

THE POLLARD REVIEW

**APPENDIX 11
VOLUME 2 OF 2**

ReedSmith

**RELEVANT EXTRACTS OF
TRANSCRIPT OF INTERVIEW
WITH STEPHEN MITCHELL (1)**

1 will come off for other reasons.

2 Q. So if a news programme -- any news programme, it could
3 be on the radio or the television, I think, it doesn't
4 matter -- was planning a story which had the potential
5 for impact on another part of the BBC, that would be
6 a prime candidate, wouldn't it, to be included on this
7 Managed Programmes Risk List?

8 A. Not necessarily. This risk is -- sorry, this list is to
9 do with public risk and as I mentioned earlier, safety
10 risk or legal risk. It's not, in my mind, to do with
11 institutional risk to the BBC.

12 Q. It's not in your mind to do with institutional risk to
13 the BBC?

14 A. It is not, no. This is -- this is to do with the
15 separate role of BBC News when reporting on matters
16 affecting the BBC. This is not the place to, um,
17 necessarily discuss risks to the reputation of the BBC.
18 This is to do with risks to -- which we are exposed to
19 for legal reasons or health and safety reasons or, um,
20 in terms of reputation as would be affected by
21 journalism. It's not to do with the corporate
22 reputation.

23 Q. That qualification to the risk list, or to the scope of
24 it -- that limitation on the scope of this list as you
25 understand it to be, is engendered from where?

1 A. It's to do with, as I say, the need to keep the role of
2 BBC News separate from the role of the institution as
3 a whole. There are occasions when BBC News will be
4 doing journalism about the BBC. I'm not saying those
5 projects don't get on the risk list, but it's not
6 automatically -- I think you would need to go back, but
7 I think you said this would be a prime candidate.

8 Q. Yes.

9 A. And it's not necessarily the case if it's a story
10 affecting the BBC that it is a prime candidate.

11 Q. So is this right then: if my news programme is planning
12 a story, part of the information for which says that
13 somebody who was, or might have been, under age was
14 subjected to a very serious sexual assault in a BBC
15 ~~dressng room in front of somebody who has recently died~~
16 and is about to be lauded by a bunch of tributes by BBC
17 Vision, that this Managed Programmes Risk List should
18 not be applied so that Vision doesn't know about it via
19 this mechanism.

20 A. No, I think you were asking about the generality of what
21 triggers an entry on to the Managed Programmes List. I
22 don't think you were asking specifically about the
23 Newsnight project.

24 Q. Let me ask you specifically then.

25 A. Specifically about the Newsnight project, this never got

1 necessarily being proceeded with --
2 A. That's right.
3 MR POLLARD: -- and are parked?
4 A. That's right.
5 MR POLLARD: So the argument that I think you are sort of
6 making, that it was only live imminent stories, isn't
7 always the case, is it?
8 A. No, I think -- I think what I'm saying is, if you take
9 the Burma occasion, I had no doubt that we were going to
10 do that at some point. On the Newsnight thing I'm not
11 sure that Peter was as definite that we were going to
12 get to air with that. I'm trying to put myself back to
13 that time, but I think that was what was probably going
14 through my mind.
15 MR MACLEAN: Go on.
16 A. The other thing I say -- the other reason that sometimes
17 we don't put putative projects on is clearly because
18 they are extremely sensitive and that sometimes happens.
19 Or until we're absolutely sure what we're going to do,
20 when we're going to do it, and what we are saying as far
21 as this list is concerned; that that is one of the
22 reasons that we sometimes don't put things forward.
23 Q. You are talking in generalities. Let's cut to the
24 chase, Mr Mitchell. What was the reason why
25 Jimmy Savile was not put on to the list that got fed up

1 the line?

2 A. I think it was probably because I was not convinced that
3 Peter was going to get this to air at that stage. But I
4 can't be -- I can't be sure, it was a long time ago.

5 Q. So Peter Rippon -- it was Peter Rippon really who had
6 a heavy influence on your decision not to put it on the
7 list, is that what you are saying?

8 A. My own -- the only information I had about this project
9 throughout this period came from Peter. But this --
10 let's be clear, this was my decision.

11 Q. Influence by Mr Rippon? Whereas his decision not to run
12 the story is not influenced by you?

13 A. I'm sorry? You are being a bit too quick for me.

14 Q. Well, you are saying this was your --

15 A. I was influenced by whatever Peter Rippon was telling me
16 about this story.

17 Q. Right.

18 A. And it was my decision not to put it on that list going
19 forward at that point.

20 Q. Right. Tell me if this is fair or unfair: you think
21 that the reason it was not put on the list up the chain
22 was that at that stage you thought the chances were it
23 wasn't going to run?

24 A. Well, I wasn't convinced that it was going to run, and
25 it's obviously, as far as I understand it at this stage,

1 it's not clear even what the story is. I can't remember
2 at which point Peter became enthusiastic about the role
3 of the police and the CPS. So in other words, that
4 would have been my judgment as far as I can recall.

5 Q. You see, Mr Mitchell, it has been suggested to us that,
6 as it were, the whole point of the Managed Programmes
7 Risk List is that it is a mechanism which means that it
8 is not necessary for directors of News and Vision, for
9 example, to then have ten second conversations at awards
10 lunches about what each other are doing. Do you
11 understand? If this mechanism works properly, it's not
12 necessary for Helen Boaden to walk round the table at
13 an awards lunch and tell Mr Entwistle what is going on.

14 A. And your point is?

15 Q. That this mechanism of the Managed Programmes Risk List
16 is designed to provide a proper process by which Vision,
17 for example, knows what News is doing in areas of
18 sensitivity that may have a knock-on effect on what
19 Vision is doing.

20 A. You would have to talk to David Jordan about the role of
21 the Managed Programmes Risk List. I can only tell you
22 what I think it's for, which is to raise projects which
23 are, as I say, legally, editorially or in terms of
24 health and safety, sensitive and risky through
25 a channel. It's not -- the Editorial Standards Board is

1 a firm broadcast date was set?

2 A. Not a firm broadcast date, but -- and again I have to
3 stress this is trying to recall a decision I made a year
4 ago -- but a firmer idea of what the film might involve
5 and a stronger idea that it was actually going to go
6 ahead.

7 Q. So the discussion, such as it was, between Helen Boaden
8 and George Entwistle at the awards lunch wasn't
9 necessary at all, on your evidence; the 10 seconds was
10 10 seconds too many?

11 A. You -- you would need -- you can't really ask me to
12 explain a conversation that I was not part of, can you?

13 Q. Well, we'll come to that conversation. But I'm just
14 trying to explore with you whether you saw it as
15 a necessary part of what was going on that Vision was,
16 if I can put it like this, put in the picture by News?

17 A. Not at the stage that the, um, Managed Programmes Risk
18 List was being compiled.

19 Q. Notwithstanding the fact that Vision was putting in
20 train arrangements for commissioning; paying for and
21 recording the Jim'll Fix It that went out on Boxing Day?

22 A. I wasn't aware of what the plan was for Boxing Day.

23 Q. When did you first learn that Christmas tributes to
24 Jimmy Savile were being planned?

25 A. I tried to remember, and I can't remember when I first

1 became aware. I believe I may have been made aware of
2 it by Peter Rippon himself in passing when we had one of
3 these conversations about the Savile project. But
4 I can't put a date on it.

5 Q. You see, the evidence that we have had -- I think from
6 Meirion Jones and Liz MacKean -- is that they discovered
7 that tributes were being planned listening to the radio
8 on the way back from the interview with [41] on
9 14 November when they heard a trailer on either Radio 4
10 or Radio 5. So do you think it might have been around
11 then that somebody at Newsnight -- Mr Rippon or somebody
12 else -- said to you, "There are some tributes planned
13 here"?

14 A. I think that's probably earlier than I would have had
15 the conversation with Peter, but I don't know.

16 Q. If you go in bundle 2, please, to page 50. Who is
17 David Gibson? He describes himself as, "News Programmes
18 Planning Editor". What does that mean?

19 A. As a department we deal with a lot of original
20 journalism and a lot of journalism which is focused on
21 specific audiences. So this can range from Panorama to
22 journalism for The Asian Network, from Radio 1 to The
23 Today Programme. The planning operation, which was now
24 focused under a new title as an Impact team, is designed
25 to bring together elements that -- of journalism that

1 Now, I want to focus on the first conversation with
2 Peter Rippon. You had had a discussion with Mr Rippon
3 about the Vision issues that -- or the issues for Vision
4 that the Newsnight story gave rise to, hadn't you?

5 A. I don't know whether it was about Vision or about the
6 BBC more generally, because of Savile's prominence.

7 Q. Right. So what's your recollection then of the
8 discussion?

9 A. I don't think I could recollect any more than that.
10 That, you know, when we discussed the idea in the first
11 instance, it was clear to both of us that Jimmy Savile
12 was a prominent BBC talent and therefore it would have
13 implications for the rest of the BBC.

14 Q. Have implications for --

15 A. For the rest of the BBC.

16 Q. For the rest of the BBC. Your voice is falling, they
17 are struggling to pick it up on the transcript.

18 A. I do apologise. I will do the best I can.

19 Q. Take bundle 2 again, I want to reach back into this for
20 a second. We will turn to 276.

21 If you look at the bottom of page, there's a table
22 from Liz Gibbons to Sara Beck on 21 November with the
23 various Newsnight stories. If you go over the page, you
24 will see that Jimmy Savile is there, as it was
25 previously. You see in the middle of the page?

1 A. I do.

2 Q. "Legal and taste." Then back to 276, Liz Gibbons
3 remembers another story. Then Sara Beck, the following
4 day, on 22 November:
5 "Subject: MPRL/Berlusconi."
6 Which is presumably something entirely different:
7 "Just so you know, have taken Jimmy Savile off for
8 now and will put back on when it's imminent. The
9 document goes quite far in Vision, et cetera, and we
10 thought it might be best to keep off just for now."
11 Now "we" either is you or includes you, right?

12 A. It would do, yes.

13 Q. Does this help to shed some light on your thinking at
14 the time?

15 A. I think it's the same point I was making earlier. That
16 there's -- the project is not yet ready to go on the
17 list:
18 "Take it off for now and put back on when its
19 imminent".

20 Q. When it's imminent. And then Liz Gibbons replies:
21 "Okay, I know Peter and Steve talked about the
22 vision issues surrounding Savile, so that sounds
23 sensible."
24 That's a reference to a conversation you'd had with
25 Mr Rippon on or about 21 November, would that be right?

1 That was the date of the first substantive conversation
2 you'd had with him?

3 A. I don't know the dates. Liz is obviously referring to
4 a conversation she's had with Peter.

5 Q. So it would appear that the conversation you'd had with
6 Peter about the Vision issues, that was presumably
7 a factor -- perhaps even the factor -- in the decision
8 that you took about the MPRL?

9 A. Well it -- I don't know what, um, the Vision issues are
10 that this is referring to.

11 Q. Well they are Vision issues, so they are clearly issues
12 for the Vision part of the BBC, aren't they?

13 A. Yes, but I don't know what they are.

14 Q. But they must be the fact that they have some tributes,
15 planned, must they not?

16 A. Well you can draw that conclusion. I don't know.

17 Q. Can you think of anything else?

18 A. Well, I would have thought the fact that Jimmy Savile
19 was a prominent figure in the BBC who had appeared on
20 BBC Television, which is now Vision, was a bit of an
21 issue for BBC Vision. But for the rest of the BBC as
22 well. But you are asking me to draw conclusions from an
23 email, if I could I would. I can only tell you what
24 I can recall which is that the conversations that I seem
25 to recall about the Risk List was whether the programme

1 material was ready to go on that list.

2 Q. Now when you had this discussion with Mr Rippon about
3 the Vision issues, apart from that perhaps having an
4 impact on your decision about the Risk List and not
5 putting the Jimmy Savile on the list to go up the
6 chain -- apart from that what did you do as a result of
7 the conversation with Mr Rippon, vis-a-vis the
8 Jimmy Savile story?

9 A. Um, as I can't actually recall the conversation,
10 I can't, with any certainty, tell you what I did as
11 a result of the conversation. I assume I had that
12 conversation. I can't put it in a -- in the context of
13 then I went on to do something else. It may have been
14 that at some point around here I talked to Helen Boaden.

15 Q. Right.

16 A. I don't know.

17 Q. You see in paragraph 6 of your statement, if you have
18 that to hand, you say in the middle of the paragraph;

19 "At this stage Peter may have mentioned the fact
20 that any revelations about Savile might have
21 a reputational effect on the BBC given his role as a BBC
22 star."

23 I suggest that -- tell me if you accept this -- it
24 seems pretty clear, doesn't it, from the email that we
25 are just looking at, that Peter Rippon must have

1 mentioned the fact that revelations about Savile might
2 have a reputational effect on the BBC. That must have
3 been part of the Vision issues, mustn't it?

4 A. The reference in the statement is trying to pinpoint
5 when Peter and I first talked about the potential risk
6 to the -- to the BBC's reputation, because it was
7 Jimmy Savile. And that could have been at the very
8 beginning or it could have been --

9 Q. Leave aside when precisely it happened. Mr Rippon did
10 mention that fact, didn't he? It was one of the things
11 he discussed with you?

12 A. That -- that if we were to do this journalism on
13 Jimmy Savile that it would have an impact on the BBC?

14 Q. Yes.

15 A. Yes.

16 Q. And you go on to say you encouraged them to ignore any
17 possible implications for the BBC:

18 "I believe I pointed out at this time that, given
19 the gravity of the allegations, we need to apply our
20 usual standards of proof and fairness."

21 We discussed that earlier:

22 "I believe I also discussed the project briefly with
23 Helen Boaden as it was potentially a significant piece
24 of journalism."

25 Presumably that was after the discussion with

1 Mr Rippon about the Vision issue, wasn't it?

2 A. It was after we had discussed the impact of Savile, or
3 an exposé of Savile, but I'm not sure whether it was
4 right at the very beginning or later in the -- in the
5 process.

6 Q. So what was the purpose of telling Helen Boaden?

7 A. Because it would have an impact on if we did it -- if we
8 got further than we were, it would have an impact on the
9 reputation of a significant BBC star, and that seemed to
10 me worth her knowing.

11 Q. Why was that a matter for her and not for, for example,
12 Mr Entwistle, who was the director of Vision?

13 A. Well, it is for Helen to decide what she does with that,
14 and not for me. And I'm telling her about the
15 journalism that we're doing.

16 Q. You say this was an informal conversation. I think it's
17 right, so far as I'm aware, it wasn't set out in an
18 email from you to Helen Boaden or in any note?

19 A. Not that I have been able to find.

20 Q. Just done in a conversation?

21 A. Yes, we have conversations all the time.

22 Q. So what did you expect Helen Boaden to do with this
23 information?

24 A. I imagine she might have -- I guess I thought she would
25 have an informal conversation of her own with, um --

1 with other parts of the BBC.

2 Q. Such as?

3 A. Possibly with the head of Vision. I may have -- if

4 I had known at this time that there were potential

5 tribute programmes.

6 Q. Anybody else?

7 A. I don't think so.

8 Q. What about the Director General? If this great BBC star

9 is about to be traduced by Newsnight, is that not

10 something for the DG?

11 A. I honestly can't recall. Your question was what would

12 I expect her to do with that information and I can't

13 recall expecting her to talk to the Director General.

14 Q. So when you said:

15 "I guess I thought she would have an informal

16 conversation of her own with other parts of the BBC."

17 Your word, "parts". We then discussed the

18 possibility of the head of vision. When I say -- any

19 other parts or is that the only part, Vision?

20 A. You are asking me to answer a question which -- I find

21 it rather difficult to put myself back that far. I

22 don't want to apply hindsight. I mean, clearly, with

23 events as they unfolded, that is quite difficult for me

24 to do.

25 Q. Did you have any discussion with Roger Law by any means,

1 proposing to transmit only a few days hence and he is --
2 on the face of it, he's summarising where they were,
3 where he is with the story, yes? And he wants to talk
4 it through with you in more detail.

5 Was there anything unusual in that approach by
6 Peter Rippon to you?

7 A. I don't think so. I think the fact that it's an email
8 is perhaps unusual. Peter normally came up to my office
9 when he wanted to talk about things.

10 Q. This summary of where they reached, did you take that to
11 be Mr Rippon's own view, for example, when he says, "The
12 women are credible"?

13 A. I did -- I did at the time. I do not remember
14 questioning him about the -- the email.

15 Q. Was there any reason why he might have set out the
16 position in more glowing terms than he himself really
17 considered to be merited in his email to you?

18 A. I don't think I can answer that.

19 Q. Was there any -- did you and he have the habit of -- he,
20 for example, presenting you with the story put at its
21 highest for you and he then to have a discussion about?

22 A. I don't think so.

23 Q. Did you understand that he was reflecting Meirion Jones'
24 views or Liz MacKean's views rather than his own when he
25 said, for example:

1 "The women are credible and have no motive for
2 speaking to us other than they want the truth to be
3 known"?

4 A. I don't recall thinking that he was reflecting anyone
5 else's views, no.

6 Q. So you took this email at what one might say was face
7 value, as being Mr Rippon being as you say in your
8 statement on the face of it pretty keen to get on with
9 this story. Is that fair?

10 A. I did.

11 Q. You were travelling to Belfast. Can you remember why?

12 A. I think, er, it was for, um, National Council for the
13 Training of Journalists conference.

14 Q. That was taking place presumably the following day, was
15 it, if you were travelling the 29th?

16 A. It was, yes.

17 Q. Is that right?

18 A. I think so.

19 Q. You are getting very quiet, Mr Mitchell.

20 A. Yes, you are making me talk more than I'm used to, but
21 I'm doing the best that I can. If you give me a moment
22 I can check the dates of the Belfast conference.

23 Q. We can check in your diary. But you stayed overnight,
24 I think?

25 A. I think I stayed two nights.

1 Q. You had a discussion by telephone, did you, with
2 Mr Rippon that evening?
3 A. I don't recall.
4 Q. You might have done but you don't --
5 A. I might have done, yes.
6 Q. So I think it follows from that, does it, that if you
7 did have one you can't remember what you discussed?
8 A. Yes.
9 Q. If I were to suggest to you that you had a discussion
10 with Mr Rippon that evening, at which you discussed the
11 importance to the story of pursuing the CPS angle and
12 bottoming out, if it could be bottomed out, that the CPS
13 hadn't pursued the story because Savile was old and
14 infirm. What would you say about that?
15 A. I can't recall.
16 Q. You can't recall.
17 You see, if you go to page 214, there's an email
18 from Mr Rippon, the follow morning at 9.37, to Mr Jones.
19 Have you seen this email before, Mr Mitchell?
20 A. Er, I think it was one that you sent me.
21 Q. In the last few days, preparing for this hearing?
22 A. Yes.
23 Q. "Having pondered this overnight I think the key is
24 whether we can establish the CPS did drop the case for
25 the reasons the women say. That makes it a much better

1 sending it to you, wasn't it? Sara Beck would have sent
2 this to your attention, presumably?

3 A. I'm on leave in Australia at this time, so Sara is
4 a point of contact for the programmes department.

5 Q. That probably gives us the answer to the next couple of
6 questions, then. You see that Helen Deller says in her
7 email:

8 "Obviously there were two elements: 1), BBC covering
9 up a story as it happened on our doorstep, 2), BBC not
10 running the story to protect our own positive
11 programming around Savile."

12 And then we see there is a suggested line for the
13 BBC to take, which is headed, "Statement and then
14 background". And you didn't have anything to do with
15 this for the very good reason that you weren't in the
16 country, is that right?

17 A. Correct.

18 Q. Now, you went away, I think you say, on 15 December, is
19 that right?

20 A. Um, I think -- I believe it may have been the 18th. If
21 you give me a moment --

22 Q. Right. You say in paragraph 13, the 15th.

23 A. In that case it was the 15th.

24 Q. And you weren't back at work until after the New Year?

25 A. We saw the New Year in, in Australia.

1 At page 115 you agreed with that:
2 "I think that makes sense. The allegations are
3 personally damaging for your credibility as an editor
4 Peter, so it would good to put your name behind
5 the denial."
6 So when you wrote that email, what if any fresh
7 material had you been supplied with about, as it were,
8 the underlying facts?
9 A. I don't think I had been provided with anything other
10 than, um, a response to a newspaper article.
11 Q. So at this stage, is this right: you hadn't seen any
12 underlying pieces of paper from the investigation? We
13 discussed earlier the notes of interviews,
14 transcripts --
15 A. Yes.
16 Q. -- draft scripts?
17 A. No, I don't think I had been shown anything.
18 Q. So your information was that it had come verbally from
19 Peter Rippon?
20 A. From Peter Rippon before Christmas.
21 Q. Not from anybody else, because you hadn't discussed it
22 with MacKean or Jones?
23 A. I don't think so, no.
24 Q. Now there is an email, which I think I skipped over,
25 from Mr Rippon who said he was relaxed about The Mirror

1 Q. Then if you go to page 127, there's an email from
2 Mr Jones to Mr Rippon the same day, 10 February, and
3 he's done a bit of investigation about Mr Goslett's past
4 stories about the BBC. And that gets forwarded to you
5 if you look at -- let me find the reference -- page 136.
6 Just to see what is happening here, Mr Jones's long
7 email about Mr Goslett starts halfway down 136. Do you
8 see 10 February at 11.54?

9 Rippon to Jones then says, "Thanks, useful", and
10 then Mr Rippon passes it to James Hardy and to you:

11 "For your information, Meirion's work after I had
12 asked him he who he thought had leaked."

13 And you said, "Can't fault his energy".

14 If you go down that email chain to page 138, there
15 is Mr Jones's email to Mr Rippon that we just looked at,
16 answering Mr Rippon's question about -- everything we
17 got was from the same women the police spoke to.

18 So Jones's explanation to Rippon is sent to you,
19 albeit at the end of this chain. So it was there to be
20 seen if you had got that far.

