and Russell had replied that *"he didn't want to make a fuss or make it formal"*.
- 8.7 Russell showed reluctance, even after speaking to his managers, to state formally that he wanted to make a complaint, telling them that it was in their hands to decide what to do next.

How the complaint was dealt with

- 8.8 At their meeting on 10 October 2012 the Editor told Russell that he/she would need to go away and consider Russell's disclosures, but says he/she reassured Russell that the priority was that he got better. The Editor offered Russell counselling through the BBC's EAP whilst he/she referred the matter up to his boss, the Head of Region.
- 8.9 On 10 October 2012 the Editor then spoke to the Head of Region and also involved Human Resources. The Editor followed up with a call to Russell, saying that the BBC was now treating this as a formal complaint but that *"all they wanted to do was to support Russell"*. He/she reminded Russell of his mobile number saying that Russell should feel free to call him/her at any time. The Editor said that after that, Human Resources and the Head of Region took over responsibility for the matter.
- 8.10 On the same day, Human Resources looked for their record of the Occupational Health referral form received in March 2012. Being unable to find the report on the BBC system, a copy was secured directly from CH&W. This report mentioned the allegation of sexual harassment and the representative from Human Resources reported being *"shocked that [he/she] hadn't noticed the reference before"*. Human Resources followed this up with the Editor to confirm that the original did not contain this wording, which it did not. Human Resources then started proceedings with CH&W to investigate the circumstances around the existence of the two reports.
- 8.11 Following this, a representative from Human Resources rang Russell to say that he/she wanted to meet him to discuss his complaints. Russell indicated that he thought he/she would have been aware of his allegations in the Occupational Health report. HR then told him that there had been nothing in the Occupational Health report in March 2012. However, at this point HR had just discovered that two reports existed, but he/she did not share this knowledge with Russell.
- 8.12 The next day (Friday 11 October 2012) Russell met the HR representative in the 'Mailbox' in a formally recorded meeting. Russell made a formal complaint of bullying and harassment. Russell stated, *"I was harassed at BBC C&W"* and he went on to detail his complaints against Colleague A.
- 8.13 In this meeting Russell stated that he had told Occupational Health about his allegations in March 2012 and that he had agreed the wording of *"unwanted advances"*. HR confirmed that this reference had not been in the Occupational Health report that he/she and the Editor had seen at the time. However, Russell was not told that a second report containing the allegation had now surfaced and that the BBC was investigating with CH&W its status and how this had happened.