21 So did you -- did you get that to that? Did it
22 register with you?

23 A. It didn't register with me.

24 Q. I appreciate it is well down -- way down the bottom of
25 an email chain. It might be thought --

1 A. It didn't register with me.

2 Q. Yes. Now in Mr Jones's long email, which you get at
3 various places, but for example 136, he says, in the
4 last sentence of the first paragraph:
5 "Obviously we are most aware of the two Newsnight
6 knocking stories and there are obvious suspicions about
7 where the first one came from. But Goslett has written
8 dozens of BBC knocking stories and appears to have good
9 sources."
10 What did you understand, if you did, about what
11 Mr Jones was talking about there, "Obvious suspicions
12 about the Newsnight knocking story"?
13 A. I --
14 Q. You had no idea?
15 A. No idea.
16 Q. Or you have an idea but you'd rather not say?
17 A. No, I don't think I had an idea then and I don't have an
18 idea today.
19 Q. We're about to come to September and October this year,
20 so I think that's probably a convenient -- we're going
21 to jump a few months so I think that's probably
22 a convenient moment to stop again.
23 MR SPAFFORD: A short break. Okay.
24 (3.25 pm)
25 (A short break)

1 You can see what I have just read?

2 A. Let me have a look at that. I don't remember -- I don't
3 recall the occasion of the meeting being connected with
4 the Exposure film. But I do remember talking to Meirion
5 and trying to assure him that there had been no
6 inappropriate pressure put on Peter Rippon.

7 MR POLLARD: Can you just put a bit of colour on the
8 meeting, as it were? You went to find him, did you?

9 A. I'm struggling to recall now.

10 MR POLLARD: It's not long ago.

11 A. I know. If I could just say, in passing, that the
12 distance -- the time distance is not long ago, but
13 I would like you all to bear in mind what has happened
14 to me personally, never mind about the whole of this
15 affair, you know, quite a lot seems to have happened in
16 quite a short time.

17 MR MACLEAN: Sure.

18 A. So I'm doing the best I can here to remember this.
19 I remember the conversation. I can't recall whether
20 I went to seek him out or whether I came across him, but
21 I'm perfectly prepared to take it from him that I sought
22 him out. And I did -- and I do recall trying to, um,
23 assure him that there was no pressure put on from
24 outside News.

25 I did try to explain to him that it had been Peter's

1 decision and that I had been happy with him -- with it,
2 and I certainly remember mentioning to him that George
3 had been aware of the film -- sorry, of the plan,
4 because I remember him saying to me, "Well, I shouldn't
5 talk about that", or words to that effect.

6 Q. Who shouldn't talk about what?

7 A. I, Stephen Mitchell, shouldn't talk about the fact that
8 George had been made aware that there was a Newsnight
9 film.

10 Q. Why shouldn't you talk about that?

11 A. I assume because that would be -- make it more difficult
12 to convince people that there had been no inappropriate
13 pressure on, um, Peter Rippon.

14 Q. I see. I see.

15 The ITV programme was broadcast, I think, on
16 3 October, but it was pretty heavily trailed in the
17 press the weekend before. Do you remember?

18 A. I recall the, um -- I think I do recall the
19 pre-publicity. There was quite a bit of pre-publicity.

20 Q. Now we know that Newsnight didn't cover the story for
21 itself for some days after the ITV documentary was in
22 the offing and then broadcast. I think it didn't touch
23 it until 11 October, from memory. Were you involved in
24 any of the discussions about when it would be
25 appropriate for Newsnight itself to tackle the story

1 about --

2 A. Newsnight.

3 Q. -- about Newsnight?

4 A. Yes, I had at least one conversation with Peter Rippon
5 when he said that he was keen to do something on the
6 story, or the programme Newsnight were keen to do
7 something on the story. And my response was that you
8 should feel absolutely free to do that, but you have to
9 have something to add to the coverage that's already out
10 there. I didn't want them doing, er, a kind of Savile
11 Newsnight related piece which wasn't a proper piece of
12 Newsnight journalism. In other words that didn't add to
13 the coverage that was already there, that didn't add
14 insight to the story for the BBC2 Newsnight audience.

15 I didn't want them doing it for reasons of
16 reputation, in other words we realise we are Newsnight
17 and we're under the spotlight and look we're strong
18 enough to do the story ourselves. I wanted them to have
19 a good strong editorial reason to do it properly and
20 that's the what I told Peter.

21 Q. And Mr Rippon's view was that it would be bizarre to
22 jump on ITV's wagon, wasn't it? He wasn't keen for
23 Newsnight to cover the story?

24 A. My recollection is that Peter was neither keen nor
25 unkeen to do something, but he agreed with me that they

1 investigation and the women claiming the police had
2 dumped it because he was too old I was interested again.
3 My response you mentioned when you confirmed the police
4 investigation reflects that interest, however in the
5 final judgment when we were told in terms, and the old
6 sick man allegation was not true and we could not
7 establish any clear institutional failure, I decided on
8 balance it was not editorially strong enough for us to
9 run."

10 Your response interestingly was:

11 "I would talk to him, emails seem more prone to
12 leak."

13 Which is a clear indication, isn't it, that you
14 considered Mr Jones to be leaky.

15 A. Not specifically Mr Jones. Emails do leak in the BBC.

16 Q. One of the leakers was Mr Jones, obviously?

17 A. Not necessarily.

18 Q. Otherwise there would be no problem with Rippon replying
19 to Jones because it would not go any further?

20 A. It depends. You are all witnesses to the power of the
21 email; emails that knock on, people forward emails.

22 This is a sensitive discussion between an editor and his
23 team. My suggestion is always that people talk to one
24 another, rather than exchange emails. It's -- it
25 happens to be, in my view, a better way to try to sort

1 in 2011 you weren't aware of the fact that the script
2 mentioned, not in a very detailed way or a very
3 highlighted way, but you weren't aware that it mentioned
4 [REDACTED]

5 A. I don't recall Peter mentioning [REDACTED]

6 Q. Let's go to the blog. Page 178. This is 2 October in
7 the morning. This is the day before the ITV broadcast
8 which is on the 3rd. So this is Tuesday 2 October.
9 Mr Rippon's blog was, in effect, your idea, wasn't it?
10 I don't mean the content of it, but the fact of it?

11 A. I don't think so. I think I agreed with Peter that
12 a blog would be a good idea. I don't know which of us
13 came up with the first idea of the blog, but I --
14 I genuinely can't recall that. But I -- if I --

15 Q. The blog was a development of something called the chain
16 of events that he wrote first, wasn't it?

17 A. Yes. I did ask him to write that account.

18 Q. Right. So you asked him to write a chain of events. We
19 see at page 178 that this is you asking Mr Rippon to
20 produce what you call a briefing note which becomes
21 known as a chain of events, is that right?

22 A. That's it.

23 Q. "Given the press this morning this is not yet going away
24 so it might be a good idea for you to draft a briefing
25 note, for our use, on the decision-making process, from

1 commission to decision not to proceed, as best as you
2 can recall. Obviously various members of staff are
3 putting their version out there."

4 Who is "our" in the "our use" in the second line?

5 A. Helen Boaden and myself.

6 Q. And who are the various members of staff putting their
7 version out --

8 A. I don't know who they are. I'm just aware by this stage
9 that there is a good deal of leaking going on.

10 Q. [REDACTED]

11 [REDACTED]

12 A. [REDACTED]

13 Q. [REDACTED]

14 [REDACTED]

15 A. [REDACTED]

16 [REDACTED]

17 Q. Now, over the page, page 179, Mr Rippon agreed to do the
18 briefing note. He says he will do it by lunch time. So
19 this is -- he's not got a lot of time to think about
20 this, has he? It's quite a tight timeline because the
21 impetus for this is the press this morning and the fact
22 that ITV is going to show its programme the following
23 day.

24 A. Well, I think -- I think the deadline is his own, not
25 any -- it's not imposed on him. But events are

1 unfolding rapidly, so I guess we're, at that stage,
2 anticipating more press coverage.

3 Q. But you were pressing Mr Rippon to produce something, as
4 it were, PDQ for you to take to Helen Boaden and
5 George Entwistle, weren't you?

6 A. No, I was asking for a note which -- my concern in
7 all -- on all of these occasions is that we get carried
8 away by events of the moment and don't take stock. This
9 was an attempt for Peter just to step back and put down,
10 for Helen and I, his recollection of the sequence of
11 events and how this came to be commissioned and then
12 decommissioned.

13 It wasn't intended to be used anywhere in
14 particular. It was to have a sort of tool in the
15 toolkit should events develop, either externally or
16 internally.

17 Q. So you say this was a News toolkit. It wasn't going to
18 go higher than Helen Boaden?

19 A. Not necessarily, no.

20 Q. Then why do you write to Mr Rippon -- you see 8.43 is
21 the first email, at 178. There is a reply from
22 Mr Rippon which we will come to at 9.11. Then at
23 page 180, three minutes later:

24 "For now it's for internal consumption, so the full
25 version -- if this goes on as you say, we may need to

1 Q. Of course. That's what you needed to in order to assess
2 where the BBC was in all of this?
3 A. Where we were; BBC News, Peter and all of that, yes.
4 Q. So Mr Rippon was an obvious person to ask to set out his
5 recollection, wasn't he?
6 A. He was, yes.
7 Q. And Mr Jones was an even more obvious person, wasn't he?
8 A. I think I would deal with Peter, and if Peter wanted an
9 input from Meirion, or from his reporter, or from anyone
10 else, he would -- he would look for that.
11 Q. Given that he has to produce this, even on your
12 timescale in the course of the day, doesn't that --
13 isn't that a slightly bureaucratic way of doing it? Why
14 not go straight to Meirion Jones and say, "I want you to
15 set out your views in a note in the course of the day"?
16 A. Because I want the view of the editor who made the
17 decision. That's the most important thing from my point
18 of view. You might consider it bureaucratic, but that
19 is the role of the editor.
20 Q. It is not my role to think anything, I'm just suggesting
21 that it might be a point of view.
22 A. It was your suggestion that it might seem bureaucratic.
23 In my view he was the person to ask throughout this.
24 Q. He's the editor of Newsnight. He's a busy man, he's got
25 a lot on his plate. As I understand it, Newsnight was

1 A. As I understand it, yes.

2 Q. So that was a bad start, wasn't it, in terms of the blog
3 as it became being the categorical statement of the
4 BBC's position? Because the author of the blog is
5 basically saying to you right at the outset, I can't
6 actually tell the whole truth in this document.

7 A. Just to correct you, the blog is Peter Rippon's
8 position. That's the point of the blog. It is correct
9 that he couldn't say -- he couldn't give all the detail
10 about the people that the programme had interviewed,
11 which did mean that it wasn't as strong as it might have
12 been, but he was keen, and I was keen, that he had the
13 opportunity to make the point that he had made the
14 decision for himself as a good and strong editor. And
15 that was the main point that he was trying to get
16 across.

17 Q. Surely Mr Rippon must have needed this request to write
18 a briefing note like the proverbial hole in the head?

19 A. Well, he didn't tell me that he had a problem with
20 writing the note.

21 Q. Now the briefing note that he produced is at page 181,
22 if you turn to that, please.

23 A. To answer your first question, I think Peter thought it
24 was a good idea that he put his version out there. He
25 was a man under pressure and being named in the

1 believe that the detailed supervision of a blog lies
2 within my responsibilities."

3 Pausing there, I'm not doubting that for a moment,
4 but this was no ordinary blog, was it?

5 A. No, it wasn't an ordinary blog.

6 Q. What we can see from these emails I have just shown you
7 is that, whatever the position might ordinarily be, of
8 not being overseen or checked by management, this blog
9 was gone through by you and by Helen Boaden really
10 rather carefully.

11 A. It was gone through, certainly.

12 Q. And the reason for that was that this was going to be
13 a very important public statement of the BBC's position,
14 ahead of the ITV broadcast that you all knew was coming
15 on the 3rd.

16 A. I didn't see it like that. I saw it as Peter's -- going
17 back Peter, if you recall, is feeling exposed and under
18 pressure in the newspapers and this was Peter's
19 opportunity to make his position clear, that he had not
20 come under and buckled under undue pressure. That is
21 the best recollection I have as to what this blog was
22 about. What I was looking for in the blog was that we
23 didn't stray into the territory in the briefing note.

24 Q. About?

25 A. About the --

1 Q. The Lithium or drugs?

2 A. -- whatever the details of the weaknesses or otherwise
3 of the witnesses.

4 Q. Had anybody said to Mr Rippon that he better make sure
5 he got this absolutely right because this document was
6 going to be relied on by all the senior management at
7 the BBC? It was going to be used as a crutch by the
8 Director General when he got to Parliament. Essentially
9 to say:

10 "We all relied on the editor's blog and if there are
11 any inaccuracies it is all his fault and he's the editor
12 of the programme."

13 A. Well, I didn't say that to Peter.

14 Q. Mr Rippon thought he had been asked to, essentially, jot
15 down his recollections as best he could in a bit of
16 a hurry and he had done his honest best to do so.

17 A. Indeed, he had.

18 Q. But this blog takes on a significance and an importance
19 over the next couple of weeks that had never been made
20 clear to Mr Rippon, isn't that fair?

21 A. Well, I don't know whether anyone else put it in the
22 terms that you described.

23 Q. Well, you know what the Director General said when he
24 got to the parliamentary committee as well as I do,
25 don't you?

1 isn't one.

2 Page 46, you say you want it sorted.

3 A. Um-hm.

4 Q. Now you didn't copy -- you say:

5 "You will notice I have not copied the producer in
6 on this correspondence."

7 A. Um-hm.

8 Q. That's because you didn't want him to see it, obviously?

9 A. No, no. It isn't, and I rang him later in the day.

10 This is about my inability to use this device properly.

11 Q. I see, you couldn't -- I see?

12 A. I couldn't get his name up again instead of pressing --
13 you don't want to know the details.

14 Q. It is reply and reply to all. Okay, we won't get into
15 the IT.

16 Anyway, the message is that you wanted them to sort
17 this out. They told you, didn't they, that they had all
18 agreed -- I think we can go to page 53 -- within about
19 20 minutes Mr Rippon sends an email to Liz MacKean.
20 He'd had a chat with Mr Jones.

21 "He and I [that's Jones and Rippon] agree on the
22 fundamental point we do not have anything that would
23 help a police investigation."

24 And then Mr Jones sent an email at 57 to you and to
25 Mr Rippon and to Liz MacKean:

1 "Already talked to Peter about this. It is
2 inaccurate. Our on-camera interviewee for instance who
3 talked about oral sex with Jimmy Savile and [REDACTED]
4 having sex with an underage girl was never passed to
5 police. We always had more information than
6 Surrey Police passed to CPS."

7 And so on.

8 So it became pretty clear, didn't it, that there
9 were problems with this blog within 24 hours. Is that
10 fair?

11 A. That's fair.

12 Q. And that you knew that?

13 A. I did.

14 Q. And it was pretty clear that Jones and MacKean were
15 pretty steamed up about what they saw as the important
16 errors in the blog. Is that a fair summary?

17 A. It is.

18 Q. If we go to 88, the one thing that, as I say, all three
19 of them -- they didn't agree about much, Mr Rippon on
20 the one hand, and Mr Jones and Ms MacKean on the other,
21 but what they did agree about, at least so they told
22 you, was that:

23 "We are all agreed that we have never had any
24 information about anyone alive that the police should
25 have been told about."

1 That's what they say to you.

2 A. That's what Peter's email says, yes.

3 Q. Did you question that and wonder whether that was right
4 about -- vis-a-vis ██████████ example?

5 A. I didn't at the time. I need to give you a little bit
6 of context. I'm on leave with pressing personal
7 matters, I'm out of London and I'm joining in an email
8 conversation via a Blackberry. And therefore I really
9 want to sort out what it is that we are agreed upon and
10 for Peter and the press office to decide what -- what
11 they want to do with that agreement. And I will return
12 to the fray when I'm able.

13 So I'm not querying the detail of this, but I think
14 I am realising at this point that there is a fundamental
15 problem, not with the blog -- though clearly there is --
16 but with the relationship between Meirion, Liz and
17 Peter Rippon.

18 Q. Just focusing on the blog for the moment. What this
19 email says is -- I think the word "I" is missing "will
20 brief" -- because it has been punched through:

21 "... Will brief the press office to stop using the
22 everyone we spoke to had spoken to the police line; some
23 had, some had not."

24 And then another line instead is suggested. Wasn't
25 it obvious that the blog, having been put up the day

1 producer and reporter. At this time, and in the
2 following days, my main concern was the argument over
3 why Peter Rippon had dropped the investigation."

4 And then you say you meet Liz MacKean, 27. Was that
5 meeting with Liz MacKean a direct consequence of the
6 realisation that there was a fractured relationship?

7 A. It was.

8 Q. So that was your attempt to address that fracture?

9 A. It was to begin to look into that relationship.

10 Q. She told you, according to your statement, that she
11 thought that the BBC as a whole, and Mr Rippon in
12 particular, were not being honest about why the
13 investigation had been dropped. So she was accusing
14 Mr Rippon of mendacity?

15 A. That is my recollection of what she told me.

16 Q. How did that strike you as a suggestion?

17 A. It was a very -- you know, a serious point she was
18 making. And I again tried to persuade her that there
19 had been no pressure on Peter Rippon to make his
20 decision and he had made it for the reasons that he had
21 given. She didn't agree with that.

22 Q. Did it strike you as being -- quite apart from being
23 a serious allegation to make -- really matters had come
24 to something when an experienced reporter on Newsnight
25 was accusing her editor of dishonestly presenting the

1 Q. "Mid-late November head of news programmes updated on
2 progress."

3 And then -- that timeline in fact was very much
4 approximate. If you go over the page, to page 94, it is
5 Mr Rippon's response. He makes some comments:

6 "I think we should say editor not convinced in
7 Newsnight story, and then editor more convinced when
8 police angle develops."

9 And then, at page 103, you are sent to the -- you
10 were sent this and you say, "Fine with me". Do you see?

11 A. Yes.

12 Q. But still at this stage you didn't ask or go back to --
13 you didn't ask to see the material that Newsnight had
14 gathered back at 2011. Was everybody still writing
15 these pieces without anybody ever having gone back to
16 check what the source material that Newsnight had
17 gathered actually said?

18 A. Well, I'm assuming Peter is familiar with the material.
19 And that's where I am still being informed.

20 Q. So to the extent -- is this right -- that the source
21 material had been interrogated in order to produce the
22 account, the factual account, if anybody had done that,
23 so far as you were concerned, it was Mr Rippon when he
24 produced the chain of events and more or less the same
25 time the blog?

1 time on it.

2 A. Okay.

3 Q. Go in the same bundle to 366. Towards the top of page
4 there is an email from Helen Deller:

5 "Thanks Paddy, not sure how to deal with this now.
6 Think there needs to be disciplinary. Not sure we can
7 keep referring people to blog."

8 Now, then there is a reference to Mr Feeney:

9 "Let's have a chat a bit later, I'm amazed about the
10 brazenness of his briefing."

11 I'm not going to ask you to speculate about who is
12 doing the briefing, what I am going to ask you about is,
13 "Not sure we can keep referring people to the blog."

14 You became aware, presumably this is 7 October, that
15 there was good grounds for thinking that the blog was
16 unreliable and inaccurate in a number of respects,
17 didn't you?

18 A. I was aware there was a difference between the reporter,
19 the producer and the editor over that aspect of the
20 blog. And I was aware they had reached an agreement,
21 which I didn't fully -- I hadn't fully investigated.

22 Q. Just look at your statement, please, at paragraph 28.
23 You say on 9 October you learn from Lucy Adams, who is
24 director of people, HR:

25 "... Informed me that the Director General had asked

1 Ken MacQuarrie, who is the director of BBC Scotland, to
2 investigate complaints made by Liz MacKean and/or
3 Meirion Jones to the Director General alleging that the
4 blog was incorrect."

5 And then you say:

6 "Mr MacQuarrie is a member of the management board
7 of the BBC, interviewing at the behest of the Director
8 General. It appeared to me that the attempts I was
9 making to understand the differences between the members
10 of the Newsnight team had been overtaken by a corporate
11 process involving the DG."

12 And I think you contacted Mr Rippon and Ms MacKean
13 keen and Meirion Jones to make this clear.

14 So the implication that I took from your statement
15 was that once you learn Mr MacQuarrie was on the case,
16 you essentially downed tools, so far as you were
17 concerned, in exploring the question of correcting the
18 blog. Is that fair?

19 A. I think in terms of the blog, it's correct to say that
20 I was, um, expecting that to be resolved once the
21 differences between those people had been resolved.
22 Downing tools is rather harsh. I was trying to resolve
23 consequential matters such as when Liz came to see me
24 she wanted to talk about her career as well as her
25 problems with the Newsnight film.

1 was the head of communications in the News group, who
2 says:

3 "Thanks. By the way, DG press briefing now 6 pm,
4 it's alleged."

5 Which rather suggests that things were moving rather
6 fast, I think; is that right?

7 A. It does look like that.

8 Q. Then you say:

9 "By the way, what is your thinking re the blog?"

10 And he says:

11 "Once we have an enquiry with a chair, there's
12 an argument for removing it from the website anyway. If
13 that happens in the next few days, worth considering?"

14 That rather suggests that you and Mr Feeney still
15 have some, as it were, executive role in the removing of
16 the blog, doesn't it?

17 A. I don't believe I felt I had an executive role here.

18 I mean I was just enquiring as to -- trying to find out
19 what was going on, because, as I say, Ken MacQuarrie had
20 begun work on the 9th. I had assumed that that was
21 feeding into whatever considerations were going on at
22 the corporate centre about the blog. And I, and Paddy,
23 as part of the communications team, would be involved in
24 those discussions.

25 Q. Let me show you just a couple more emails, Mr Mitchell.

1 Peter Rippon, who all got similar, but not identical
2 letters?

3 A. Well I can't speak for the Director General, but I know
4 that Helen and I had a meeting with the press office and
5 we decided not to engage in detail in the Panorama
6 programme.

7 Q. Right. And in bundle 15, page 16, on 20 October -- so
8 this is pretty close to the day when the blog gets
9 corrected, the BBC produce something called a corporate
10 statement. Do you remember that? They produce
11 something called a corporate statement, which -- did you
12 have an involvement in drafting it? You will see it at
13 page 17.

14 A. Er, let me just refresh my memory. I think I did, but
15 let me just -- yes. That roughly speaking is where, um,
16 certainly Helen and I and the press person that we were
17 dealing with -- I can't recall who it was -- that
18 statement was more or less what we were thinking of.

19 Q. Then you say in this -- finally from my point of view,
20 going back to your statement, just to finish off, the
21 last page, the next day, the 21st, you say:

22 "I was told by Helen Boaden that the Director
23 General wanted the blog changed. Following various
24 exchanges involving the press office, HR and director of
25 editorial standards I spoke to the Director General.

1 A. Sorry, go on.

2 Q. No, no, go on.

3 A. No, no.

4 Q. And you resisted the notion that you or Helen Boaden
5 should put your names to the statement?

6 A. I did.

7 Q. Because you say:
8 "Neither of us had been given the evidence of the
9 inaccuracies he said existed."
10 Which I find slightly curious because you discussed
11 them with Liz MacKean for a start?

12 A. Well, at this stage, bear in mind I hadn't seen what the
13 inaccuracies they were addressing were, or what the
14 corrections or what the statement was to be. This had
15 gone on in the, er, the days between in between the blog
16 being published and the 21st and I'd not been privy to
17 that. I assumed that they had worked through the blog
18 in detail and had detailed points which they put to
19 Peter Rippon and Peter Rippon had accepted --

20 Q. I see, so --

21 A. I'd not been privy to that. That's what I mean by this.
22 It doesn't mean that I wasn't aware of that discrepancy.

23 Q. So is this fair: from the 9 October, when you learned
24 about Mr MacQuarrie, the question of the blog and what
25 should happen to the blog had disappeared from your

1 visibility, because it was being dealt with on another
2 side of the fence?

3 A. I had -- I had assumed --

4 Q. Is that a fair way --

5 A. I had assumed that MacQuarrie would speak to the people
6 involved in the decision not to run the film and the --
7 both Meirion and Liz confirmed that they talked to him
8 and -- at some length. So I assumed they would have
9 addressed all their concerns including the blog.

10 Q. So your concern was that not having had visibility,
11 still less control of this process, you weren't
12 prepared, as it were, there and then to sign up to
13 a statement which was a product of a process you had not
14 been involved in?

15 A. No, I couldn't see the logic of that, and the Director
16 General accepted that.

17 Q. Was he cross with that or did he accepted that perfectly
18 calmly, he thought it was a good point?

19 A. Yes, he accepted it perfectly calmly.

20 MR MACLEAN: Thank you. That is all, I think, I want to ask
21 you. It may be that Nick has some questions.

22 (5.49 pm)

23 Questions by MR POLLARD

24 MR POLLARD: One point, if I may, which requires two
25 references. If you can get bundles A7 and A14, please?

**RELEVANT EXTRACTS OF
TRANSCRIPT OF INTERVIEW
WITH STEPHEN MITCHELL (2)**

1 MR POLLARD: As far as you understood it, at that time. But
2 you are saying that is not the reason that you took it
3 off the list. If I'm understanding you right, the
4 reason, the principal reason that you took it off the
5 risk is because after a conversation with Peter Rippon,
6 you formed the view that actually the story just wasn't
7 ready to run. They didn't have enough material?

8 A. I think Peter was ambivalent about whether it was going
9 to be strong enough. I can't -- as I say, I can't swear
10 to the dates of these conversations, but I think he had
11 doubts about the original testimony and he was
12 interested in pursuing the police/CPS issue. My
13 recollection is, therefore, that it wasn't yet ready.

14 MR MACLEAN: You told us last time, I think -- we can show
15 you the transcript if necessary -- you had the meeting
16 with Sara Beck weekly?

17 A. Yes.

18 Q. And I think we pinned down last time that on a Monday,
19 I think you said --

20 A. We do normally meet on a Monday.

21 Q. And the relevant Monday here was in all probability
22 21 November.

23 A. We tried to get to which date that would have been, yes.

24 Q. And you will remember that that was the day before the
25 email from Liz Gibbons to Sara Beck saying "I know Peter

1 and Steve talked about the Vision issues", with
2 a capital V and small i, in A2, page 276? You
3 remember --

4 A. I vaguely remember that.

5 Q. Let me show you. A2/276 --

6 A. It is okay, I can remember the spirit of it, unless you
7 want me to go over the wording again.

8 Q. It looks, therefore, as though you had had a discussion
9 with Mr Rippon on either the Tuesday morning, the 22nd,
10 or more likely on Monday 21st, around about then?

11 A. I --

12 Q. It would appear; yes?

13 A. Well, I mean, I --

14 Q. We can see, can't we -- the best evidence is probably
15 A2/276 -- that on 21 November at 14.37, Liz Gibbons is
16 sending the list, copying it to Peter Rippon. And
17 Jimmy Savile is still on it.

18 A. Yes.

19 Q. And then at 9.41 the following morning, Sara Beck
20 sending it back, "Just so you know, have taken
21 Jimmy Savile off for now," and that was presumably
22 pursuant to your discussion with her on the Monday,
23 because it was your decision, "and will put back on when
24 it is imminent. The document goes quite far in Vision
25 et cetera and we thought it might be best to keep off

1 just for now."

2 And you were one of "we"?

3 A. I imagine so, reading the email, yes.

4 Q. So when you look at those two emails, somewhere between

5 2.30 on the Monday afternoon and 9.40 on the Tuesday

6 morning, it would appear that you have had a discussion

7 with Sara Beck which leads to the decision to take the

8 piece off the list, and then looking at the top email,

9 you had had a discussion with Peter Rippon about the

10 Vision issues and one might infer, might one, that that

11 discussion with Peter Rippon had preceded the decision

12 to take the piece off the list?

13 A. There would have been discussions with Peter in order

14 for me to be informed in order to take the thing --

15 Q. Exactly. So the likelihood is, isn't it, that the

16 discussion with Peter Rippon took place at some point on

17 the Monday. There would be a discussion with Sara Beck

18 at some point on the Monday, which led to the decision

19 to take the Newsnight piece off the MRPL, as reflected

20 by this email on the Tuesday?

21 A. You can draw that conclusion. I genuinely can't

22 remember the time or the day of the conversations that

23 I had with Peter Rippon.

24 Q. If we go back to my question about paradigm, I want to

25 make sure, like Nick, I have a firm grasp of precisely

1 behave in that way, as a silo. We have to be distant
2 from the rest of the BBC when we're doing journalism
3 about the BBC. But the idea that we were in some way
4 trying to keep this from Vision isn't borne out, surely,
5 by the fact that I talked to Helen and she talked to
6 George. And George was Head of Vision.

7 Q. Well, I think last time you told us about your -- I'm
8 going to come to Helen Boaden's recollection of her
9 discussion with you. Well, let me do that now. What
10 she said was that she had a conversation with you on
11 23 November, which would be the Wednesday, I think.
12 Just let me tell you precisely what she said. She said
13 that you said to her that:

14 "Steve told me -- my memory is that it was Steve who
15 told me we need to alert George to the Savile
16 investigation."

17 I think that's consistent with your recollection; is
18 that right?

19 A. I think so.

20 Q. Then a little bit later on I said:

21 "When Steve Mitchell told you about the need to
22 inform Mr Entwistle, wasn't that rather the point of the
23 Managed Risk List; that Vision would have known what
24 News was up to via that mechanism?"

25 In other words, there wouldn't be a need for

1 a discussion with Mr Entwistle.

2 "Answer: Yes. But I think Steve was just aware
3 that actually it would be a kindness to George -- the
4 irony of this has not escaped anybody of course -- he
5 [that is you] felt it would be a kindness to George to
6 tip him off early because he would have to change the
7 schedule if the investigation went ahead as we thought
8 it would. And he could start thinking about that
9 earlier rather than later."

10 Does that accord with your recollection about
11 a kindness to George?

12 A. It doesn't sound like me. I don't mean to be flippant.
13 That doesn't sound like a phrase I would use, but I
14 don't recall it.

15 Q. So in your mind, having taken the Newsnight story off
16 the list because it wasn't sufficiently ready for
17 transmission, the substitute mechanism --

18 A. It wasn't sufficiently ready in the editor's mind. He
19 wasn't sure whether it was going to get transmission,
20 yes. It's not just about the date.

21 MR POLLARD: So the purpose of you mentioning the story to
22 Helen wasn't so that she could pass it on to George
23 and --

24 A. It is. I'm aware of an investigation going on here
25 which the editor has mentioned to me a couple of times

1 and he's not that convinced, as we discussed last time.
2 I think it's a management role, not a kindness, to tell,
3 you know, to tell George that we are looking at this
4 story, and it's partly to do with the Christmas
5 schedules, but I'm not, you know, I'm not cognisant of
6 the detail of what the Christmas schedules involved.
7 I think I mentioned that to you last time. I think
8 Peter has said maybe there are tribute programmes or
9 something.

10 MR POLLARD: You draw a distinction between the story being
11 likely enough to make it worthwhile tipping
12 George Entwistle off, but not likely enough to be worth
13 putting on the MRPL.

14 A. I think so. Because at some point -- I'm assuming at
15 some point Peter, Newsnight, are going to make this
16 story work one way or the other. They are looking at
17 different options and, therefore, it seems to me
18 sensible to do that as early as possible. But this
19 conversation with Helen, Helen's conversation with
20 George, are towards the end of November, beginning of
21 December. As far as I'm aware -- and as I say, I don't
22 understand the -- I don't have the detail of the
23 schedule in my head -- we're talking about a Christmas
24 schedule literally towards the end of December.

25 So at this stage I imagine I was thinking this is

1 not going anywhere at this stage, but it is quite
2 possible Newsnight will come back to me and say, "Okay,
3 we've got the police angle, or we've got something else,
4 and we're going to work with it", and that's the
5 conversation I'm having with Helen and Helen is having
6 with George, that this work is going on.

7 MR MACLEAN: If there had been confirmation from the CPS
8 that they had dropped the investigation because Savile
9 was old and infirm, which is what Liz Gibbons was
10 suggesting, and what Peter Rippon, in particular, became
11 interested in -- you remember the discussion we had last
12 time about the "key point" and so on.

13 A. Um-hm.

14 Q. If that had come about -- we know it didn't -- the
15 overwhelming likelihood is that the Newsnight piece
16 would have run on 7 December, isn't it?

17 A. Well, it's a hypothetical. I don't -- you have to --
18 I didn't, at that time, have the detail that I have now,
19 looking back, as to possible transmission dates and all
20 of that.

21 Q. But if we just test your hypothesis or your view about
22 how this system works --

23 A. It is my recollection, chaps -- I do want to help here
24 but I don't quite understand what it is you are trying
25 to get me to recall a year ago.

**RELEVANT EXTRACTS OF
TRANSCRIPT OF INTERVIEW
WITH PAUL MYLREA**

1 in scale?

2 A. I would say that -- I would have to comment on the whole
3 issue. I can't -- I can't say what was happening at
4 this time because, as I say, this was something being
5 held by the News team. But in the whole affair the
6 scale, speed and nature of briefing was astonishing.

7 MR POLLARD: Was?

8 A. Astonishing.

9 MR MACLEAN: What was the consequence of that for not you
10 personally at this stage but for people in your part of
11 the BBC's organisation, namely the press office, either
12 Corporate or News.

13 A. It was exceptionally difficult. The reason is that if
14 you look at the logs and the way that the press lines,
15 press statements, are put together, they are put
16 together very carefully. They are put together to make
17 sure that we represent the position as it stands. They
18 are signed off and compiled in -- along with the
19 guidance that exists in the editorial guidance to make
20 sure that what we do is say something which is correct,
21 which stands the test of time, and which represents
22 properly the position of the BBC.

23 The difficulty we were facing, er, as -- as this
24 story developed, was that the pace of briefing was such
25 that we were getting calls, 20 or 30, 40 a day. We were

1 still attempting to do the correct thing and get lines
2 signed off so it became -- the level of briefing became
3 difficult.

4 Q. I can show you, if you like, but believe me we've read
5 these things and we can see that you are getting queries
6 from journalists at 6.30 saying "I need an reply by two
7 hours' time, otherwise I will say you have refused to
8 respond" --

9 A. Yeah, through to 11 o'clock at night and so on and so
10 forth.

11 Q. -- and so on, from multiple press sources. Did you come
12 to form a view at any stage about why this was
13 happening?

14 A. In what sense of a view?

15 Q. Well, this astonishing scale and pace of briefing, it
16 might be -- might be, for example -- thought to be
17 indicative of a pretty serious breakdown in trust --

18 A. I think certainly by --

19 Q. -- between journalists on the programme?

20 A. I can't say at which point I formed that view, but
21 I certainly formed the view that there was breakdown in
22 trust in the programme, absolutely.

23

24

25

1 So this was not something that was put down on
2 pieces of paper. It was backed up and it was, if you
3 like, circumstantial proof that we should believe
4 Peter Rippon. Where it came from, I can't tell you.

5 MR MACLEAN: I will come to the blog. Let me just ask you
6 about the blog for a moment.

7 A. Yes.

8 Q. What was your understanding of whose idea the blog was?

9 A. I think my view was we were pushing in the
10 communications team for something to explain, you know,
11 what had gone on, we were being questioned. As I said,
12 I had a conversation in which I said "Can we put
13 somebody up, can we put somebody up for interview? Can
14 we put Peter Rippon up?"

15 There was a series of text exchanges explaining that
16 this was refused, this was not a good idea, and
17 therefore, exactly where the idea of the blog came from,
18 I'm not sure, but we would have been pushing for
19 something and I think News suggested that a blog was
20 an idea. It was a standard procedure to have
21 an editor's blog.

22 Q. The Editors blog already existed.

23 A. Yes.

24 Q. Did you know that Peter Rippon's blog was actually the
25 offspring of a slightly earlier -- very slightly earlier

1 A. Well, firstly, I didn't -- I hadn't seen this until
2 afterwards.
3 Q. I know that, yes.
4 A. So I can't speculate on what's here. What we had --
5 I think it's important to say that, given that the only
6 thing we had to rely on was a blog, what we had to do
7 was to look at whether that blog was consistent and
8 coherent. As I said, we had asked whether we could put
9 Peter Rippon up for interview for him to be challenged
10 on points and explain them. That had been turned down.
11 So all we had to go on was a blog, and because it came
12 from the News side, we were -- it was something that was
13 produced by the editor, that was it, we were given it,
14 we had to use it.

15 So I had -- you know, the information that we were
16 getting in terms of the details were coming from Peter
17 and from the blog.

18 Q. Right. I'm not sure that quite grapples with the
19 question. I will come back to it.

20 A. Yes.

21 Q. So you didn't know that the blog was the offshoot of
22 this document, which is what it is --

23 A. Yes.

24 Q. -- I will show you that in a minute, and this document
25 had been produced by Peter Rippon on the morning of

1 2 October within a couple of hours, on the basis of
2 a request for him to produce a briefing note "as best
3 you can recall". So it was asking for his recollections
4 and the briefing note is his recollection, and
5 Peter Rippon would say:

6 "I was asked to write down what I remembered, I did
7 that, it may be I didn't remember it accurately but
8 I did my honest best to produce what I remembered. What
9 I didn't expect was that what I had recalled in my
10 briefing note would be turned into some tablet of stone
11 by the BBC and then relied on as the Holy Book
12 thereafter."

13 A. I can't comment on what Peter -- you know, what was
14 said. What I was provided with was a blog by the
15 editor. We were given the blog with all normal
16 assurances that this was the account that we could
17 follow. We'd certainly understood, in subsequently --
18 I can't tell you in which conversation but I certainly
19 had conversations with the legal team, in which I was
20 given to understand that Peter had checked with members
21 of his team on certain points and I have subsequently
22 seen email exchanges in the bundle that suggest he'd
23 checked with his team on certain elements of this story.

24 So I was not aware of these -- of these emails.

25 Q. So you proceeded -- I'm not criticising you, I'm just

1 seeking to ascertain the basis on which you proceeded --
2 you, comms, proceeded on the basis --
3 A. Yes.
4 Q. -- that the blog was a thorough --
5 A. Yes.
6 Q. -- account --
7 A. Yes.
8 Q. -- and not some quick and dirty briefing note to the
9 best of his recollection?
10 A. No, we -- I think the important thing is to understand
11 what The Editors blog is, and The Editors blog is
12 an editorial product. It is expected to -- that the
13 reason why The Editors blog is not something which is
14 compiled and signed off, for example --
15 Q. Signed off by?
16 A. By a range of people through the normal compliance for
17 communications, in other words: have I seen it, is it
18 fine; has the responsible director seen it, is it fine?
19 An editor's blog is an editorial product and therefore
20 there is no right -- I have no right to sign it off or
21 to -- or to challenge it. I can make stylistic
22 suggestions but they can be refused. It is therefore
23 a product which is supposed to have the same principles
24 as the BBC News journalism.
25 Q. So it follows from that, I think, that we have heard

1 therefore that's what it was.

2 Q. Did you understand the blog to be -- I assume you
3 understood it to be an accurate and truthful account?

4 A. I wouldn't -- or would not have based -- I would
5 absolutely not have based comments -- defence of the
6 reputation of the BBC on something I believed to be
7 inaccurate, misleading or partial.

8 Q. Did you understand it to be, as it were, the whole
9 truth, to tell the whole story?

10 A. I understood it to be a thorough picture of what had
11 happened on the programme.

12 Q. Setting out the full reasons why the piece hadn't run?

13 A. I understood that there might be issues that might not
14 be able to be raised because of confidentiality or
15 because of issues of -- and in the blog itself it does
16 talk about -- I can't remember the exact phrase, but
17 "concerns". So I felt that they were covered but maybe
18 not all the details were in there because of issues of
19 confidentiality.

20 Q. If you still have bundle 7, page 179 --

21 A. Yes.

22 Q. -- one of points that Peter Rippon makes right at the
23 beginning on 2 October, in his immediate response to
24 Mitchell's email saying "write the briefing note", is he
25 says:

1 multiple meanings. But the BBC journalism -- and this
2 was exactly a conversation that I had with
3 Helen Boaden -- is supposed to be journalism which is
4 reliable, which is accurate, which is unbiased, and
5 which is independent, and in fact, um, the conversation
6 I had with Helen Boaden when I was saying, you know,
7 "Can't we -- can't we get more details, can't we get
8 deeper into the editorial decision" -- this was later
9 on, this was in the October --

10 MR MACLEAN: Give us a sense of time of this?

11 A. -- so this was after, so there were two conversations --

12 Q. Before or after ITV?

13 A. This was, I think, just before the 3rd -- it is in the
14 bundle. I think the 3rd was the first conversation.
15 I can't give you the exact dates.

16 MR POLLARD: So the blog was up, in other words?

17 A. Yes, I think the blog would have already been up. But
18 there were two conversations around that period in which
19 I had conversations with Helen Boaden, so it was
20 a second conversation about whether or not -- it was my
21 first conversation about whether Peter Rippon could go
22 up and do interviews, and subsequent to that I asked --
23 I said "We really need to understand the editorial
24 decision-making here", and I was very firmly told "You
25 can't ask that question" --

1 MR POLLARD: Yes, I see.

2 A. -- "You don't understand independent journalism", and
3 frankly I was irritated and responded that I had spent
4 20 years at Reuters and I did understand independent
5 journalism.

6 MR MACLEAN: In the timeline you have, this is the 2nd,
7 I think:

8 "I had a number of conversations with Helen Boaden."

9 A. Yes, that is right.

10 MR POLLARD: What you would like to do, correct me if I'm
11 wrong, is you would have liked to have had a chat with
12 Peter Rippon, would you, just so you could get a sense
13 of really, going straight from the horses mouth, "How
14 did this decision come about, tell us how it all
15 emerged?"

16 A. Yes, I would have liked -- at that point I would have
17 liked Peter Rippon himself to go out and do thorough
18 interviews because our entire position was based upon
19 a written document.

20 MR POLLARD: Although I think it's fair to suggest --
21 perhaps you might disagree -- that the idea, as we have
22 perhaps seen in recent weeks, of putting somebody out
23 there to be interviewed, it could go in any one of
24 a hundred different directions. It is not necessarily
25 the best way to get a clear logical thought out

1 A. Yes, my best recollection, um, is -- and this suggests
2 that that's correct -- is that what was happening was
3 that the legal team were looking into a range of things
4 and they were -- it was when they were beginning to
5 examine what there was on record, whether there was
6 anything -- any evidence of any knowledge of Savile, and
7 so my best recollection is this is when the legal team
8 began to, sort of, if you like, principally lead on this
9 project.

10 Q. They spoke to the principle players, Rippon and Jones
11 and --

12 A. Yes, we were not -- the Communications team wasn't party
13 to their discussions or deliberations.

14 Q. I'm not suggesting you were in the room --

15 A. No, no, no, not just that, we weren't -- you know, it
16 was approached from a legal perspective to look at
17 whether there was not just evidence but liability, what
18 was going on, what had happened, and they were leading
19 on that.

20 Q. So we understand from Mr Rippon that he spoke to,
21 I think, two of these BBC lawyers at some point in this
22 period.

23 A. Yes.

24 Q. There is an email I can show you, if you like, where he
25 sends -- I think it is in bundle 7/160. You see there

1 is an email in the middle of page, it is in the middle
2 of a chain from Peter Rippon to Nadia Banno and
3 Valerie Nazareth, both of whom, as I understand it, are
4 BBC lawyers, on 11 September -- so this is four days
5 after the ITV letter, do you see in the middle?
6 A. Yes.
7 Q. "This was the original memoir we got the story from.
8 Interestingly, she says she is certain the BBC had no
9 idea what was going on."
10 That is [R1] web memoir?
11 A. Yes.
12 Q. My question for you is: Peter Rippon told us that he had
13 a meeting with BBC lawyers as well --
14 A. Yes.
15 Q. -- and we can see he's in communication with them --
16 A. Yes.
17 Q. -- I am not suggesting that you or any of your people
18 were in these meetings, but on the assumption that notes
19 were taken of what Mr Rippon and whoever else it was --
20 notes were taken of what they said, was the product of
21 those meetings, in any shape or form --
22 A. No.
23 Q. -- ever shared with you going forward in presenting the
24 BBC's position to the world?
25 A. No. I mean, again it is on the best of my recollection

1 but what happened was that this became a process where
2 the legal team were leading it and what would happen
3 would be that, you know, we would check our lines with
4 the legal team but we weren't receiving a stream of
5 documents from the legal team saying, you know, "Your
6 line is wrong" or "This is wrong".

7 What was happening was our statements were being
8 checked by the lawyers to see whether they were correct
9 or stayed -- or were in accordance with what they were
10 understanding, so we were relying upon them to tell us
11 if anything was -- that we had been saying was incorrect
12 or was not right.