- 8.14 On Saturday 13 October 2012, Russell sent transcripts to the Head of Region and HR what he described as *"mean and nasty messages"* from Colleague A. The Head of Region asked HR to get in touch with Russell to let him know that the matter was being taken seriously and to say that they would be in touch to arrange a meeting with him. HR did this by email and also suggested that Russell seek counselling and visit his GP, if he needed time off work.
- 8.15 On the same day, Russell sent an email replying to the HR representative's question that had been posed in their meeting on 11th October, about how he wanted to handle the complaints and he followed up with an email. He said *"you asked me on Thursday what I wanted to do and I was stuck for an answer. It is not up to me to tell the BBC what should or should not happen. That is a matter for BBC procedures and guidelines"*. He goes on to say *"I have the right to tell the BBC because my health, career and finances and life have been seriously affected as a result. My hopes and dreams have died"*. In this email he also asked for a copy of the OH assessment report.
- 8.16 On 14 October 2012 HR followed up to check whether Russell had seen a counsellor and gave him the Head of Region's mobile number for him to call him/her.
- 8.17 On the same day CH&W confirmed to the BBC's Chief Medical Officer that there were two versions of their report and they followed by saying *"Whilst we cannot absolutely know that this has never happened before, it is our opinion that this is a historical issue and an isolated issue of human error"*.
- 8.18 On Tuesday 16 October, HR emailed the Head of Region and the Head of HR, English Regions, about two possible options as to how to take the matter of Russell's complaints forward. The first option involved launching an investigation specifically around his allegations. Alternatively, if Russell did not wish to be named, his allegations could have been included in a wider investigation on the back of the Savile investigation. However, as events subsequently unfolded, there was no opportunity for these options to be offered to, or be discussed with Russell.
- 8.19 On Wednesday, 17 October 2012, the Head of Region telephoned Russell with the intention of arranging a meeting as soon as possible in Kenilworth. However, Russell was happy to speak on the phone in lieu of a meeting that day, and they had a conversation there and then. The Head of Region said that *"most of the conversation was about Russell and his career rather than about the main allegation that he felt he'd been sexually harassed. CH stated that RJ appeared to be disappointed with the lack of progress he had made in his career"*. They did not discuss the existence or otherwise of the two reports. In the afternoon Russell rang the Editor and left a voice message to say how useful he had found his conversation with the Head of Region and that *"it means an awful lot just being listened to"*. He also thanked the Editor for his/her support.
- 8.20 The next day, Russell texted a colleague to say that he was *"a bit shaky. Glad I spoke to [Head of Region]. [He/she] listens. Only one!"*
- 8.21 On 18 October 2012, there was a subsequent exchange of emails where The Head of Region tried to put in place a follow up meeting but sent a text to Russell in error. It was meant for his/her PA to ask the PA to identify suitable dates for a further meeting with Russell. The Head of Region, asked that his/her PA did not contact Russell

directly, adding *'this is massively sensitive'*. The Head of Region realised the mistake immediately and texted an apology and explanation. Russell replied, apparently without taking offence, but we know from text messages to his colleagues that he lost faith that he was really being listened to, suspecting a cover up. However, I am clear from my investigations that this was an honest mistake.

- 8.22 On 19 October, a representative from HR called Russell on his mobile to get the right email address to which to send the notes of their meeting. The representative said he/she was surprised to discover he was in hospital – but did not ask why.
- 8.23 On Monday, 22 October, unaware that Russell had passed away, the HR representative texted Russell the password for their meeting note.
- 8.24 The proximity of Russell's very tragic death makes it difficult to assess dispassionately how effectively his complaints were handled during the last two weeks of his life. It is, however, clear that Russell's complaint was being treated very seriously by his BBC managers in October 2012:
- 8.24.1 Managers high in the chain of command were alerted;
 - 8.24.2 He had a number of face to face meetings with his senior managers who told him they were taking his complaint seriously and there was a genuine concern for his well-being;
 - 8.24.3 He had direct access to them via their mobile phones;
 - 8.24.4 He was also offered time off work (which he declined);
 - 8.24.5 He was encouraged to take up counselling.
- 8.25 It is also the case that, until the mistake with the misdirected text message, Russell, himself, appreciated the help he was being given by both his Head of Region and the Editor.
- 8.26 Notwithstanding the above, a significant issue in the way Russell's complaint was handled was the lack of transparency about the existence of the second report containing his allegations of sexual harassment. From my investigations, it is clear that Human Resources and Russell's managers were not aware of its existence before it surfaced by accident on the 10 October 2012. In the initial shock of the report's discovery, the need to establish its status and how this had happened, there was some understandable reluctance to say too much until all was clear. This was being considered at the highest levels in Occupational Health and with senior Human Resources colleagues. However, the fact that Russell was never told about the report's existence or that the BBC was in the process of trying to understand how this had happened, or even told about its existence once a clear explanation had been given to the Chief Medical Officer on 14 October (and the day after he had written to HR requesting a copy in writing), led him to believe that his allegations had been buried, *'there was a cover up'* and he wasn't being believed. There is absolutely no evidence that this was the case, but the delay was clearly a major contributing factor to this perception.
- 8.27 Following Russell's death, the BBC decided to take forward Russell's complaints of bullying and harassment under the BBC internal Disciplinary Procedure. Accordingly, in

early November 2012, a BBC manager was commissioned to conduct this investigation.