13 Q. When did you first see the [REDACTED] web memoir?

14 A. I think after, you know, some time in October, late
15 October, some time in October.

16 Q. After the blog was up?

17 A. Yes.

18 Q. After it was corrected perhaps even?

19 A. Yes, probably after that.

20 Q. So there is some sort of process going on led by the
21 lawyers --

22 A. Yes.

23 Q. -- which appears to involve discussing face to face with
24 the principal actors.

25 A. Yes.

1 Programmes Risk List. Could you please tell us if the
2 Newsnight investigation into Jimmy Savile was entered on
3 to the MPRL? If yes, could you tell us on which date it
4 was entered and whether it was circulated to the
5 Director of Vision's office either separately/or by the
6 Broadcast Direction Group meeting that you chair? Could
7 you also tell us how the Newsnight investigation was
8 described on the MPRL? If it was not entered onto the
9 MPRL, could you tell us whether you believe that it
10 should have been?"

11 A. Um-hm.

12 Q. Were you involved in replying to these questions from
13 Panorama?

14 A. What happened with the Panorama questions was I had
15 an initial conversation with Karen and Clive. It was
16 a tense conversation -- I can't remember the date --
17 because of this issue of, um, the corporate centre
18 needing to respond on an issue of reputation for the BBC
19 to a programme which was being -- which was a BBC
20 programme investigating it.

21 Subsequent to that, the decision on the response to
22 Panorama was taken by the legal team, because the
23 letters that came in from Panorama were individual
24 letters, right of reply letters. We had lines that we
25 were working on, statements that we had been working on,

1 on specific details, but it was a decision taken by the
2 legal team that these should be dealt with by the legal
3 team and, in fact, I had a subsequent conversation with
4 Peter Horrocks -- a certain level of frustration about
5 this, because I was worried about being empty chaired on
6 the programme. I was worried about us not being able to
7 give a point of view.

8 So I did have a subsequent conversation with
9 Peter Horrocks, who was then standing in as the head of
10 News, where we discussed how we could get out of this.
11 Because what I didn't want was to get into a fight with
12 Panorama. I wanted us to work professionally with
13 Panorama and try to help them with their programme but
14 at the same time we had to deal with the questions and
15 the reputational issues.

16 So I discussed whether we might, for example, have
17 a set of corporate questions that we could answer as
18 a corporate entity, and therefore we would not be
19 answering for individuals who might have their own
20 lawyers or their own views. Because it was becoming
21 clear by then that we were not going to get a shared
22 view from all of the participants.

23 Subsequent to that, a letter came in from Panorama
24 with some corporate questions, but again that series of
25 corporate questions were, um -- were taken over by the

1 lawyers who eventually provided a brief answer on the
2 Monday morning when the blog was published.
3 Q. That's what we will come to, that's the corporate
4 statement --
5 A. That's the corporate statement.
6 Q. -- on the 22nd?
7 A. Yes.
8 MR POLLARD: Does that address the MPRL?
9 MR MACLEAN: No, it doesn't.
10 A. So the specific answers to these questions were not
11 given because they were -- they were then taken over by
12 the legal team in response to the fact these were right
13 of reply letters.
14 Q. I think, just picking up on the one to Mr Jordan, if you
15 go in the same bundle to 378 on the same day --
16 A. Yes.
17 Q. -- Julian Payne asks Jordan:
18 "Regarding our recent conversation" --
19 A. Sorry, 378?
20 Q. 14/378. We haven't seen David Jordan yet, but:
21 "Hi David, regarding our recent conversation, am
22 I correct in assuming it never featured on the list at
23 all or can we only speak with confidence about November
24 and December?"
25 Then the reply is over the page:

1 A. I am sure he said that. I have no --
2 Q. Whose idea was that?
3 A. That would have been George's.
4 Q. Do you remember what became of that idea?
5 A. As I say, I can't actually recall that -- that meeting.
6 I mean I have no doubt that it happened. But my
7 understanding was that, um, the decision -- I think
8 there was a discussion, I vaguely remember a discussion
9 about -- there was a vague discussion -- I'm concerned
10 about saying something I can't remember, so I probably
11 don't want to go there, but the only conversation that
12 I remember firmly about Peter Rippon's departure was at
13 the time of the blog when, er, the -- it was clear that,
14 um, the -- that there were errors in the blog and that
15 therefore he needed to step aside because of those
16 errors.
17 Q. That is the end of the 20th and 21st?
18 A. That's later, yes.
19 Q. Did you give the idea to Mr Entwistle that this would be
20 a good idea to protect the BBC and BBC News, so in
21 effect force Peter Rippon out?
22 A. I had a conversation with George in which I said at some
23 point people are, you know, going to have to take
24 responsibility and I said "What you have to do is decide
25 where the responsibility lies", and this was the

1 conversation I recalled earlier, and I said the -- you
2 know, the -- I remember saying:
3 "The responsibility line is the following: it starts
4 at Peter Rippon, it goes to Steve Mitchell, it goes to
5 Helen Boaden, and then to the Director General. At the
6 time when all of this was happening, you were the
7 Director of Vision. Those are the people. I think you
8 have to take a view as to whether people are responsible
9 and people need to take responsibility for that, and if
10 they do, that is the line."
11 Q. How do you get from that to making a statement that
12 Peter Rippon was going to have to resign as a result of?
13 A. Well, that was -- you know, as I say I don't recall the
14 conversation, but that's George's comments and not mine.
15 Q. Helen Boaden offered to resign then, didn't she?
16 A. Yes. And Helen Boaden offered to resign and again
17 I think, you know, my comment about -- I remember that
18 bit. I remember Helen Boaden offering to resign and
19 I said "Well, the problem is that nobody has proved that
20 anybody has done anything wrong and that if you go News
21 is unmanageable".
22 Q. But if nobody has proved that anybody has done anything
23 wrong, which may well have been the truth, what is the
24 Director General doing planning to make a statement
25 forcing the editor of Newsnight to resign?

1 A. I am sure it is one of the things he was thinking about.
2 I think the important thing is after that he didn't make
3 a statement which meant that Peter Rippon resigned.
4 Q. Because Helen Boaden talked him out of it?
5 A. I presume that was the conversation. I certainly argued
6 against Helen Boaden going, and throughout this period
7 there was lots of discussions about how do you get out
8 of this, we seem to be on a downward path, what do we
9 do, where do we go, but the key point was that at that
10 point nobody felt anybody had done anything other than
11 what they were supposed to have done.
12 Q. So why does Mr Rippon have to walk the plank?
13 A. Well, I don't think he did.
14 Q. Well, he didn't in the end.
15 A. No, so these conversations are held. That was
16 presumably George's view at the time but it didn't
17 happen.
18 Q. It is important to understand what information you, and
19 perhaps more importantly Mr Entwistle, had at this
20 stage.
21 You have explained that in September there was this
22 legal-led process going on, and you have explained that
23 you, certainly, weren't furnished with the fruits of
24 that process?
25 A. Yes.

1 September replacing Mr Hardy, is that right?

2 A. James, yes, that's right.

3 Q. Can I just ask you to look in bundle 8, please? This is
4 a internal BBC email at page 64 from Mr Feeney to
5 Helen Deller.

6 A. Um-hm.

7 Q. Which curiously you might think says:

8 "A BBC journalist at Newsnight looked into how the
9 police investigated and then dropped the case against
10 Jimmy Savile. We interviewed a number of people but
11 ultimately could not prove a failure of institutions or
12 unequivocal evidence of abuse by Jimmy Savile. So
13 the Newsnight editor took the decision not to broadcast.
14 He wasn't influenced in any way by anyone at the BBC.
15 It is monstrous to suggest that our journalists would
16 have colluded to cover up abuse."

17 Does all of that accord with your understanding? Do
18 you think that's accurate?

19 A. That certainly was my understanding right the way
20 through the process until -- until the blog corrections
21 came out.

22 Q. When did you first realise that there was some, as it
23 were, real doubt being cast on the accuracy of blog?

24 A. It was, I think the -- I think the 19th. I think there
25 is an exchange by -- George had got hold of me, I don't

1 know whether it was text or email but it is certainly in
2 the bundle, saying we have come to the conclusion that
3 there are serious -- I can't remember what he said, but
4 it's in the bundle saying that there are issues with the
5 blog which we have to correct.

6 Prior to this we had the process where up to the
7 Kenny -- to the best of my recollection, up to the Kenny
8 MacQuarrie issue we had a clear and settled position
9 within the BBC which was based upon the blog and there
10 was no question that that was the correct version.

11 The Ken MacQuarrie moment was the moment when
12 although I hadn't seen the emails there were challenges
13 into George's office which were then taken into the
14 legal team and then it was suggested that somebody look
15 into these to see whether there was a -- simply
16 a difference of opinion, or whether in fact there was
17 a substantial error.

18 There is a further exchange -- I am afraid I can't
19 remember the date -- which says that in conversations --
20 I think it is from Helen Boaden, there is a text to me
21 where she says:

22 "They've raised issues but Meirion Jones does not
23 believe Peter is lying, but Liz MacKean thinks he's out
24 of his depth."

25 So again, even at that point our understanding is

1 that the substance of what we're saying is still
2 correct.

3 Subsequent to the Ken MacQuarrie investigation
4 essentially there is then a question of "Is there
5 a difference or is there factual errors?"

6 The blog was effectively then frozen moving toward
7 the Pollard Inquiry, and it was then on the 19th when
8 I get a message from George saying that the team -- the
9 legal team -- has come to the conclusion that there are
10 serious errors and it needs to be corrected.

11 Q. The MacQuarrie thing, I think that's the 9th --

12 A. That's right.

13 Q. -- that that goes to Mr Entwistle?

14 A. Yes.

15 Q. And MacQuarrie had spoken to MacKean and Jones the day
16 before?

17 A. That's right.

18 Q. Let me just ask you, just before we get to that,
19 Mr Entwistle sent round one of his notes to staff,
20 didn't he?

21 A. Yes.

22 Q. On 5 October?

23 A. Yes.

24 Q. Do you remember that?

25 A. Yes.

1 sentences you crafted were based on the blog, do you?
2 A. It's based on -- it's based on both the blog but also on
3 conversations with Paddy Feeney and the News team.

4 MR POLLARD: The News comms team?

5 A. The News comms team.

6 MR MACLEAN: Perhaps it is obvious, but you know what
7 Mr Jordan said subsequently in a couple of media
8 outlets.

9 A. Yes.

10 Q. He perhaps most strongly advocated the sort of line
11 which we find in your paragraphs, didn't he?

12 A. No, I think the -- I think if you take my line and you
13 take Helen's line, what is absolutely critical is the
14 first sentence, and that there is no difference in the
15 first and the second sentence.

16 Mine merely attempts to express -- I felt that the
17 first version of Helen didn't actually -- it says it was
18 well known and they looked into it, but didn't say what
19 happened as a result of looking into it. It was
20 a simple journalistic approach to a statement: you have
21 asked a question or you have posed something but you
22 don't say what has come as a result of it. I therefore
23 I tried to put in there what was the standing line, that
24 having looked into the investigation they decided there
25 was insufficient grounds to proceed, because I felt the

1 first version left that -- didn't answer the question.

2 MR POLLARD: You don't think that that's a bridge too far?

3 That the police had properly investigated?

4 A. But that's what I was assured was the case. That's what
5 I was told was exactly the case by people in the News
6 team, by Helen, and that the understanding was that if
7 you look back to the blog there are two parts in the
8 paragraph about this which says that, you know -- and
9 I think the core issue between Meirion and Peter Rippon
10 is whether Peter is seeing the whole investigation at
11 the point at which it concludes, where he decides that
12 because the police response was a proper response -- and
13 this is what was summarised to us -- that that was the
14 reason he dropped it, whereas Meirion's view was it
15 began doing something else.

16 So what this was doing was not emphasising one
17 element of it to another. It was merely taking that
18 first sentence and expressing what the outcome of that
19 was according to the information given to us by the News
20 team and Peter Rippon.

21 MR MACLEAN: But, Mr Mylrea, I have to suggest to you that
22 your paragraph -- the meaning conveyed by your paragraph
23 is importantly different from the meaning conveyed by
24 Helen Boaden's paragraph.

25 In particular, your paragraph includes the words

1 "there was no other reason", other than the fact that
2 the police had been found to have properly investigated.
3 You will not find, will you, support for that in the
4 blog? If you want to look at the final version of blog,
5 it is in A7/277, but it is not there?

6 A. I think if you take my line it says very clearly:

7 "The programme found the police had properly
8 investigated but decided there were insufficient grounds
9 to proceed."

10 That is a fact that was told to us by the News team.
11 In fact in the bundle list there is also something that
12 is communicated to Peter Rippon. We were told that it
13 was on this basis --

14 Q. Communicated to Peter Rippon?

15 A. To Peter Rippon. In the bundle there is an exchange
16 between Meirion and Peter Rippon about the CPS decision
17 and this is certainly something that we were told -- we
18 haven't seen those exchanges, but we were told that the
19 reason this had been dropped was because, as you have
20 seen in a range of discussions, concern about the
21 credibility of witnesses led to the desire to see
22 whether the police investigation was thorough and
23 proper, because if the police investigation wasn't
24 thorough or proper, that would compensate for the lack
25 of credibility of witnesses.

1 The investigation into that police investigation
2 showed it was thorough and proper and was dropped and
3 that was our clear understanding. And I think that goes
4 back to the statement made by Peter Rippon earlier on,
5 which, if you look right back at the beginning at the
6 entire exchange of logs and the way the logs were
7 created, it starts from the beginning with Helen Deller
8 and Karen Rosine talking about this being an
9 investigation into the CPS decision, and that was the
10 basis on which we suggested this.

11 Q. So let me make sure I have --

12 A. Just to be clear, so three things are important. One,
13 the reason for putting this line in was because I didn't
14 believe that Helen's version actually gave what our line
15 was. That's the first point.

16 Secondly, the line that I wrote in there was based
17 clearly upon cleared lines and lines that we were using,
18 that we had been using and that we were given.

19 Thirdly, it is very important to see that this was
20 sent to Sarah Jones as a suggestion and given the
21 process that we were going through at this point, it was
22 the legal team who were deciding whether these things
23 were correct or not correct. So I'm making
24 a suggestion. I believe my suggestion is based upon the
25 information that I had and that we had been using

1 process. So we know that MacQuarrie got on with it
2 pretty shortly. Just before we get there, in
3 bundle 9 -- you can put anything with a number lower
4 than 9 away. Mr Entwistle's appearance on The Today
5 Programme on 8 October, whose idea was that?

6 A. Er, there was -- I think it's important to go back. It
7 was certainly strongly urged by the Trust, and I think
8 there was a standing, um, expectation from the Trust to
9 do Today programme interviews. That had come from
10 a discussion around the time of the pageant, when I had
11 actually been on holiday but George had not done a Today
12 programme interview, despite being asked. George and
13 I were asked to go to the Trust and we were told that it
14 was the duty of the BBC to be accountable and, in
15 particular to The Today Programme, we should do The
16 Today Programme.

17 So the first interview was very much -- it was
18 a discussion. I cannot remember the exact discussions
19 but there was a very clear view by the Trust that George
20 should do it. I know there were other views expressed
21 such as Helen Boaden's saying she was, um, concerned
22 about it, that there was a risk. But George decided he
23 would do it.

24 Q. Helen Boaden thought that it was going to go badly,
25 didn't she?

1 Music, I think in Radio 2, at one point somebody --
2 either Jamie or James, sorry, I had rather a lot of
3 James, came to me and said they only had two months
4 worth of experience in the Radio 2 team.

5 So it meant that we had very few people; It meant
6 that we were running tired. I had nobody to step in for
7 me and we didn't have a strategic -- all we had was the
8 sort of diary function. We didn't have a team pulling
9 together scenarios and whatever. And I think the
10 problem to me is that when you get tired when you are in
11 a crisis and when you are within the organisation and
12 receiving the information from the organisation, the
13 failure to have an external perspective is a huge risk.

14 MR POLLARD: So when Brunswick was stood down, it wasn't, as
15 far as you could see, because anybody was dissatisfied
16 with what they were doing --

17 A. Absolutely not. They had hardly started. They --
18 I think there was no contract and no financial exchange.
19 But what I think David had very kindly done was provide
20 us with a sort of first think piece of some of the
21 things we needed to think about, and I think that was
22 the problem. That was what we lacked from then on,
23 which nobody outside saying "Hold on a minute, this is
24 not going in the right direction" or "You need to think
25 about this" or "have you thought about that?" So no

1 Q. If you still have bundle 11 --

2 A. Just while we're on page 217, one of the points I think
3 it is worth making is, whilst the blog was already there
4 by the time I had seen the, um -- the note from --

5 Q. This is --

6 A. -- the chain of events --

7 Q. -- your paragraph.

8 A. -- but I think if you read the chain of events which
9 clearly I read at some point on the 3rd or 4th, that
10 informs the paragraph -- the proposed paragraph -- for
11 the email for George --

12 MR POLLARD: Your proposed paragraph?

13 A. Yes. In other words, clearly this came to me at
14 lunchtime on the 3rd, and my proposed paragraph goes out
15 in the morning of the 4th.

16 MR MACLEAN: Hang on, just let me catch up with you. I'm
17 looking at 217, which is your paragraph, and your point
18 is that you have the chain of events, when?

19 A. 13.41, it came in. I'm not saying I opened it at that
20 point but it sort of arrived at 13.41 on the 3rd.

21 Q. Page 81, yes.

22 A. If you read that, it very much focuses on the CPS -- it
23 has the statement from the CPS and focuses very much on
24 the police investigation, so I can only conclude that
25 that was certainly informing the lines that I suggested

1 in the paragraph that I have put to George Entwistle.
2 Q. Right. Just while we're looking at it, you remember
3 that Mr Mitchell had indicated that the briefing note
4 was originally for "Helen and George and me",
5 ie Mitchell. Then when Mr Rippon produced it and sent
6 it to him, he said it was "not for on passing", do you
7 remember?
8 A. I don't remember that.
9 Q. In bundle A7, around page 198, I think it is.
10 A. Yes.
11 Q. But it looks as if he obviously did on pass it. He on
12 passed it to you?
13 A. Yes.
14 Q. It looks from that page as if there had been
15 a discussion. Do you remember the discussion?
16 A. No, I am afraid I can't. I mean, as discussed --
17 Q. You mean he must have mentioned it to you --
18 A. He must have mentioned it to me and then said "Here you
19 are, this is it", but I don't remember any --
20 I certainly don't remember a substantive conversation
21 with Steve Mitchell because I didn't have very many.
22 I normally talked to Helen, so I don't remember
23 a detailed conversation. I think it must have been
24 something mentioned in passing.
25 Q. So your point about this is that you did, or may well

1 then happened, there was effectively a lockdown where
2 our lines were "Look, you know, we moved towards
3 an inquiry", I can't remember when we made the
4 announcement.

5 Q. The 12th.

6 A. From that point, our view was "This is going to be
7 sorted out by an inquiry" because quite frankly we can't
8 just constantly say something and have it immediately
9 challenged by sources close to Newsnight, and that
10 remained the position, this sort of lockdown in "This is
11 going to go to the review", until the 19th when
12 I received the communication from George saying "The
13 legal team has now concluded, after an investigation,
14 that, you know, we're going to change the blog".

15 Q. So that investigation had been done without visibility
16 by you?

17 A. Absolutely.

18 Q. So let me show you what was visible to you then. This
19 Guardian piece -- just let me show you page 407 --

20 A. Yes.

21 Q. -- you said -- you were almost exploding in frustration,
22 I think you said.

23 A. Yes.

24 Q. Mr Rippon was also reported to be very upset that day,
25 you see from 407 --

1 understanding of what Paddy was trying to do -- was that
2 it was still not believed that it was significantly or
3 substantially inaccurate, that there was a small point
4 about "all" or "some", and that the problem was then
5 that we were getting towards the review, the review was
6 announced, as you say, on the 12th -- so the idea that
7 we would start taking apart the blog for what was
8 a small change, which actually, because of paragraph 3
9 might not in the end turn out to be the correct
10 answer -- in other words we might be correcting and then
11 have to correct back --

12 Q. Paragraph 3 of?

13 A. This email here. You need to keep in mind we were
14 asked:

15 "Meirion has always strongly maintained to me that
16 we did not."

17 So we could change it from "all" to "some" but that
18 might not be right. So the one inaccuracy is
19 an inaccuracy he's saying on the basis of stuff in the
20 media. But then he's saying, we could do it, if you
21 want to, we will, but I'm not prepared to negotiate, and
22 his comment about them picking everything apart, our
23 understanding of this was we had reached the point where
24 it was impossible to resolve this issue between Meirion
25 and Peter. Nothing in this email suggested to me that

1 there was a significant substantive issue in the blog,
2 therefore that the blog needed to come down, there might
3 have been an inaccuracy as to "all" or "some".

4 Therefore, to buy us some time until we got into the
5 review and we could look at the thing in extenso, the
6 line was written which is "written in good faith". But;
7 it was not that the blog was substantially wrong.

8 Q. You described a couple of times there the change of
9 "all" to "some" as being -- you used the words
10 "relatively minor" --

11 A. Yes.

12 Q. -- that was your impression of that change?

13 A. It wasn't that it was minor, it was the fact that we
14 seemed to have a dispute. So in other words, if it had
15 been a clear "This is wrong and this needs to change" --
16 again, I know it sounds awful but to go back to my
17 journalistic background, at Reuters you always
18 corrected, you always made clear what was the
19 correction, why was the correction made and what was the
20 change.

21 What we had here was not absolute clarity in "This
22 needs to be changed", but there still seemed to be
23 a dispute between the two of them -- or Meirion and Liz
24 and Peter Rippon -- and what I would have -- you know,
25 this is obviously looking back in recollection. What

1 was wrong and goes, giving Panorama a scalp. GE then
2 goes into Select saying he backed his editor as you
3 would expect, turns out he was wrong, sad, but he did
4 the right thing and we all move on."

5 A. Um-hm.

6 Q. Similarly, in the next bundle, 16, at page 52, there is
7 another --

8 A. Yes.

9 Q. -- text from Mr Payne to you. This is on the 22nd. So
10 this is the day of the blog correction.

11 A. Yes.

12 Q. "I think I'm going to need to be hard today. That PR
13 blog was the basis for all our position on this. Only
14 way to protect GE", et cetera.

15 A. Um-hm.

16 Q. So this may not be a criticism -- it is certainly not
17 necessarily, perhaps not at all -- you and Mr Payne are
18 doing your job, you have a particular perspective. But
19 what was going on was that the corporate centre of the
20 BBC was seeking to highlight, as much as possible, the
21 errors in the blog, because that was the best way of
22 protecting Mr Entwistle's position.

23 A. No, I wouldn't see it as this at all. I mean what you
24 had was a certain level of frustration between Julian
25 and myself about how we responded to the media.

1 The -- and I think it's important to emphasise what
2 the process of correction of the blog was, that
3 I received a communication from George on the 19th,
4 there was then a series of exchanges which said "It's
5 not ready yet, it's not ready yet", got to Saturday
6 night, a slightly frustrated George sends me a text
7 saying, "You know, it will be ready very soon, would you
8 recommend putting it out on a Saturday night?" and
9 I said "Well, not really, we'll get accused of burying
10 it. We need to be clear, so let's do it Sunday". So
11 then Sunday ran through Sunday, we are sitting there
12 waiting for the blog correction, it was being done by
13 the legal team.

14 At around 5 o'clock, 5.20, I received an email from
15 Peter Rippon saying "These are my suggested amendments
16 to the blog", but then it was taken back into the legal
17 team again because it was felt that we needed
18 a corporate position rather than Peter's position.

19 So Julian and I were effectively sitting there
20 trying to work out, you know, what we're going to say,
21 how we're going to say it, what was going to be our
22 story, what was the line, what were we going to take.

23 So Julian's note of the 20th is a sort of, you know,
24 let's imagine this happens. Does this work: Peter
25 changes the blog and goes?

1 Now, the point is that, first of all, this didn't go
2 to anyone else, it was a private exchange between Julian
3 and myself. There are often discussions about "What
4 would happen if this happened?" "Well, this would be the
5 outcome" or "This would be the way it would be
6 reported".

7 So this is a suggestion from Julian that, you know,
8 would this get us off the hook? Would we all move on?
9 Would we all stop having to cover this story for ages?
10 So I don't see anything wrong with that.

11 Then the second one is that great concern, given
12 the -- given the blog correction -- that it had led to,
13 as expected, a strong sort of wave of criticism that all
14 of the lines that we had been using were based on this
15 blog and these were wrong, and it put Julian and the
16 Corporate press team in a very difficult -- and the News
17 press team -- in a very difficult position because they
18 for months had been fighting back against pretty
19 aggressive journalists who had been saying "You're
20 lying, you're lying, you're lying". I had had one
21 particular sharp exchange with a journalist where I had
22 taken him to task for accusing my team was lying and
23 here we had a blog which was corrected. So effectively
24 we had been misleading.

25 Q. That was The Times spat you are referring to?

1 A. Yes. So again, I just interpret Julian's note as "I'm
2 going to have to brief hard on this?" It's the only
3 thing we can say. What he's saying is "We have nothing
4 else, we have corrected it, it is wrong we are going to
5 have to brief hard". I don't read anything
6 particularly --

7 Q. It might be suggested that, a bit like the proposal for
8 the statement that never was on 4 October, that the
9 BBC's first thought in the corporate centre was to hang
10 Mr Rippon out to dry in the hope that everybody else
11 would get away with it.

12 A. First of all, that -- that -- there is a clear, um,
13 I think -- some people believe that the corporate centre
14 and the communications team are blessed with sort of
15 omniscience and omnipotence and can do what they wish.
16 Our role consists of offering advice, which is sometimes
17 taken and sometimes not. One of the things we try to do
18 is to speculate on what are the scenarios that might
19 come up and might not come up.

20 It would be more convincing to suggest that we had
21 a clear line if these exchanges had been with other
22 people or had been passed on to other people, but these
23 were just private exchanges between Julian and myself as
24 we tried to get through the day and tried to get through
25 the press brief.

1 Q. It might be said that there is quite a startling --
2 quite a striking anyway -- change of tone in what
3 Mr Entwistle says on the Today programme on the 8th,
4 when he says he supports Mr Rippon's judgement, to the
5 picture he paints to the Select Committee on the 23rd.
6 A. I think there is a stark change. One of the things we
7 were trying to get clear in our lines -- and what we had
8 to -- I remember we had to work quite hard on
9 afterwards, was to understand whether it was -- whose
10 decision it was that Peter should go, and George made it
11 very clear that it was his decision that Peter should
12 go, but I remember trying to -- we got asked: whose
13 decision was it? We didn't have that as a corporate
14 line and we had to go back and say "Well, whose decision
15 was it?"
16 Again, if the corporate centre was a cohesive whole
17 with the communications sort of leaning on it,
18 I wouldn't have needed to ask anybody else what was
19 happening but, in this case, we had to check: whose
20 decision was it; was it Peter's decision; was it
21 George's decision? George said "I want to be very clear
22 it was my decision".
23 Q. Let me be clear about your position, doing your job in
24 Comms. Your position was, in line with your exchange
25 with Mr Payne, that what, as it were, was needed was for

1 Mr Rippon to go, take the blame and everyone else would
2 move on.

3 A. No, no, no. I think that is a misinterpretation of what
4 Julian is saying. He is having a private discussion
5 with me between two comms professionals saying "Here is
6 one scenario, what do you think, does it work?"

7 Q. But it is the ideal scenario from your point of view.

8 A. It's not the ideal -- it is a scenario.

9 Q. The desired scenario.

10 A. It's not the desired scenario. What we're trying to do
11 is trying work out how we protected the reputation of
12 the BBC, and you know my position throughout has been
13 very clear, that my first responsibility -- in fact
14 I had conversations about this -- was to the
15 institution.

16 It is only -- my responsibility to the individuals
17 is dependent on, um, those individuals serving the
18 institution. It may sound prissy, but it is very clear
19 and I have been in a number of situations -- to try to
20 explain it:

21
22
23
24
25

[REDACTED]

1

2

3

Therefore, what we were trying -- what we were discussing between two communications professionals was, first of all, not something that we had any influence over, because we didn't have the decision on what would be the outcome. We didn't have a decision on whether Peter would go or stay or anybody else would go or stay. What we're saying is: how does this work? Does this story work? That's why he says "Thought of the hour". It's not, you know --

12 Q. Just let me understand what, in your mind, Mr Rippon had
13 done wrong, because Mr Entwistle's position on the Today
14 programme on the 8th was, I think -- we can look at the
15 transcript if necessary -- that he supported the
16 editorial judgement --

17 A. Yes.

18 Q. -- defended the editorial judgement that Mr Rippon had
19 taken.

20 A. Yes.

21 Q. When he gets to the Select Committee, having seen
22 Panorama, which apparently strikes Mr Entwistle as being
23 a very powerful piece of journalism, the editorial
24 decision that Rippon had taken the year before appears
25 to now be cast into doubt. But, in a sense, the blog

1 Panorama letter -- sorry, is that okay? The line in the
2 Panorama letter was that we were somehow deliberately
3 withholding it --

4 Q. The accusation was that the line in the statement "We
5 now accept that the Newsnight investigation did not
6 start out as an investigation into the Surrey Police's
7 handling of the case against Mr Savile", this is the
8 accusation, as I understand it --

9 A. Yes.

10 Q. -- was slipped out at the last minute as Panorama was
11 going on air, put on the website the following day,
12 which allowed all day on the day of the Panorama
13 transmission this story to be the correction of
14 Mr Rippon's blog, thereby, it is suggested, deflecting
15 some of the heat from the BBC and more of it onto
16 Mr Rippon's shoulders. That, I think, is the
17 accusation.

18 A. It is a glorious accusation, I wish I had the power to
19 deflect and shift blame in this way. The fact was I was
20 presented with two statements, in which I didn't have
21 any input. The first was a statement which was
22 a correction of the blog and the second was a response
23 to Panorama and it was a direct response to direct
24 questions from Panorama, and that was the approved line.

25 The reason that Panorama line was not put out was

1 because it is absolutely normal practice that, if
2 a newspaper or programme or journalist asks a question,
3 you give the answer to that individual, to that
4 programme. You don't -- you don't make it available to
5 others until after that journalist or that programme
6 has -- has written their article or produced their
7 programme.

8 Again, with hindsight, I think, had there been
9 a different approach, I think we would have wanted to
10 have done things differently, but the fact was that was
11 what we were given.

12 When we came back to discuss it later, the argument
13 we were given was that the blog itself had included both
14 lines in it, so it wasn't just, um, that it had been
15 a CPS but it had included the two -- the paragraph in
16 the blog, and that that was why the correction of the
17 blog had not included that line and why that line had
18 been specifically included for the Panorama. So there
19 was no subterfuge or strategic decision to do something.

20 Q. All right. Now, the statement that eventually gets put
21 out about the correction of the blog is bundle 16,
22 page 85.

23 A. Yes.

24 Q. Now, the three corrections --

25 A. Yes.

**RELEVANT EXTRACTS OF
TRANSCRIPT OF INTERVIEW
WITH LORD PATTEN**

1 errors in it?

2 A. I don't remember him saying that to me.

3 MR KROLL: I'm not sure if I can speak, but what George

4 provided the Trust with --

5 A. You have seen his note on the blog?

6 MR KROLL: There is a note on the blog in which he mentioned

7 that email but we only received that on 31 October.

8 MR MACLEAN: Right, okay.

9 If you still have the email at page 198 that

10 I showed you earlier, if you just cast your eye down the

11 longer document, the chain of events one, do you see at

12 the very bottom of 198 --

13 A. We are just finding our way to 198.

14 Q. I don't think you will have seen this chain of events

15 which is a longer version -- or it is the first document

16 Peter Rippon wrote on the 2nd. But just let me ask you

17 if you are familiar with the acronym -- it is actually

18 in the wrong order here -- "MPRL", it should in fact be

19 "MRPL", at the bottom of the page?

20 A. Yes.

21 Q. You are familiar with that?

22 A. Yes. One of the things which amazed me, looking through

23 the papers you sent us, was that the Newsnight programme

24 didn't appear on the medium --

25 Q. Managed Risk Programme List.

1 A. Yes, sorry, the Managed --
2 Q. Risk Programme List.
3 A. Managed Risk Programme -- actually I think, to be fair,
4 it appeared and then disappeared.
5 Q. Yes, and that struck you as peculiar, did it?
6 A. Extraordinary. I mean, this is -- I mean there are
7 quite a lot of general lessons to come out of all this.
8 We will be looking forward to you drawing some --
9 MR POLLARD: Have you heard of the list, MRPL, before?
10 A. Yes, absolutely.
11 MR POLLARD: Okay.
12 A. Absolutely.
13 MR POLLARD: Did you get to see it?
14 A. No. But it was -- it was the source of much of
15 Mark Byford's value to the BBC -- I think I am right in
16 saying -- that he used to police that list. I'm looking
17 at Mr Croll and I think --
18 MR KROLL: He said he policed programmes. Whether he did it
19 through this document or some other, I'm not quite sure.
20 A. I think the Executive would have been very reluctant to
21 share the list with us. We have a regular item on our
22 agenda between the Trust and the Executive to consider
23 risk, but I think they would be very reluctant to share
24 with us detail about programmes which might or might not
25 be coming up in the next few weeks or months.

1 MR MACLEAN: If I was to -- I appreciate this is not the
2 Trust's document, I understand that -- if I was to
3 suggest to you that it had been suggested to us that one
4 reason -- perhaps the reason -- why the Savile story was
5 taken off a low rung of the ladder of this list, the
6 reason for that was that it wasn't apt, this list, to
7 capture risks which were risks to the reputation of the
8 BBC, as opposed to other types of risks. Would that
9 strike you as a surprising proposition?

10 A. Yes. I think the, um -- I would have thought that one
11 of the facts to emerge from the last couple of months is
12 that the BBC is admirably reluctant, perhaps -- perhaps
13 overreluctant sometimes -- to take any account of its
14 corporate reputation. I mean, it's what I think makes
15 it, for most of the time, such a trustworthy news
16 organisation, that it doesn't -- I mean, you look at the
17 way the BBC has itself covered this story.

18 MR POLLARD: Just before we move on, could I just ask you
19 about the comment you made about, if you like, the
20 agenda item of risk when you have a discussion with the
21 executive. What sort of things does that cover?

22 A. The -- the appointment of a new Director General, the
23 process of doing that; it covers financial risk; it
24 covers the costs and difficulties of upgrading our
25 technology; it would cover the costs and difficulties of

1 were interviewing him for the job -- is the extent to
2 which things were run in silos and the lack of any, um,
3 coherent management team at the top of the organisation.

4 I think those are two of the reasons which destroyed
5 him. I mean, I read the papers you sent me.

6 It was like observing two parallel universes. There
7 were people working on programmes for television, light
8 entertainment and so on, and there were people doing
9 news and current affairs programmes, and it was as
10 though they were existing on different planets.

11 MR POLLARD: One of the things that marks out this event
12 that we are wrestling with the conclusions from,
13 obviously, is that I think it is fair to assume that if
14 the Newsnight story had gone ahead, the warning to
15 George Entwistle would have been reinforced and, at some
16 stage in the middle of December, he would have had to
17 make a decision about the Savile tribute programmes and
18 would presumably have taken them off the air.

19 But when the Newsnight story wasn't carried on with,
20 it was assumed by everybody involved that that was okay
21 then, and the Savile programmes could go ahead.

22 From your knowledge, do you blame that gap, if you
23 like, on the silo nature of the Corporation?

24 A. Yes, I do. I have never believed -- but I will be
25 interested in what you say about this -- that the two

1 Savile tribute programmes which took place after the
2 non-showing of the Newsnight programme were of such
3 importance to the BBC's Christmas schedule that they
4 influenced everything. But I do think there was a lack
5 of imagination in -- I mean, they could, as George had
6 suggested at one point, have simply shown the
7 Louis Theroux --

8 MR MACLEAN: The edgy Louis Theroux piece?

9 A. Yes, which has Theroux, as I recall, asking Savile
10 whether it was true that he beat -- that he had people
11 tied to chairs and beat them up when he was a DJ in
12 Leeds -- I mean, extraordinary stuff. The audiences for
13 those tribute programmes weren't exactly stellar,
14 I think they were 4 or 5 million over Christmas.

15 Q. You mentioned earlier Mark Byford and his role --

16 A. Yes.

17 Q. -- and then in your exchange with Nick a minute or two
18 ago you talked about the silo structure and so on. I am
19 afraid I can't remember whether you were in your current
20 role when Mark Byford's role --

21 A. No, he was.

22 Q. -- was done away with.

23 A. No --

24 Q. His role was done away with?

25 A. Yes, it was, I think as part of an earlier attempt,

1 happening is itself evidence of some dysfunctionality in
2 the team, in the programme?

3 A. Yes.

4 Q. I think it was Mr Mylrea who described to us the amount
5 and the speed of the leaking that took place after the
6 canning of the Savile story as being, in his experience,
7 to use his word, "astonishing", and these stories have
8 crept out over the past few months.

9 Mr Entwistle more or less shrugged and said "Well,
10 the BBC has always been leaky, people always, when the
11 referee's decision goes against them, go off to the
12 newspapers, that's what happens in the BBC". That is
13 essentially what he said, which one might think was
14 a little surprising as a response, but would you agree
15 there's not much to be done, it's just one of those
16 things, you have to put up with it?

17 A. No, something which has surprised me -- I mean, it may
18 be regarded as a rather old fashioned and disingenuous
19 observation, but I have been surprised by the lack of
20 professional camaraderie, and the lack of a sense of
21 peer group loyalties in an organisation which most of
22 its journalists say they are proud to work for.

23 I can honestly say that -- and this isn't
24 a Goody Two-Shoes remark -- I can honestly say that the
25 BBC Trust is, in my experience, completely dependable,

1 at the BBC to brief the Director General, that seemed to
2 me to be a seriously lousy story.

3 But secondly, more explicitly, you will know that
4 one of the first questions that select committees ask --
5 they didn't in George Entwistle's case -- is "Who has
6 briefed you for this?" I thought, in my political
7 judgment, that for George Entwistle to have started off
8 by saying he had been briefed by Brunswick and The Sun
9 would not have given him an easy ride.

10 As it happened, he had a very difficult ride anyway,
11 but I think it is true to say that, while we were
12 pressing him to get a rather stronger team around him,
13 the one thing we did suggest was that hiring Brunswick
14 was not a very good idea.

15 MR POLLARD: We had the impression from talking to
16 Mr Mylrea, who was there at the coal face, as it were,
17 that he was in favour of keeping Brunswick -- I think it
18 is fair to say that's what he told us -- and, the way he
19 described it, their fire-fighting efforts were really --
20 they were exhausted. They were so busy dealing with
21 press inquiries at the same time as trying to formulate
22 the BBC line, they need a bit of help with the crisis
23 management.

24 That was what, I think, he had hoped they would get
25 from Brunswick and I think they were a bit exasperated

1 when they were whisked away as quickly as they had
2 arrived, so it was not, if you like, just the briefing
3 in advance of important public appearances, that's the
4 way he described it to us.

5 A. The communications department of the BBC is not small.
6 Walking into the Director General's office now you don't
7 get the impression of frantic faffing about. There are
8 two or three experienced people around the
9 Acting Director General, an atmosphere of determined
10 calm and I think the communications advice that he gets
11 is a lot better.

12 MR POLLARD: You are contrasting that with how things
13 were --

14 A. Yes.

15 MR POLLARD: -- in October; was it chaotic?

16 A. Yes, and we tried, as did Dame Fiona Reynolds and
17 non-executive members of the Executive Board, to suggest
18 to George that he needed to strengthen the team around
19 him.

20 I think he was not given the support which he could
21 have expected and could reasonably have expected from
22 some of his senior colleagues, and some of the specific
23 advice that he got -- for example on some of his own
24 appearances -- was, I think, pretty bizarre.

25 MR MACLEAN: Did you know that he had got some advice from

1 MR MACLEAN: This is "we" the Trust, again?

2 A. Yes, it was the set of questions from Peter Horrocks on
3 behalf of Panorama which alerted us.

4 Then it seemed to us to take rather longer than we
5 would have liked to actually correct the blog. I think
6 the argument we were given was that people were
7 consulting Peter Rippon and his lawyers. Then the blog
8 wasn't -- and then one element which was untrue wasn't
9 corrected in the -- admittedly it had not been in the
10 original blog but it had gone into circulation, I think,
11 because of things that David Jordan and others had said
12 about the inquiry having been originally into the
13 Surrey Police. I don't think that was in the blog, but
14 it was actually being said.

15 MR MACLEAN: That went into the corporate statement,
16 instead, correcting the blog on the Monday.

17 A. Yes. But we thought it was, um -- we were very angry.

18 MR MACLEAN: You thought it was all very ham-fisted, the
19 correction process?

20 A. Yes, ham-fisted and, um -- when I have looked through
21 your papers, the papers you've given us, and looked back
22 over the sequence of events, I am pretty convinced that
23 people knew the blog was incorrect -- I will obviously
24 be very interested to see your own conclusions -- it
25 does seem to me that there are reasonable grounds for

1 assuming that people knew the blog was dodgy a lot
2 earlier and that we were left defending something which
3 wasn't true.

4 MR MACLEAN: What could you, as it were, see happening
5 between, let's say, the 8th, which is when Liz MacKean
6 emailed George Entwistle -- that was the morning he had
7 been on The Today Programme. He had actually been sent
8 an email on the Friday night by Meirion Jones but it had
9 not reached him until the Monday morning after he had
10 done Today. Between Monday, the 8th and the weekend of
11 the 20th, 21st, what could you see was going on in terms
12 of investigation or the legal department or the senior
13 management or whoever it was who was trying to get to
14 the bottom of whatever it was they were trying to get to
15 the bottom of?

16 A. Well, we were -- what we were able to glean about what
17 was happening came mostly from reading the newspapers,
18 leaks to papers and in particular the stories that
19 appeared in The Guardian.

20 MR POLLARD: Rather than from your Executive?

21 A. Yes.

22 MR POLLARD: Am I right in thinking that there's, shall we
23 say, nothing in the BBC Chairman handbook which quite
24 prepares you for that?

25 A. You are entirely correct. I mean, my -- my rather old

**RELEVANT EXTRACTS OF
TRANSCRIPT OF INTERVIEW
WITH PETER RIPPON (1)**

1 with Liz MacKean a little bit earlier, along the lines
2 of, "I've got a story I would like to do about
3 Jimmy Savile". But he was still alive then. Was
4 31 October the first you heard about a Jimmy Savile
5 story being potentially in the pipeline?

6 A. Yes, yes.

7 Q. What, if anything, did you know about Jimmy Savile,
8 apart from the fact that it was well-reported that he
9 was dead? What did you know about him as a person, as
10 it were?

11 A. I obviously knew who he was, what his -- that he -- some
12 people considered him eccentric.

13 Q. Some people generally? Some people at the BBC?

14 A. Just generally. That he was, you know, a high-profile
15 public figure who had just died and people felt he was
16 eccentric.

17 Q. So what did you do with this email? I imagine you read
18 it?

19 A. Yes, I did, yes.

20 Q. Go on.

21 A. The conversation I had with Meirion before he sent this
22 email -- he said, "Would you be interested in pursuing
23 this story?" I said I was pretty lukewarm, I can't
24 remember my precise words, but I was quite lukewarm when
25 he outlined it. He then sent me this as a follow-up

1 Q. I'm asking you what struck you when you read this
2 memoir? What were the main points that you took from
3 it? And did they help to, as it were, warm you up from
4 your lukewarm attitude?

5 A. To be honest, I was still a little bit lukewarm because
6 you kind of look for the flaws in things when you read
7 them as an editor often, and the Lithium thing struck me
8 quite strongly. And I think Meirion in -- I was aware
9 at that point because Meirion obviously said it in the
10 original meeting that the -- the people who were at the
11 school were often people who had issues with the police,
12 with, um -- well, antisocial behaviour. So I was
13 reading it in that --

14 Q. That's why they were there in the first place?

15 A. Yes.

16 Q. So that was, as it were, a bad start?

17 A. It -- it fuelled my concern about the -- what the
18 evidence threshold would need to be and whether we would
19 be able to achieve it from -- if we were just doing
20 a story -- if we were doing this, basically this --
21 a television version of this blog.

22 Q. Right. So let me ask you this: by the end of
23 31 October, the end of that day, what was the status in
24 your mind of this potential story?

25 A. That I wasn't particularly concerned to prioritise it.

1 But that the way I work with Meirion is I give him a lot
2 of freedom to pursue stories that he wants to pursue.
3 I did not instruct him not to continue pursuing it.
4 I think I used the phrase not to prioritise it or --
5 I can't remember, but I was aware that it was something
6 that he kind of looked at.