9. What Prevented Russell From Making Complaints At An Earlier Stage

9.1 From interviews with managers and staff it is clear that many people were aware to a greater or lesser extent of 'station gossip' concerning Russell and his colleague over a number of years. Russell had spoken to some of his colleagues about his allegations and had alluded to having voice messages that he had kept since 2006 as 'evidence' and he indicated to some that he was saving them to support a complaint at some point in the future. In the event, Russell does nothing with these until 6 years later when he is incensed about allegations being made in the media.

9.2 So what were the factors that prevented him doing so before? In my view, there were a number of interrelated factors that could have influenced him:

9.2.1 The prevailing culture in BBC C&W:

- (a) Despite it being a fairly small office, the station operated in siloes or "bubbles" (Witnesses BB & DD) and the climate varied depending on where someone worked. A number of those interviewed had a very positive experience of BBC C&W. Witness AA says, "*BBC C&W is one of the best and happiest bunch of people I have worked with*" and S said "*she had felt that there was a sense of family and that everyone would look out for each other*". Another witness (GG) said "*in comparison to other external organisations the BBC was more understanding of their staff*".
- (b) However, in the News Room, which is where RJ worked, there was a very different picture. One witness (FF) said that "*the fire was in the news room... because of pressure that had become a lot worse in the last few years*". He stated that that he had seen "*six or so people in tears during his time*". Witnesses G and Y talked about staff being "*given public tellings-off*" and their manager invading "*people's personal space*" and "*shout(ing) at people in front of others in the office*"(BB & Y). Most significantly for this report, some of those interviewed talked about their complaints being swept aside (Witnesses G, L) or no action being taken (O), or that they were simply told to try and sort it out with their manager, when the manager was the very person they feared (L). Russell was aware of this climate and was concerned about the impact it had on colleagues, especially the younger ones and, in my view, this may have been an influence on his unwillingness to make a complaint. Indeed, Witness G states "*this general atmosphere of bullying at the station by certain people and the lack of action by managers to tackle it, would have been a significant influence on why Russell Joslin had not felt able to make a formal complaint to his managers*".

9.2.2 The Management of 'Talent' at BBC C&W:

- (a) There is some evidence that Russell thought that he would not be believed, or taken seriously if he made a complaint against a high profile member of the team and that he "couldn't prove it" if it were denied. In addition, [Colleague A] was seen by many of those interviewed to have a very strong and dominating personality, "Everyone knew that the [person] in question was very difficult to work with, even for people in positions of authority", (Witness B). Witness O said, "managers were scared to confront [Colleague A]"and "there was a culture to put up with this behaviour from [this person]". Witness H said, "the managers would not take [him/her] on" and that "no-one would challenge [him/her]". The witness felt that this created an atmosphere of intimidation. Colleague A was also known to simply cut people off air (including Russell) if they were going on a bit too long, or [he/she] was not happy with what they were saying (Witness Q). According to Witness G, this behaviour appeared to "go mostly unchallenged by [his/her] managers". Russell may have believed that, in these circumstances, his chances of a successful challenge would be minimal.

9.2.3 Relationship with his Line Manager:

- (a) There is also a substantial body of evidence (from witnesses, texts and emails) that Russell did not have an easy relationship with his line manager. There is also evidence that in, late August 2012, Russell was texting colleagues about raising a joint complaint about him/her, perhaps feeling it easier to do so along with others.
- (b) A number of emails confirm that his line manager could, however, be kind to Russell; he/she praised him both privately and, on occasions publically, highlighting his contribution to the station as a whole. Nevertheless, it is clear that Russell would not have confidence that he would be backed, should he have made a formal complaint to him/her.