7 Q. So your expectation would be, tell me if this is fair or
8 unfair, your expectation at the end of that day was that
9 Meirion would go away and work it up?

10 A. Or not. I wasn't -- I wasn't aware at that point
11 whether he was planning to look into it further or not.

12 Q. Right. If you go in the same bundle, please, to
13 page 193, and that's a very un-illuminating page, but if
14 you go over the next page you should -- I hope in that
15 bundle there has been inserted a page 193.001.

16 A. No. Oh, yes.

17 Q. Then go to 193.002, please, first. You should be
18 looking there at a email to you from Liz MacKean on
19 2 November.

20 A. Yes.

21 Q. That, I think, was a Wednesday. Just cast your eye over
22 that email. The details don't matter but she's giving
23 you suggesting of things that she might follow up and
24 potentially turn into pieces, yes?

25 A. Yes.

1 Q. So then turn back a page to your reply:
2 "Hi Liz, let's do the JS story with Mei first."
3 Then her reply to you, same day, 12 minutes past 5
4 in the afternoon:
5 "Hi Peter, thanks for getting back to me on JS. It
6 sounds really strong, I will aim to talk to some of the
7 other women affected next week to gather testimonies."
8 A. Um-hm.
9 Q. So it looks by this stage as if Liz MacKean at least is
10 fully on board and thinks that she's looking at
11 something that sounds really strong. So what was your
12 attitude now, are you still lukewarm?
13 A. Well, because Meirion then came back to Mei, and
14 I cannot remember the date but it was obviously between
15 this and the original outline that he sent me and said
16 that he had looked at it further, he discovered it was
17 more than one woman in -- who was making the claims and
18 who made -- and he said that the -- they are saying that
19 the police had investigated it and stopped looking at it
20 because they were too old. At which point I felt that
21 that was a much stronger story to tell than just relying
22 on one person's account from that blog.
23 Q. So some time between the Monday and the Wednesday, you
24 had a further discussion with Meirion Jones?
25 A. I must have done, yes.

1 there's a degree of confidence. It's a degree of
2 confidence that you can have in the testimony that you
3 are being shown. You just have to weigh whether that is
4 sufficiently strong, particularly the kind of threshold
5 that that gets you to and you have to weigh that against
6 the threshold of the climate that putting this on air
7 would be and -- and that's how you make the judgment.

8 Q. So, yes, I understand the process, but my question was
9 whether you ever got to this stage of forming a view
10 that fundamentally there was credibility here?

11 A. Er, no. Because you -- well, I don't want -- I neither
12 thought they were definitely credible or definitely not
13 credible. I was always concerned that that was a big
14 issue in the strength of the story that we had. But
15 I never -- well, the point at which I made the final
16 judgment was, I think, whatever it is, when we got the
17 final CPS confirmation emphatically denying some of the
18 things the women had been telling us, that was -- that
19 was -- that was the point at which I made a final
20 judgment and assessment about what I felt about the
21 strength of the testimony we gathered.

22 Q. Denying -- when you say some of the things the women had
23 been telling you, you had in mind the notion that an
24 investigation had run into the sand because he was old
25 and infirm?

1 the then current managed programme risk list. Is that
2 right?

3 A. Um-hm.

4 Q. It starts with Vision, which is BBC speak for
5 television, and then audio and music?

6 A. Yes.

7 Q. Which is BBC speak for radio?

8 A. Yes.

9 Q. So we start with Vision, so we have BBC1 programmes
10 first. And then if you go to 70, we have BBC2
11 programmes.

12 A. Um-hm.

13 Q. Starting with Newsnight, do you see?

14 A. Um-hm.

15 Q. Academies, phone hacking, tax avoidance.

16 A. Is it not on there?

17 Q. What we don't see is Jimmy Savile.

18 A. Okay.

19 Q. And Jimmy Savile, if it was on this list, would be
20 somewhere between page 70 and 71, or at the very at
21 least -- at the very most, as it were, 72. It's not
22 there.

23 A. Okay.

24 Q. Can you account for why not?

25 A. No, it's not. No I can't. My responsibility -- well,

1 Liz Gibbons' responsibility is to tell Sara Beck about
2 stories that we need to put on the MPRL. What happens
3 after that, I -- it's not -- I don't know -- it's not my
4 responsibility so I don't -- I can't explain that.

5 Q. Were you involved in any discussion about the presence
6 or absence of the Jimmy Savile story on the MPRL in
7 November 2011?

8 A. No.

9 Q. You didn't discuss it with Helen Boaden or
10 Stephen Mitchell?

11 A. No. I have never seen -- I have to say, I have never
12 seen this type of document before.

13 Q. Right.

14 A. I have seen this type of document -- I have seen the
15 188 -- that's obviously the programme's MPRL. I have
16 never seen this form of document.

17 Q. You have seen, as I put it earlier, the contribution
18 that Newsnight makes up the chain --

19 A. Yes.

20 Q. -- but you don't see the final version. I think you
21 said earlier -- maybe you didn't mean to say this --
22 that you would probably see the managed programmes risk
23 list but didn't give it much focus. I took it to mean
24 the final one, but I don't think you did.

25 A. No, I mean this, the one we send to Sara.

1 not something that I focus on hard in my day job. As
2 I say, I have a responsibility to making sure I'm
3 flagging up difficult stories when we are working --
4 Q. I'm not suggesting that you should in any way been
5 focusing hard on the Managed Programmes Risk List as
6 a whole.
7 A. Yes.
8 Q. I am simply asking you whether you remember this
9 particular story being taken off this list in November?
10 A. No, I was not aware of that. I was aware that -- I was
11 aware -- Stephen Mitchell is my line manager so he's the
12 person that I talk to about difficult stories that I'm
13 working on and he was aware that I was working on it.
14 So that -- as an editor that's my -- that's the way in
15 which I kind of calibrate my responsibilities in that
16 regard, in terms of letting him know what I'm doing.
17 Q. Can you help me with why it might have been thought by
18 somebody best to keep this programme off the list for
19 now?
20 A. I have no idea.
21 Q. Right.
22 A. I have no idea.
23 Q. Look at the email at the top of the page. This is from
24 Liz Gibbons back to Sara Beck --
25 A. Yes.

1 Q. -- that same morning, early afternoon, "Okay, I know
2 Peter... "
3 Who I infer is you?
4 A. Yes.
5 Q. "... and Steve talked about the Vision issues
6 surrounding Savile, so that sounds sensible".
7 A. Yes.
8 Q. What's that the reference to?
9 A. That's a reference to a meeting I would have had with
10 Steve before 22 November when I talked him through the
11 story and what we had. And if you look at my witness
12 statement, I think I gave as full account as I could of
13 the terms of that meeting.
14 So Meirion had flagged to me that there were, um --
15 Vision were planning these tribute programmes. I felt
16 I needed to tell Steve that I was -- that Meirion had
17 told me that. So I had -- you know, I had referred that
18 up to him, because that's what my job is in that kind of
19 context.
20 Q. You are quite right you mention this in your statement.
21 If you have it there, it is page 3, paragraph 9.
22 A. Yes.
23 Q. Now, paragraph 8, you are at the 14th, which we know is
24 the date that the [REDACTED] interview was filmed.
25 A. Um-hm.

1 Q. Then by the last sentence of paragraph 9, you are
2 referencing the Surrey Police investigation confirmation
3 on the 25th.
4 A. Um-hm.
5 Q. Which is also an important staging post, isn't it, which
6 we will come to?
7 A. Um-hm.
8 Q. You say you can't remember -- sorry, you say:
9 "I can recall this had not been established when
10 I met with Stephen."
11 So in other words you are dating the meeting with
12 Steve Mitchell before 25 November --
13 A. Yes.
14 Q. -- or at least before that fact emerged on 25 November?
15 A. Yes.
16 Q. And that would appear to be consistent with this.
17 A. Yes.
18 Q. Because here we are on the 22nd --
19 A. Yes, so it was before the 22nd.
20 Q. It was on or before lunchtime on the 22nd?
21 A. Yes.
22 Q. So was the Managed Programmes Risk List mentioned at
23 your meeting with Mr Mitchell?
24 A. No.
25 Q. So that would be a matter --

1 A. I'm sorry, I'm guessing -- I can't remember the full --
2 this is a meeting I had over a year ago so I can't
3 remember -- to me the Managed Programmes Risk List is
4 a kind of bureaucratic compliance issue. The purpose of
5 meeting with Steve is to talk through the strengths and
6 weaknesses of a story I'm likely to be doing, so that
7 kind of compliance in terms of -- it may have been but
8 I wouldn't have -- it wouldn't have been a priority
9 issue to discuss in that meeting.

10 Q. Is this fair? Tell me if this is fair or unfair. So
11 far as what happened to the Managed Programmes Risk
12 List, if anything, as a consequence of your discussion
13 with Stephen Mitchell that is, as it were, a matter for
14 him as far as you are concerned?

15 A. Yes.

16 Q. Right. So the Vision issues we see referred to --

17 A. Yes -- I don't know if it is wise for me to speculate,
18 it is probably not wise for me to speculate. I can
19 guess what that email might be referring to and why they
20 are doing that, but I probably shouldn't because I'm not
21 them and I don't why they do it. Do you understand?
22 I --

23 Q. If you think you --

24 A. I want to try to be helpful --

25 Q. If you think you know --

1 please. I don't know whether you saw that email the
2 other day or not, whether you have seen it before, the
3 short one from Liz MacKean to Hannah Livingston?

4 A. I don't recall reading that, no.

5 Q. The bit I want to ask you about is the last sentence.
6 This is the day after the interview with [REDACTED] and
7 Liz MacKean is recording telling Hannah Livingston that
8 there was more enthusiasm for the story in the office
9 ie the Newsnight office, which was a good thing.

10 Do you recall there being more confidence in the
11 story in the wake of the [REDACTED] interview?

12 A. No. I couldn't say that the fact that the interview had
13 happened made my confidence in the strength of the
14 testimony stronger or weaker. I didn't -- it hadn't
15 affected it, so I don't know what that's based on.

16 Q. So in terms of your scale of lukewarmness or confidence
17 or whatever -- however you want it put it -- in the
18 story, you don't recall that being affected by the Ward
19 interview on the 14th?

20 A. No, I do -- as I say in the statement, I was slightly
21 nervous about them doing the interview because
22 Meixion -- when he initially suggested doing the
23 interview I had said, "I'm not sure that's wise until
24 we've kind of got a bigger sense of the strength of the
25 overall story we're going to tell". And he said, "Well

1 I have to do the interview now because she's flakey".
2 That had actually made me slightly more concerned
3 about her testimony. I don't recall whatever
4 conversation we had once the interview had been done
5 affecting my personal confidence either way.
6 Q. Just help me with your reluctance -- or on you thinking
7 there was a lack of wisdom in conducting the interview
8 at that stage. Why would that have been a bad move?
9 A. Well, because in the likelihood that I wasn't able to
10 satisfy myself that the kind of threshold of certainly
11 I had about the story was sufficiently high for me to
12 put the piece on air, as was the actual result, it means
13 we have put her through a lot of potentially difficult
14 experience and we're not going to broadcast it. So
15 that -- that was my concern.
16 Q. But had he she had already had a good deal of contact
17 with Liz MacKean and Meirion Jones and
18 Hannah Livingston, just had not put it on film.
19 A. Yes, but -- yes.
20 Q. Now, is it right that at some stage when these stories
21 are developing -- I'm not finished with the Vision.
22 Let's finish that off. Let's go back to paragraph 10
23 before I jump to the budget. You say in the
24 conversation with Mr Mitchell. You said:
25 "We were still trying to establish whether there had

1 those programmes might be. Is that right?

2 A. Um-hm.

3 Q. Then you say:

4 "I got the impression this was the first time he

5 became aware of these plans".

6 A. Um-hm.

7 Q. Why did you get that impression?

8 A. Because --

9 Q. Was it something he said?

10 A. Because he didn't seem aware of it when I raised it with

11 him.

12 Q. How did he react when you raised it with him?

13 A. He said -- and this is why I can remember it quite

14 clearly -- he said, um, "Well that's not an issue for

15 you. You need to just follow the evidence on your

16 story", because that's one of the things -- one of the

17 things I think is great about the BBC and why I have

18 enjoyed working there for so many years, is that we in

19 news can make those judgments so boldly. So it stuck in

20 my mind because it was a reminder to me why I think the

21 BBC is a fantastic institution.

22 Q. Now, if we go back -- if you still have page 276 open in

23 bundle 2 and go back to the Gibbons/Beck email we looked

24 at earlier, the reference to Vision issues. It is

25 Vision with a capital V, so what that means is BBC

1 to paragraph 11 then. So you recall a conversation with
2 Helen Boaden a few days later, an ad hoc meeting, part
3 of a wider discussion. So this was a small part of
4 a wider discussion.

5 A. Yes, I mean she will -- she works on the fifth floor of
6 Television Centre, I work on the ground floor. She will
7 often come down on her way home and just ask me what's
8 going on and we talk about anything. And it was that --
9 it was one of those kind of meetings.

10 Q. A walk by rather than a meeting?

11 A. Yes.

12 Q. You say you had a discussion about Savile's funeral, and
13 you discussed the need to make sure anything we put on
14 air would stand up to the intense scrutiny it would get
15 because of the huge numbers of our audience who revered
16 him and were still mourning.

17 A. Yes.

18 Q. Then you say:

19 "It has been reported that Helen said in this
20 meeting that the evidence threshold needed to be as high
21 as if he were alive and able to sue."

22 You say she didn't say that.

23 A. I'm confident that if she had said that, I would have
24 remembered it, because I wouldn't have thought -- I
25 don't think that was -- I wouldn't have agreed with it.

1 So I'm confident she didn't say that.

2 Q. If she had said that, there are two aspects aren't
3 there? First of all if she had said that there is
4 a question of if that is correct as a matter of
5 editorial judgment, whether the bar should be lower for
6 someone who is dead. That's one aspect of it. The
7 second thing is whether she had, as it were, any
8 business saying that to you in the first place. Right?
9 I want to separate those two out.

10 Your position is, I think, that you would not agree
11 that it was correct that the evidence threshold needed
12 to be as high for Jimmy Savile as it would be if you
13 were doing a piece about a living celebrity?

14 A. The reason I don't think that is a very clever metric to
15 make the judgment about the threshold on is because if
16 the person is alive it becomes about defamation. You
17 have to then judge it on a kind of defamation metric
18 about what you can and what you can't say. I just
19 didn't think that was relevant, that wasn't the kind of
20 judgment -- that wasn't a useful way of judging where
21 the threshold would be.

22 Q. Obviously the dead man cannot sue for defamation.

23 A. Yes.

24 Q. I follow that. But that's not quite the same thing as
25 whether, before you identify the dead man as

1 run the story is a defamation action, might make you
2 more rather than less keen to run the story. That's
3 a possibility, isn't it?

4 A. Yes.

5 Q. But that is a slightly different question from whether
6 you actually shift the evidential bar in the first
7 place.

8 A. I'm sorry I don't actually know what you are asking.

9 Q. Maybe it is too metaphysical.

10 Now, Helen Boaden and you had a discussion about the
11 Vision issues in the course of this meeting.

12 A. Yes.

13 Q. You can't recall who raised the topic?

14 A. No.

15 Q. Can you remember what the substance of the discussion
16 was about the Vision issues?

17 A. Again, as with Stephen Mitchell, what I can remember is
18 us -- I don't know what the appropriate word is, but
19 I can remember the conversation because it reinforced to
20 me the fact that BBC News does not have to -- because
21 she -- sorry --

22 Q. I'm listening.

23 A. Can you just ask the question again, I got thrown.

24 Q. I showed you the bit in the statement where you said
25 that --

1 A. Sorry.

2 Q. -- and my question was: what was the substance of the
3 discussion about the Vision issues?

4 A. All I can remember again, is, as Stephen had, is her
5 saying very, very firmly, "Don't worry about anything to
6 do with Vision, follow the evidence and make the
7 judgment on the evidence." And the reason I remember
8 that clearly is because it's a -- it's a -- for me it
9 kind of encapsulates the strength of the BBC as an
10 organisation that we -- that that's how we work and
11 that's what those judgments are. That's why
12 I remembered it.

13 Q. Was she -- did you get the message that she was, as it
14 were, firing a warning shot across your bows about this
15 story: You make, as it were, damn sure you can stand
16 this up?

17 A. I didn't feel that at all. As I say, in terms of the
18 substance of the story all I can remember her talking
19 about is the fact -- we talked about the funeral and the
20 fact -- and the climate in which we were making --
21 I would be making the judgment. And I agreed with her
22 assessment that it did mean that there needed to be
23 a reasonable threshold of certainty around, you know, if
24 we were to put it on air, because of the timing and the
25 climate. But I agreed with her, so it didn't feel like

1 Q. So you understood the reference to, "Off the record
2 Surrey Police", and I think later on there is an email
3 from you, the one about the women and the secondhand --
4 A. Yes.
5 Q. -- we will come to it. The secondhand source or --
6 A. Yes, that is what --
7 Q. Secondhand briefing, thank you. That refers to this
8 doesn't it?
9 A. -- secondhand refers to. Yes, the secondhand is because
10 it is Mark that had briefed it rather than the police
11 had told us.
12 Q. Exactly. Yes. He sends that to you at 14.47 and you
13 consider this to be a very welcome development, if you
14 look over the page.
15 A. Yes.
16 Q. So it is all systems go?
17 A. Yes. I mean the thing I would like you to note from
18 that email is the time between -- is this the Friday?
19 Q. Pass.
20 A. It's a -- is the time between -- it's a Friday.
21 Q. The 25th is a Friday.
22 A. Yes. So I was -- so the speed with which I respond,
23 I am obviously on my phone so I don't where I -- I'm not
24 in the office, I don't know where I am, but --
25 Q. We can see that because it is sent from your iPhone,

1 yes?

2 A. Yes. So I know that Meirion has made a lot of this
3 email and I -- for me, because it corroborated the fact
4 that the police had investigated it, it made it much
5 more likely that the story that he had outlined to me
6 much earlier was going to come together. That's why
7 I responded in that spirit. Because also it is very
8 difficult to get the police to engage with you or
9 establish investigations that they have done in the
10 past. So the fact that Mark had stood this up was
11 a good piece of work. That's why I respond in that way.

12 Q. Right. Then over the page, please, page 13, Meirion
13 Jones responds and he says:

14 "We are hoping to interview second victim on Monday
15 afternoon, but we won't know for sure until midday."

16 And then he suggests:

17 "Transmission early week of 5 December easily
18 possible. Talk Monday".

19 Which would be the 28th, I think.

20 A. Um-hm.

21 Q. At that stage did you -- perhaps not -- know who the
22 second victim, as it is said there, inaccurately as it
23 turns out, was?

24 A. No.

25 Q. You now know that the second person was

1 Liz MacKean had spoken to all but one of the women?
2 A. Initially, or -- or eventually, are you talking about?
3 Q. Well --
4 A. Are you saying that Hannah only spoke to one person?
5 Q. No, no, I'm not saying that. No, no. I'm saying that
6 Liz MacKean spoke to --
7 A. The same --
8 Q. -- all the women, save for one.
9 A. Yes.
10 Q. That one was spoken to by Hannah Livingston.
11 Hannah Livingston had also, I think, spoken to some or
12 all of the ones that Liz MacKean had spoken to.
13 A. And made an initial contact with, as far as I was aware.
14 Q. All I'm asking you is whether you ascertained how many
15 of the women Liz MacKean had spoken to? Because
16 paragraph 15, the burden of those couple of sentences is
17 that "Well, it was a junior researcher who had done
18 these interviews, so I infer I gave them less weight."
19 If the facts were that Liz MacKean had spoken to all but
20 one of them, that point would disappear, wouldn't it,
21 because she was an extremely experienced reporter?
22 A. Not necessarily, because it depends on how -- how the
23 interviews and the initial approaches had been done, and
24 whether the victims could easily have been led in the
25 way they were questioned, by either Hannah or Liz.

1 I would be more concerned at Hannah doing it than Liz,
2 because I think, you know, she's a very experienced
3 reporter, but I still think that that made me concerned
4 about a degree of what I would call contamination with
5 the strength of the evidence.

6 What I don't -- you know, this doesn't mean that
7 I felt this evidence was -- that we should dismiss this
8 evidence, that it didn't have any evidential value at
9 all, it just meant that the judgment about -- it's to do
10 with my judgments about the threshold. It's not that
11 I felt therefore this evidence was not valuable in any
12 sense and we couldn't believe anything that these people
13 were saying. It was just, again, if it is going to be
14 tested, and particularly if the [Q1] evidence is
15 tested and falls away, we're then back to this.
16 I started thinking "Hang on, that is going to get tested
17 in that way as well", that's what I mean. That's the
18 meaning of what I'm trying to --

19 Q. But the most obvious thing in the world, if you were
20 concerned that these -- that some of the interviews had
21 been done by a junior researcher who did or might not
22 know what she was doing -- or might not be experienced
23 enough to do it very well -- the most natural thing in
24 the world would have been to have asked Meirion Jones or
25 Liz MacKean "Tell me, Liz, did you speak to all these

1 women?" or "I'm a bit concerned the work experience
2 researcher might not be up to it, do you have confidence
3 in her?" to which Liz MacKean would have inevitably
4 replied -- she would have said yes, no, or whatever, but
5 she would also have said "You needn't worry about that,
6 because I have spoken to all of them bar one".

7 A. I assumed that Liz had spoken to them as well as Hannah,
8 not that Hannah had only spoken to them exclusively, but
9 the fact that Hannah had spoken to them, in some cases
10 as I understood it, initially, then the danger of
11 contamination from asking leading questions or -- was
12 established as part of that evidence gathering process
13 and that could be contested.

14 Q. You see it might be suggested that you are really
15 scrabbling around for reasons to doubt the viability of
16 this story.

17 A. What I'm doing is I'm testing the evidence. I'm
18 anticipating if we put this on air where it is going to
19 be challenged, I'm using my experience as an editor of
20 which bits of it will and in what context. So I know,
21 if I'm to put it on air, what the -- um -- you know,
22 that I'm satisfied that in my gut that it's going to
23 stand up. That's what an editor does.

24 Q. Let's just finish off paragraph 15. You say you were:
25 "... also concerned that the evidence could

1 A. Yes, I mean it's more -- to be honest, the way this
2 works is it is me pushing him to help me reach
3 a decision by expressing the story in its strongest
4 form. That's -- that would be a more accurate
5 interpretation.