9.2.4 Fear of Repercussions on his Career:

- (a) A further contributing factor to Russell's unwillingness to speak up about his concerns was the fear of repercussions on his career and already fragile financial position, made worse by the threat of redundancy through DQF. Although he told everyone that he thought his future lay outside the BBC, his conversations with his managers reveal that, without secure employment elsewhere which was not easy to find, he could not risk losing the financial security of an umbilical link with the organisation. He would not risk putting this in jeopardy by making a complaint.

9.2.5 He did not believe he would be listened to:

- (a) There is also some evidence, provided by Russell's family and former girlfriend that Russell never believed he was being listened to by his managers about his multiple grievances and frustrations. Russell's Appraisals also reveal his mounting frustration, year on year, particularly in relation to his expressed wish to be a presenter. He feels that he was not being given an adequate explanation for the lack of training and career progression and the changes that were being made to his role. We hear this again in the Occupational Health assessment where he claimed, in relation to his move back into the Coventry station from his District Reporter role, that the only explanation he had been given was that "*all good things must come to an end*". They argue that, in this climate, Russell believed that his allegations would also be ignored.

9.3 It is important, however, to stress that some of the evidence here can be contradicted by evidence from the email review. Here we can see another side to the story. Whilst Russell's managers recognised his creative talent, there were other factors at play that impacted on his career development. Russell appeared to be erratic and inconsistent and they were often frustrated by him. He also failed to be pro-active in making the running on his career and to take opportunities to turn his dreams into reality. For example, he failed to take the opportunities to make 'dummy programmes' to demonstrate his presenting talent – a route taken by other colleagues, seemingly expecting things to happen simply by his asking.

9.4 We see the same characteristic in how Russell talked about his allegations to his managers. He put information their way, but did not make it clear what he wanted them to do with this information. Even in October 2012, prompted by revelations in the press, having spoken to a number of his managers about his allegations and revealing his evidence of the phone messages he has held for so long, he is not clear about how he wanted the matter to be handled. He replies this is a "*matter for BBC policies and procedures*" and that it was not up to him to make this decision. He sees it very much as the BBC's responsibility to take the matter up on his behalf, once they are aware of a potential wrong doing. Without Russell making the link between the alleged incident in 2006 and his flagging career, the BBC did not recognise these conversations as a complaint until October 2012.

9.5 Finally, it is worth noting that Russell had the ideal opportunity to speak to his then Acting Editor, the manager we know he trusted about his allegations, when he met him/her on 19 April 2012 at a café at the Agricultural Showground at Stoneleigh. This followed a meeting between this acting Editor and Russell's father, Peter Joslin, who specifically arranged the meeting to report that his son had two days previously gone into a psychiatric hospital and would not therefore be returning to work in the immediate future. Russell had subsequently written to him/her, referring to his having "*crashed and burned*" and warning that if he were to return to Coventry it could result in his "*mental collapse*". However, despite spending around two and a half hours talking together, the acting Editor said that, "*he made no reference to Colleague A*". He/she also said that as he/she "*now knew everything about RJ's mental state from his father, [he/she] thought that it would have been an easy opportunity*

for Russell to mention any harassment or other allegations impacting on him, or to have made a formal or informal complaint". The Acting Editor confirmed that nothing like this was raised.

10. Concluding Remarks

- 10.1 This investigation has identified and chronicled the complaints that Russell Joslin made to the BBC about his allegations of bullying and harassment, and how these were dealt with. The Terms of Reference emphasise the fact finding nature of this work. As such, no evaluation of actions taken or any comment on the suitability, or otherwise, of actions that were or were not taken, have been made. However, the wealth of information, particularly from the staff perspective (as part of the Witness statements), offer an insight into the prevailing environment and culture at BBC Coventry and Warwickshire. These may be worthy of further consideration by the BBC.
- 10.2 The report also highlights how Occupational Health Assessments are currently handled and recorded. Capita Health and Welfare have already taken some steps to alter their procedures and the information contained in this report could add further to the lessons learned.