6 Q. If one, as it were, for the moment imagined that
7 Stephen Mitchell didn't exist, it looks as if you, the
8 editor of the programme, are on an all systems go basis?

9 A. Yes, which is why I have written it as strongly as
10 I can.

11 Q. So in some way you are, as it were, bigging this story
12 up --

13 A. Yes.

14 Q. -- putting it at its highest, is that right --

15 A. Yes.

16 Q. -- to Mr Mitchell?

17 A. Yes.

18 Q. Why?

19 A. To facilitate a discussion about whether this is --
20 about what we -- how we -- to help me make an editorial
21 judgment about what is the strength of the story.

22 Q. There is nothing lukewarm about this email, is there?

23 A. No.

24 Q. You were not lukewarm anymore, were you?

25 A. No, he knew that I was lukewarm from the earlier

1 conversation that I had had with him. This is my
2 attempt to say this is the strongest iteration of the
3 story that we've got. Shall we have a discussion to see
4 whether -- to see what you think about it?

5 Q. Because what was decisive in the end was what he thought
6 about it, wasn't it?

7 A. I can't remember -- I mean, I -- I honestly cannot
8 remember that conversation, so I don't know. It would
9 have been about -- we would have been testing the
10 strengths and weaknesses of the story among ourselves --

11 Q. Who is we: you and Stephen Mitchell?

12 A. Me and Stephen Mitchell, as we often do with stories.
13 In the original meeting you kind of explore and roam
14 around what -- the stronger bits and the weaker bits.
15 That's what that -- that's what -- that strong iteration
16 would have been the starting point of that discussion.

17 Q. If he was in Belfast or going to Belfast in the
18 afternoon -- he presumably got there, it's not very far
19 away, some time later that day, and you emailed him
20 again at 13.50, do you remember when you spoke to
21 Stephen Mitchell?

22 A. No idea.

23 Q. You can't remember why he was going to Belfast?

24 A. I can't remember having this phone call, essentially, so
25 I don't know.

1 A. Er --

2 Q. They thought you were trying to kill it?

3 A. I can't remember the conversations I had with them on

4 that --

5 Q. Can you remember --

6 A. -- day, but --

7 Q. Can you remember referring to there being a "very long

8 political chain" in the conversation with Liz MacKean?

9 A. No, as I say in my witness statement, I can't remember

10 using those words. But that would but -- as I say,

11 I can imagine myself discussing an editorial chain.

12 I don't know whether I would use the word "political",

13 because that's what there is between Liz and Meirion and

14 me, Stephen and Helen.

15 Q. But this story, as a matter of chains -- whether they

16 are political chains or not, leave political out of

17 it -- the chain on this story was no longer or shorter

18 than the chain on any other story, was it --

19 A. No.

20 Q. -- you agree with me --

21 A. Yes.

22 Q. -- to the extent that it might be said that this story

23 was sensitive. Well, so were all the stories on the

24 Managed Programmes Risk List?

25 A. Yes.

1 Q. The fact that, as it were, everybody has gone big on the
2 BBC allowing -- well, the fact that some of the alleged
3 assaults took place on BBC premises and therefore, it
4 might be said -- might be said -- is a problem for the
5 BBC, just wasn't the focus of any of it?

6 A. Meirion and I did discuss needing to go to the BBC for
7 a comment at some point, because some of these incidents
8 had been on their property. But the focus of the work
9 that we had done was around Duncroft.

10 Q. To the extent that it might be suggested that the script
11 shows that it wasn't really about Duncroft, there is
12 mention of Stoke Mandeville, by the time we get to one
13 of the scripts there is mention of this place in Jersey
14 as well, and that part of the story at least was that
15 Jimmy Savile was a paedophile in lots of places as it
16 were. That was part of it.

17 A. Those were elements that we were mentioning in the
18 script, but fundamentally most of the testimony we had
19 gathered had been around Duncroft and that was my
20 understanding of where we had been looking at it.

21 Q. Just to be clear about long political chain, you don't
22 remember this?

23 A. I really don't remember saying that, I really don't. As
24 I said, the judgment and all the discussions I had were
25 always about editorial thresholds. It really wasn't

1 anything else other than that.

2 Q. Mr Mitchell, he presumably was not in favour of this
3 story running, is that right?

4 A. I honestly can't remember him feeling that -- that
5 strongly. I can't -- I can't recall him having a firm
6 opinion either way and I can't recall the telephone
7 conversation which would probably have happened as
8 a result of this --

9 Q. When he's in Belfast?

10 A. -- when he's in Belfast. I mean, he and I -- you know,
11 in order to test the strength of the story you adopt
12 positions and then discuss -- then challenge each other
13 on what is the strength from this perspective, what is
14 the strength from that perspective. But I at no point
15 got a firm sense of his overall feeling about the story,
16 because he's always keen -- you know, because I'm the
17 editor of Newsnight, if I'm going to put it on my
18 programme it's up to me to make the judgment in the
19 final analysis.

20 Q. Is that right? You, as editor of Newsnight, bear
21 responsibility for what Newsnight broadcasts, but he can
22 have a decisive influence on whether the story runs.

23 A. Yes, I mean he would -- we've never got to a situation
24 where he has -- he and I have not agreed on what -- on
25 whether or not we're going to proceed or not proceed

1 about that other girl on interview, the "hopefully" and
2 so on, we discussed that. But by now you have
3 identified -- after the discussion with
4 Stephen Mitchell -- you have identified the key and that
5 is now the key going forward, and that key will either,
6 as it were, open the door to this story going out, or it
7 won't.

8 A. It was more -- well, it was the fact -- it was a very
9 important fact and part of the story that we had yet to
10 bottom out, that I had made a judgment that we needed to
11 bottom out before making the final decision.

12 Q. It's the key, isn't it? It's the deal breaker?

13 A. I use that phrase there. Other things may have
14 occurred, but, yes -- okay, yes. I would say that
15 I decided that all things -- everything else maintaining
16 the same, this -- this would be -- yes, this would be
17 quite important that we could establish this.

18 Q. Yes. Now, as you know, there has been some discussion.
19 Some of these emails have found their way into
20 newspapers, as you know, and there has been some
21 discussion, I think, in some of them about your
22 reference to the words "just the women".

23 Now, I know what you said in your witness statement,
24 I have read that, but that doesn't go into this
25 transcript. What do you want to say about those words,

1 A. I felt that he was trying to establish a kind of facts
2 on the ground for another date in order to, um, push me
3 into making a judgment that I still felt was very finely
4 balanced, and I felt slightly uncomfortable about that,
5 so I was trying to make that point.

6 Q. He was, whether legitimately or otherwise, pressuring
7 you --

8 A. Yes.

9 Q. -- and this is you saying stop?

10 A. Yes.

11 Q. Was that something you had encountered before from him,
12 or was it particular to this case?

13 A. He -- I mean, Meirion and I have found what can be
14 a very effective way of working. He's rather like
15 a salesman, he gets elements of a story together, he
16 presents it to me in the most strongest and possible
17 form, for example in the way that I obviously described
18 his account of it to Steve in that other email and he
19 expects me to kind of see the -- to be the kind of --
20 apply the kind of BBC filter to it and to see the kind
21 of weaknesses in it and say "No, you can't say that",
22 and knock these things out. So he can be very pushy but
23 often -- you know, often legitimately pushy, so yes.

24 Q. But you felt you were, as it were, able to withstand his
25 pushiness?

1 Sir Jimmy Savile" or it emerges after Christmas, "BBC
2 covered up paedo Sir Jimmy Savile to fix Christmas
3 ratings", were those the kind of points that Mr Jones
4 was making to you?

5 A. I can't recall, sorry. I can't recall having a detailed
6 conversation with him about the kind of things he's
7 written here. I tried to make it -- every time we
8 discussed the story, I tried to -- I made sure that it's
9 about the editorial.

10 Q. It is fair to point out -- and you might, as it were,
11 want to point to the fact -- if we go to page 270 under
12 the heading "Victims":

13 "We know that the victims believe that the police
14 and CPS covered up for Savile."

15 A. Yes.

16 Q. "All they know is that they were interviewed, told what
17 happened, and then a year later they were told that he
18 was too old to press charges."

19 A. Yes.

20 Q. To the extent that that is a reference to all of them,
21 that's not entirely accurate.

22 A. No, it's not. I think there are a number of emails from
23 Meirion you will have been aware of that refer to them
24 collectively in that context.

25 Q. There is a reference to News International at the

1 bottom. Was that something on your radar? We have
2 heard about Sky News.

3 A. He kept -- no, I mean he kept referring to various other
4 journalists, who he was -- but that is just -- that is
5 the salesman side of him to trying to pressure me to
6 make a judgment that he wanted me to make, and actually
7 the more he does that the more slightly suspicious I get
8 and the more I kind of think "Well, that is not going to
9 influence my judgment on whether I'm going to run
10 a story or not", because I have to be happy with the
11 editorial.

12 It's not -- as a BBC editor, you can't be bounced
13 into running a story because you think somebody else is
14 going to run it if you are not happy with the story.

15 Q. So your attitude was the story either stands up or it
16 doesn't on its merits, but telling me that the Sun or
17 the Mail or somebody else is or might be on it doesn't
18 make any difference?

19 A. Yes.

20 Q. That was your attitude?

21 A. That is my attitude, yes.

22 Q. You might also want to point out to us, if we hadn't
23 already spotted it, which we have at page 271:

24 "Are there any other journalists?"

25 "I can't be the only journalist with evidence of

1 "My story with Meirion is terrifying the bosses.
2 Basically BBC1 is preparing a Jim'll Fix It special for
3 Christmas. Having commissioned the story, Peter Rippon
4 keeps saying he's lukewarm about it and is trying to
5 kill it by making impossible editorial demands. When we
6 rebut his points he resorts to saying, 'Well, it was
7 40 years ago, the girls were teenagers, not too young,
8 they weren't the worst kind of sexual offences',
9 et cetera."

10 Just pause there for a moment. That is quite
11 a strong suggestion --

12 A. Yes, it is a very strong suggestion.

13 Q. It might be thought, so what do you say about that?

14 A. I think it is outrageous. I can't recall this
15 conversation and I'm trying to put the story on air.
16 I think what Liz may misunderstand is that often you --
17 so in the same way that I write an email to
18 Stephen Mitchell presenting the strength of the story in
19 order to provoke a conversation with him, with them
20 I challenged the story, in order to provoke
21 a conversation with them. You know, ultimately I absorb
22 both views and then I make a judgment.

23 But I -- that particular allegation about
24 "teenagers, not too young", I -- I can't -- I wanted to
25 do the story, you know, I was pursuing the story. So it

1 is illogical that I would have -- I would have said
2 that.

3 You know, as I say, I can't recall the conversation,
4 so it is quite difficult for me to kind of rebut it if
5 I can't recall the detail of it. We were having
6 conversations, so, I mean --

7 Q. What about the suggestion that you showed a conspicuous
8 lack of interest in actually going back to the evidence
9 that had been gathered at this stage and looking at the
10 interview with [R1] and the interview with
11 [R3], and at least reading the transcripts?

12 A. Well, I -- as I say, in the way -- the way I work,
13 because of the context in which my responsibilities are,
14 if -- if Liz or Meirion had felt that -- you know, given
15 I wasn't comfortable that we had got it to a place where
16 we could put it into the edit -- which is the normal
17 environment in which I would assess and review and
18 copper bottom and go back to those source documents --
19 in order for me to do that before that process I would
20 need -- the normal way in which I would do that would be
21 for them to say "Look, we think you should do this", and
22 I don't recall them ever suggesting that and certainly
23 if they had, I would have.

24 If they felt that me doing that would strengthen
25 my -- their case or make me, you know, understand

1 that is not a factor that I have to judge in terms of
2 what story I want to put on air. I can see why he wants
3 to put that in my mind as a reason for why I might want
4 to do it, but I have to make the judgment based on what
5 editorially I'm comfortable putting on air.

6 So, no. And so I remember when this email came
7 through he came into my office and we -- he just said
8 "this email has arrived, I can't imagine this" -- I'm
9 paraphrasing but he kind of said we've got this thing
10 from the CPS, I can't establish that fact so I'm going
11 to have to not do this story. I can't even remember.
12 We had a long -- he didn't push back.

13 Q. So the point that Nick raised with you a moment ago,
14 which is that once the Newsnight story, once that has
15 gone, there is still this potential problem for the BBC.
16 That maybe this story is not quite strong enough, but
17 you presumably didn't have any doubt, did you, that
18 Jimmy Savile probably was a paedophile? Did you? Had
19 you formed a view about that?

20 A. That's a good question. Um, you know, I -- I was -- and
21 this is just you use your gut, I was kind of 60/70 plus
22 per cent confident that the testimony we had gathered
23 was likely to be true. So to that extent I was
24 confident that he was -- that he had been guilty of the
25 incidents that we had -- or at least, you know, to an

1 A. Yes.

2 Q. You see Liz MacKean's rather pithy response at the top
3 of page 38, which you wouldn't have seen at the time.

4 A. No.

5 Q. There is another email. I can show you it if I can find
6 it again. There is an email the same day from
7 Liz MacKean when she said to one of her friends that you
8 were "trying everything to kill it". How do you react
9 to that, ie kill the story?

10 A. A lot of the emails that I have seen that Liz has been
11 sending that weren't sent to me, I will be honest, have
12 surprised me, and -- so, I don't -- you know, how do
13 I respond to that -- which one?

14 Q. One of the updates, can I give you the reference later?
15 I promise you it says "PR trying everything to kill it".

16 A. Okay.

17 Q. I think it is on the same day, the 7th?

18 A. I wasn't trying to kill it, I would respond to that by
19 saying, and had the CPS confirmed the element of the
20 story that Meirion said stood up within the early stages
21 of us investigating it, or had the letter that the women
22 had been promising that would have confirmed it arrived,
23 I would have -- I would have been satisfied, you know,
24 about doing the story.

25 Q. Nick, who is more familiar with these bundles than I am,

1 has found it. It is 29.001 of the same bundle. It is
2 similar to the others:

3 "JS is a gathering storm. PR trying everything to
4 kill it: 'I no longer think it's a Newsnight story, the
5 girls were 14 and 15, it's not the worth kind of abuse',
6 et cetera, et cetera."

7 Similar to the one --

8 A. These are all things that I can't recall saying from
9 somebody who is obviously much more disappointed with
10 the way things are evolving than I was aware at the
11 time. I would say that one of the great things about
12 being a reporter is if you get your story on air you get
13 great kudos for it, if you get your story on air and it
14 is wrong it is the editor's fault. I carry that burden
15 and Liz doesn't. I think it's -- as I say, I'm
16 disappointed to read those emails.

17 Q. The reference to the "worst kind of abuse", did you have
18 in mind at this stage on 5, 6, 7 December that right
19 from the very beginning, from the web memoir, there was
20 an allegation of what I think is referred to as "full
21 sex" in the dressing room, not committed by
22 Jimmy Savile, but witnessed by Jimmy Savile [REDACTED]

23 There were other allegations of what I suppose might
24 be described as lesser forms of abuse than that
25 committed by Jimmy Savile in the environs of Duncroft.

1 on is why it had to come to such a complete halt.
2 Obviously, later on in the turn of the year and beyond
3 ITV picked up largely the same material same contacts
4 and turned it into a story they felt ready to go with
5 and obviously had an impact.

6 Why weren't you of a mind to say "We are absolutely
7 not ready to go, that's my decision, but either before
8 Christmas -- or let's take a breath and after Christmas,
9 let's have another go at it, one more interviewee that
10 looks credible might crack it"?

11 A. Okay, I -- there are lots of different reasons for that.
12 One is there is a kind of natural -- given the resources
13 we have and the number of investigations we can do and
14 the amount of time I can have two people working on one
15 story, six week is at the long end of what we would
16 normally do for an investigation, so that's a kind of
17 natural journey and I kind of set -- at the end
18 I thought, well, if this is what I need in order to make
19 this judgment -- so that was one reason why we didn't
20 take it further.

21 The other reason is, obviously, because we come off
22 air at Christmas for two weeks, there's a -- it's kind
23 of a punctuation point in the year, so we just kind
24 of -- that -- it was also partly because my final
25 conversation with Meirion he said "Fine, I accept your

1 decision".

2 It's no more sophisticated than that, I am afraid.

3 MR POLLARD: Okay. Really, the other point, I just want to
4 get back to it because I think it is important, the
5 issue of the Managed Programmes Risk List, I just wanted
6 to double check that you had a conversation with Steve
7 Mitchell about this issue of -- the Vision issues, as it
8 were. Quite clearly the Jimmy Savile story was on the
9 list, and then it was taken off. It is obviously
10 something we will ask Stephen Mitchell about and
11 Sara Beck, but I just want to be absolutely sure.

12 You had no involvement in taking that story off? It
13 wasn't an initiative of yours or it wasn't a decision
14 that came out of a conversation with Stephen Mitchell
15 when you said "Right, okay, we're both agreed we're
16 taking it off the list"?

17 A. I can't think how you framed the question, whether the
18 answer is yes or no. That list is not something that
19 I make kind of judgments about. So my assumption
20 throughout the whole thing was that it was on the list,
21 whether it was on or off the list, I -- wasn't really
22 an issue for me, so I wouldn't have discussed it.

23 MR POLLARD: So the fact that it was taken off the list at
24 what seems to be a pretty significant time, that came as
25 a surprise to you when you learnt about it --

**RELEVANT EXTRACTS OF
TRANSCRIPT OF INTERVIEW
WITH PETER RIPPON (2)**

1 this about how well sourced Mr Goslett appeared to be?

2 A. I can't recall this. As I say, I can't recall what
3 I felt when I received this, er, email. This is when
4 Newsnight is not on air, so this is something I'm
5 getting at home over the Christmas break. So I can't --
6 sorry, I can't recall what I would have -- how I would
7 have kind of computed it, when I got it.

8 Q. What in fact you did -- you may not remember now -- if
9 you go to page 137 is to reply pretty quickly. Cast
10 your eye over the reply at the top of the page, at
11 16.04.

12 A. Um-hm.

13 Q. Just to work out which day of the week this is, this is
14 a Wednesday. Okay? So you are qualifying the proposed
15 statement at the bottom of 137, saying:

16 "It is not quite right. There was a police CPS
17 investigation recently in 2007. It was into an historic
18 indecent assault, however it was not pursued for lack of
19 evidence. We were trying to establish if it was true,
20 as the woman alleged that it was dropped because of the
21 Savile's age and celebrity status. We could not
22 establish that was the case. PS, the main allegation
23 she made about herself did not take place at the BBC.
24 She alleged some other incidents did, involving others."

25 What, as it were, resource did you go to, to produce

1 that reply within half an hour?

2 A. Well, I would have done it from memory.

3 Q. Right. Do you now understand that the reference to,

4 "The woman", in the second line:

5 "The woman who alleged it was dropped because of

6 Savile's age and celebrity status... "

7 And then in the PS you say:

8 "The main allegation she made about herself~... "

9 Your email reads as if it is the same woman, yes?

10 A. Yes.

11 Q. The woman in the second line is the same as the woman in

12 the PS.

13 A. Yes.

14 Q. But in fact -- I suspect that the reference in the PS is

15 to [REDACTED], and she was not, "The woman", who alleged

16 it was dropped because of Savile's age and celebrity

17 status. They are two different women.

18 A. Yes, I think that's correct.

19 Q. You now know that to be the case?

20 A. Yes.

21 Q. So, in this email which you wrote from memory replying

22 to the one from Helen Deller, there is an eliding --

23 presumably an unconscious eliding, but tell me that is

24 not right -- of the accounts of two different women who

25 had provided information to the report or the

1 investigation that Mr Jones and Ms MacKean had been
2 pursuing.

3 A. Yes. That is correct.

4 Q. And that eliding gets perpetuated, doesn't it, for some
5 considerable time thereafter?

6 A. Yes, it does, yes.

7 Q. So the source of that -- I think this is probably the
8 first example we have of that eliding or confusion, if
9 you like. That came from the fact that you simply in
10 this email, from memory, didn't recollect the detail
11 entirely correctly.

12 A. I agree with that to a point. I mean, the initial
13 elision, I think, occurred because of the way the story
14 originally evolved in my mind, in my discussions with
15 Meirion, which was: [R.I] . has written a blog, two
16 or three days leex he says:

17 "I have looked into it more, it's not just her,
18 there's more than one woman, they went to the police
19 about it."

20 That was the moment at which I was under the
21 impression that [R.I] was part of the police
22 investigation.

23 Q. Right.

24 A. If you look at the draft script that he sent, which we
25 discussed last time --

1 Q. Yes.

2 A. -- that, I think, perpetuated any perception that that
3 was the case, because it says something like:
4 "[R1] . wasn't the only victim, there were
5 a number of them, they went to the police."
6 Something like that.

7 Q. I think you didn't get ROUGHSAVILE 5, is that right?
8 You had the previous version?

9 A. I think so.

10 Q. ROUGHSAVILE 2, I think. I think that's right.
11 Bundle 3, page 189. Just before we -- in other
12 words what you are saying is that it wasn't on the 21st
13 that you, as it were, first got it into your head that
14 [R1] had been to the police, that had been your
15 impression for some time from your discussions with
16 Mr Jones when the story was --

17 A. I had it in my head that -- well, I had it in my head
18 that she was part of the police investigation, yes.

19 Q. ROUGHSAVILE 2 is at 189. It is in various places but
20 that's one of the places.

21 A. Yes:
22 "[R1] is not alone in making these claims, we have
23 spoken to ten girls from Duncroft, all telling a similar
24 story, most of them talked to Surrey Police during their
25 recent investigation."

1 I accept the word "most", but that formulation was
2 how it was verbally described to me during the
3 investigation, and that's what led me to think that she
4 had been part of the police investigation.

5 Q. Yes, I see. Yes, okay. That's the bottom of page 190?

6 A. Yes.

7 Q. Right. Okay.

8 Now, on the 21st then, with Mr Goslett having raised
9 these points, you make that qualification to Helen
10 Deller's proposed line. If you go to 149, the email we
11 have just looked at is at 150 over the page. Your
12 email. If you go over the page, you will see it. Again
13 this is up the chain now. If you go to 150, you will
14 see the one we just looked at from you, yes?

15 A. Can I just make a point. These are all emails from me
16 that I didn't have in my disclosure, aren't they? Have
17 you noted that?

18 Q. Well this one, you see, KR1, I think that's right.

19 A. I just want to make the point, it is slightly
20 frustrating that I was -- I didn't have all the emails
21 that I had obviously sent during the period. I don't
22 know why I didn't.

23 Q. Right. You mean from us or --

24 MR PRICE: Did you get my email with the request that Peter
25 had put in to retrieve his sent box items?

1 there was a relatively recent CPS/police investigation
2 into historic indecent assault. Not pursued for lack of
3 evidence. It was alleged it was dropped because of
4 Savile's age, but we could not stand this up. If that
5 is factual accurate Karen Rosine says she's happy if
6 that is right."

7 And then Helen Deller says to you, "Is that okay,
8 Peter?" And you say, "Yes."

9 So that's the line that gets developed.

10 Then we can go to January. You might not have seen
11 this. This doesn't come from you. Bundle 4, page 224,
12 do you know who Bridget Osborne is?

13 A. I don't, no. I'm sorry.

14 Q. You might not have seen this. I don't know, but just
15 look at that very short email from Meirion Jones on
16 5 January. Mr Jones, it would seem, is pretty steamed
17 up about what he considers to be the non-journalistic
18 reasons why the story didn't appear. Was he suggesting
19 to you in these weeks after the final decision not to
20 run this story that there were non-journalistic reasons?

21 A. No. He never suggested that to me at all, and I think
22 as we -- the point we got to in the last session we had
23 was that the final meeting I had with him, I think on
24 9 December when the CPS letter comes through, he sat
25 down in my office and said quite firmly to me that he

1 accepted my decision and he accepted it was for
2 editorial reasons.

3 Q. Had you formed a view, for example Mr Goslett's article
4 that we just looked at -- had you formed a view whether
5 Mr Jones really had accepted your decision by this
6 stage?

7 A. I was prepared to take him at his word at that point,
8 yes.

9 MR POLLARD: Could you just give us a little more colour
10 about that exchange? Because as you would imagine there
11 is a world of difference between, "Yes, fine, you are
12 right, I go for that", and a sort of tight-lipped
13 resentful, "Yes, all right, that's what you say."

14 Where did it fall on that spectrum, as it were?

15 A. I have to admit when you pointed out to me last time he
16 sent me an email two days before saying he wanted to
17 have a longer discussion about the editorial reasons and
18 then when we had the meeting two days later, he didn't
19 want to have that conversation, it wasn't a particularly
20 long meeting, we sat down -- I'm at my desk, he's
21 sitting on the sofa in my office and he said:

22 "In the light of this statement, you know, I can't
23 establish the facts that you want established so we're
24 not going to be able to do the story, and I accept your
25 decision."

1 And I said, "Fine, will you talk to [R1] and
2 tell her?" And he said, "Yes". I don't remember
3 much -- I think it wasn't a particularly long
4 conversation.

5 MR POLLARD: Although it was clear that he thought the story
6 was strong enough without the particular bar that you
7 had set.

8 A. Yes, but he respected -- I took it that he was
9 respecting my judgment as the editor of the programme
10 and my right to make that judgment.

11 MR POLLARD: He didn't seem resentful, is what you are
12 saying?

13 A. Honestly he didn't. I didn't -- that wasn't the
14 impression I got from that conversation, no.

15 MR MACLEAN: So you thought he had, as it were, accepted the
16 referee's decision?

17 A. Yes.

18 Q. So my question then was: did there come a time when you
19 formed a view that he had not, in fact, accepted the
20 referee's decision, despite what he said at the time?

21 A. Can you expand on what you mean by that? Because he, as
22 recently as -- it is in the email, I can't remember
23 when, but as recently as in the week of the Exposure
24 documentary, he sends me another email repeating that he
25 accepted my decision at the time.

1 So I was aware he disagreed with it, but he has
2 always maintained to me that he accepted it.

3 Q. He has always maintained to you that he accepted it.
4 Did you accept that as a statement of fact?

5 A. Well, yes. I'm not quite sure what you mean.

6 Q. Did you believe --

7 A. I believed that he respected my right and role as the
8 editor of the programme to make that judgment, yes,
9 I did.

10 Q. Right, okay. Now in January The Mirror starts sniffing
11 around. I don't know whether you remember that?

12 A. I do.

13 Q. If you go to page 232, Helen Deller to you and to
14 Steve Mitchell:

15 "It appears The Mirror are still keen to run this."

16 In fact they do run a story on the 8th in
17 The Sunday Mirror:

18 "... Keen to run this despite my efforts to dissuade
19 them. Following a further conversation with the
20 reporter I want to issue an updated line that reinforces
21 what I have said verbally."

22 Then you see what is set out. So the line that's
23 being defended here is the idea that the story was
24 dropped for other than editorial reasons. That's copied
25 to you and you were content with that and so was

1 Q. "BBC investigate something and then didn't run it.
2 I will however drip poison about Meirion's suspected
3 role if I get the opportunity."
4 That is why I have been asking you the questions in
5 the last couple of minutes.
6 A. There was -- there was a particular issue between
7 James Hardy and Meirion, I can't remember the timing of
8 it, that was nothing to do with Savile where James --
9 this is from memory and I wasn't involved in it, but
10 from memory I felt James felt quite strongly that
11 Meirion had misled one of his team about something that
12 James had said, um, deliberately. So I don't think
13 those two had particularly cordial relations.
14 Q. Right.
15 A. But it was nothing to do with Savile and I can't
16 remember what it was about. It was something about --
17 I'm sorry, I can't remember the issue. It was another
18 story we were doing. But those -- I think particularly
19 James felt -- I think actually it is fair to say that
20 I think James didn't trust Meirion.
21 Q. So one might think that we can see from this email that
22 there had been a corrosion of trust by this stage
23 between, at the very least, James Hardy and
24 Meirion Jones?
25 A. Yes.

1 Q. So much is perhaps obvious?

2 A. Yes.

3 Q. But had there been a corrosion of trust between you and
4 Meirion Jones?

5 A. You see, I would not like to characterise it like that
6 between me and Meirion. Because he's a very effective
7 journalist in lots of ways and the kind of evolution of
8 my relationship with him involves me finding a way of
9 managing him to deliver the best output that we can for
10 the programme. And that can be -- you know, that can
11 produce great results and it can produce kind of
12 tensions between us. But fundamentally, I have to trust
13 him if I'm going to allow him to put things on the
14 programme for which I'm responsible. So I wouldn't
15 characterise my view of him as the same as James', no.

16 MR POLLARD: Just before we move away from that, is it
17 likely that James Hardy would have come to that very
18 strong conclusion about Meirion, and that sort of really
19 quite strong reaction, without you suggesting to James
20 that in your view Meirion was leaking? Because he
21 wouldn't have direct contact with Newsnight; he wouldn't
22 have direct knowledge of the way the programme had been
23 put together, would he? He would have to get that from
24 you.

25 A. I would never have accused Meirion of leaking unless

1 I had specific evidence that he had done so. So
2 I wouldn't have said that to James. As I say, I --
3 MR POLLARD: So James would have come to that conclusion,
4 with that really vehement comment, without talking to
5 you about it?
6 A. Er, yes. Because I think his judgment about Meirion was
7 formed -- sorry I can't remember when the incident was.
8 But it was around a particular incident that was nothing
9 to do with this investigation. Before that, and I'm not
10 even sure that was about leaking. It may have been
11 about some other kind of -- what he felt was an unfair
12 dealing or something.
13 MR POLLARD: Just to put it clearly, you didn't say to James
14 at about this time, either in answer to a question or
15 off your own bat, "Well, I think it is Meirion that's
16 leaking".
17 A. No, I wouldn't. I wouldn't have, no.
18 MR POLLARD: Okay.
19 MR MACLEAN: So The Sunday Mirror piece gets done. I think
20 the next piece that appears is in The Oldie, published,
21 I think, in February, and trailed in the Guido Fawkes
22 website, I think, the day before it was published. Do
23 you remember that?
24 A. Yes.
25 Q. If you look in this bundle 5.

1 alive?

2 A. Yes.

3 Q. So did you -- did that kind of register with you, that
4 this was the kind of focus of what Guido Fawkes is
5 trailing from The Oldie is now rather different from the
6 story that you thought Newsnight had been pursuing?

7 A. My -- I think because at this point I was not pursuing
8 the story anymore, and there was a very limited amount
9 I could do to influence or change what Guido Fawkes or
10 The Oldie wanted to print, it was not something
11 I focused an awful lot of my attention on. It is about
12 whether our press office's response to whatever
13 questions are put to it I need to have a view on, but
14 beyond that, I didn't consider the fact that the angles
15 seemed to be evolving slightly, I didn't -- I didn't
16 contemplate that in great depth, no.

17 Q. Page 88, is that the Oldie piece?

18 A. Yes, I think it is.

19 Q. I think it is. At page 59, between 59 and 66, and then
20 again from 68 to 73, if you just flick over those pages,
21 you will see that what is happening there is that
22 Meirion Jones is emailing himself, from one email
23 address to the one that begins, "Amazing" --

24 A. Um-hm.

25 Q. -- a bunch of emails on 8 February.

1 account in order to do your job?

2 A. "Legitimate reason" is the word?

3 Q. Yes.

4 A. Um, I can't see why it's necessary, no.

5 Q. Right. Then if you go to page 52 -- just going back to

6 Guido Fawkes for a moment -- this, at the bottom there,

7 is the one we looked at a minute ago, right?

8 A. Um-hm.

9 Q. You reply:

10 "Just so you know, there never was a Newsnight

11 report. The evidence about BBC premises was anecdotal,

12 secondhand and 40 years old."

13 A. Yes, I'm referring there to the Gary Glitter. I felt --

14 I think I'm referring there to the specific -- when

15 I say secondhand, I think it was [RI] claim

16 about what she saw Gary Glitter doing to another party

17 that she couldn't identify.

18 Q. Yes.

19 A. That's what I think I'm referring to there. Because

20 this refers to other celebrities.

21 Q. It was secondhand perhaps in one sense, but it wasn't

22 hearsay in the sense that she put herself as a direct

23 eye witness.

24 A. No, it was secondhand in the sense that it was about her

25 witnessing something happening to somebody else, whom

1 she could not identify, rather than being the victim of
2 something herself on the BBC premises.

3 Q. But in another sense it was a first hand account of an
4 sexual assault on somebody else.

5 A. Yes it was, yes.

6 Q. It was not, "A girl came back from the Television Centre
7 and told me that." That would have been secondhand.
8 This is I was, "I was there and I saw X do Y to Z."

9 A. Yes.

10 Q. Then at page 87 Steve Mitchell sends you an email having
11 had The Oldie piece drawn to his attention it would
12 seem -- you see from the middle of the page, 9 February,
13 10.43, "Please see attached copy of the Oldie piece."
14 And he sends you an email on the 9th:

15 "The idea this was dropped for corporate reasons is
16 fundamentally wrong, as we know. Does anyone on your
17 team think otherwise?"

18 Now we know from Mr Jones' email to Bridget Osborne
19 that he did take that view. But I think you are telling
20 us that he never expressed that view to you, is that
21 right?

22 A. That is correct, yes.

23 Q. "What I'm not sure is the serious allegation that we
24 uncovered evidence unknown to the police and haven't
25 passed that on. Is that true?"

1 A. It is inaccurate, I know that now, but I believed it at
2 the time.

3 Q. And nothing -- is this right -- nothing else had
4 happened at this stage, compared to the last time when
5 I showed you the -- we talked about the eliding of the
6 two women. Is that right? Nothing, no new information
7 has come to you, this is just the same thought process?

8 A. Yes, that's correct.

9 Q. Is that right?

10 You see at page 92 Mr Payne and James Hardy are
11 involved and Julian Payne says:

12 "I will take the DG's view and see where he is
13 on it."

14 Did you -- I don't think you had any direct contact
15 with Mark Thompson about this story. Did you have
16 anything to do with the Director General's office at
17 all?

18 A. No, at no point did I have any discussions with the
19 Director General about it at all.

20 Q. Either to the Director General or anybody on his behalf?

21 A. No.

22 MR POLLARD: Just really absolutely for my own clarity, when
23 Mr Maclean asked you about the inaccuracy of the point
24 about, "The women had been to the police", you are
25 saying that your knowledge of that came from,

1 effectively, the line in the script. Is that right?

2 A. Well, from my -- the evolution of the story in the way
3 that it was described to me in the first week we got
4 into it.

5 MR POLLARD: Yes.

6 A. So the conversation went, and I paraphrase: Jimmy Savile
7 was a paedophile, this woman alleges it in her blog.
8 I say it is just one woman's story, he is not going to
9 write that into telly, two days later or three days
10 later, whatever it was, Meirion came back and said: it's
11 not just her, there are lots of women, there was
12 a police investigation into the whole thing, they said
13 they dropped it because it was too old.

14 MR POLLARD: I understand.

15 A. It was that verbal communication that was then
16 reinforced by the script that I read.

17 MR POLLARD: And at no stage during November -- it is your
18 view that at no stage neither Meirion nor Liz made the
19 point specifically to you, "The woman we have on tape
20 hasn't been interviewed by the police."

21 A. Not that I can recall. I think there are one or two
22 emails that Meirion sent during that period which would
23 have -- which we looked at last time, which again
24 reinforced that view, where he talks about the Duncroft
25 women and the police investigation as if they were all

1 one thing.

2 MR POLLARD: Yes, okay, thank you.

3 MR MACLEAN: I meant to ask you this at the beginning but

4 now is probably a convenient moment. You remember last

5 time we talked about the evidence you have given about

6 being concerned about the fact that interviews had been

7 done on the telephone and that they had been conducted

8 by just -- some of them anyway -- by Hannah Livingston

9 who wasn't very experienced, and the decision we had

10 about the importance in this kind of story of

11 individual, face to face, neutral territory interviews.

12 You remember that discussion?

13 A. Yes.

14 Q. Was that something that you, as it were, tackled

15 Meirion Jones and Liz MacKean about at the time?

16 A. We had conversations about my concerns about the

17 editorial threshold. So I'm -- it is difficult for me

18 to recall the specifics of conversations, so I can't

19 specifically recall a conversation in which we had that

20 discussion, but --

21 Q. But are you --

22 A. We must have done at some point. I can't -- I can't --

23 Q. Is this right, what you are saying is Liz MacKean and

24 Meirion Jones were made aware by you that you had these

25 concerns that this type of story required a particular

1 on camera interview about being sexually abused when
2 underage by Savile, but he was already dead by then so
3 it was not possible for the police to prosecute him.
4 She did tell us about Gary Glitter having sex with an
5 underage girl in Jimmy Savile's dressing room but she
6 could not identify the girl and, in any case, Glitter is
7 already on the paedophile register."

8 Now, that was as an answer to your question:

9 "Everything we got was from the same women the
10 police spoke to, was it not?"

11 The answer appears to be, "Not quite"?

12 A. Yes.

13 Q. Do you agree?

14 A. I agree.

15 Q. It is not the very clearest answer to your question, you
16 might think, but he does say that you did have
17 information, or Newsnight had information that the
18 police didn't have.

19 A. And with hindsight I should have read this email much
20 more clearly.

21 Q. Because you had found another victim?

22 A. Because the -- you know, because he's clearly telling me
23 there something that should have alerted me to not
24 repeat the error that I eventually made in the blog
25 which, um -- so I should have read that -- the second

1 paragraph of that, much more clearly.

2 In mitigation I would say that this is 10 February.
3 There is no active investigation. I'm reading this in
4 the context of replying to a press enquiry, unaware of
5 what is going to unfold down the line, so I think
6 I would have just read the first paragraph and been --
7 and took the first paragraph from that, and I didn't pay
8 enough attention to the second paragraph.

9 Q. What about the last sentence? Why does the fact that
10 Gary Glitter is on the paedophile register, what does
11 that have to do with it?

12 A. Because I think if you are going to -- I mean there are
13 in fact no BBC guidelines about when you have a kind of
14 moral and civic duty to inform the police of things that
15 you have. The only guidelines are about when you have
16 some unpublished material that the police are asking you
17 legally to turn over, but with PACE orders and stuff
18 like that.

19 Q. So it is reactive, no proactive, in other words?
20 I think we discussed this last time -- maybe we didn't
21 with you -- the BBC guidelines, there are guidelines, as
22 you say --

23 A. There is no guidelines --

24 Q. -- if the police come knocking at the door, "We think
25 you might have X, can we have it?" There is a guideline

1 Q. In any event, the quote from the Newsnight editor then
2 gets hardened by this stage, yes? The BBC now has that,
3 so it can now say in its response to press queries, "The
4 BBC's position is X, Y and Z" and then they add at the
5 end:

6 "Peter Rippon, the editor of Newsnight has said ..."
7 And that is it.

8 Then you go to 127, please, and then Meirion Jones
9 sends you quite a long email in which he has done a bit
10 of digging into Miles Goslett. Did you ask him to do
11 that?

12 A. No.

13 Q. Why do you think he sent you this email?

14 A. Er, because he was aware that there was clearly a lot of
15 leaking going on, so he wanted to assist me with an
16 understanding of where it might or might not have come
17 from, I would guess.

18 Q. Now, the first thing he does in this email is to suggest
19 to you that he's confident that [REDACTED] hadn't
20 been talking to anyone at Newsnight. Well, hang on,
21 is it [REDACTED]:

22 "I have looked at Miles Goslett's claims, we know he
23 is linked to [REDACTED] but I think he has either
24 multiple sources or someone with access to high level
25 BBC gossip. I am confident he [probably Goslett] has

1 not been talking to anyone at Newsnight about Savile."
2 Then he says:
3 "The only line he wouldn't have got from that is the
4 Mark Thompson one. Obviously we are most aware of the
5 two the Newsnight knocking stories and there are obvious
6 suspicions about where the first one came from."
7 What does that -- what's he getting at there? What
8 did you understand --
9 A. I don't know. Do you mean is he referring to The Mirror
10 story?
11 Q. Presumably he's referring to The Mirror story, but the
12 obvious submissions about where the first one came
13 from --
14 A. I have no idea.
15 Q. -- does that mean anything to you?
16 A. No.
17 Q. You sent this on to -- well, first of all at 132 you
18 replied to Mr Jones saying this was, "Thanks, useful".
19 And then you sent it to Steve Mitchell, page 136, and to
20 James Hardy. And you say:
21 "Meirion's work, after I asked him who he thought
22 had leaked."
23 So if that was the question you had raised with
24 Jones, what did you think the answer was?
25 A. I can't remember asking him the question. So, um -- so

1 I don't know what motivated me to ask him that question.
2 Q. Right. Let's assume, as you say, that you did ask him
3 the question. His answer is the long email we've just
4 looked at. I find slightly hard to detect what the
5 answer to the question is, from his email. You sent an
6 email back saying, "Thanks, useful". I don't know
7 whether you really did find it useful, but can you help
8 me to interpret Jones's answer to the question you
9 apparently asked?
10 A. I don't quite know what you are driving at.
11 MR POLLARD: Isn't the inference -- I might be wrong on
12 this -- that you asked him who he thought had leaked,
13 with a pretty strong background view that it was
14 probably him, and this is his attempt to say in
15 a slightly obscure way, "It wasn't me, and here's a few
16 sort of suspects and lines". And you passed the message
17 on to Steve Mitchell, both of you with tongues firmly in
18 cheek?
19 A. Yes. I couldn't put it better myself.
20 MR MACLEAN: Right. In fact at 136, you didn't just copy to
21 Steve Mitchell Mr Jones's response about Goslett, which
22 runs from 136, 137 to 138, but also in fact included in
23 that email chain, if you go to 138, is Mr Jones's answer
24 to your question which includes -- the one we looked at
25 earlier, with the two paragraphs, the second paragraph

1 that we are planning to put on air, so I think we look
2 at it in a different context.

3 Q. Were you aware, at any stage, of an email to Newsnight
4 from somebody called Susan Thompson?

5 A. Not that I can recall.

6 Q. Go to 168, please. This is 10 February and this is an
7 email from somebody called Susan Thompson to
8 Newsnight Internet. Can you help me with that email?

9 A. That's -- yes, it's a public -- it's an email address
10 that people who want to email Newsnight collectively can
11 email. Anna Bolton is my PA who monitors material that
12 is sent to that address and forwards it to people whom
13 she thinks it is appropriate to forward them to.

14 Q. Do you remember if it was forwarded to you,
15 Susan Thompson? We can see Anna Bolton sends it to
16 Meirion Jones, at the top of the page, on 13 February.

17 And you can see, if you go over the page to 169,
18 that Meirion Jones follows it up.

19 A. Okay.

20 Q. Do you see?

21 A. Yes.

22 Q. Then if you go to 187, you can see that Meirion Jones
23 and Mark Williams-Thomas are still in contact, one with
24 the other. Do you see?

25 A. Yes.

1 Q. And in fact Meirion Jones tells us that he passed the
2 Susan Thompson information along to
3 Mark Williams-Thomas?
4 A. Okay, I was not aware of that.
5 Q. Does that strike you as sensible, appropriate,
6 inappropriate, odd?
7 A. I mean, well I mean if he felt that we were no longer
8 doing the story, then if he's helping out a colleague
9 then I don't think there is a particular issue with
10 that. But, I'm surprised that he -- it wasn't raised
11 with me.
12 Q. I think Susan Thompson eventually features in the ITV
13 documentary. Are you aware of that?
14 A. I am now, yes.
15 Q. So there wasn't any discussion in Newsnight about, "Oh,
16 Peter, somebody else has come forward... "
17 A. No.
18 Q. "... Perhaps we can have another look at the
19 Jimmy Savile business"?
20 A. No.
21 MR POLLARD: Can I just ask, I'm not sure whether you
22 answered the question, did you see that Susan Thompson
23 email?
24 A. I can't recall seeing it, no.
25 MR MACLEAN: Do you remember that there was a --

1 A. It is frustrating to see that. I just want to -- it is
2 frustrating because I wasn't aware that ...

3 Q. We're about to career ahead as far as April into
4 Mr Goslett's Freedom of Information request, and then we
5 will come to The Sunday Times and the blog in October.
6 Richard, is it time for a short break?

7 We will have a quick break. Ten minutes.

8 (11.20 am)

9 (A short break)

10 (11.40 am)

11 MR MACLEAN: If you still have bundle 5, please go to
12 page 218. Mr Goslett made a Freedom of Information
13 request of the BBC in April of this year. That was
14 considered in some considerable detail by the BBC over
15 the next month or so. Were you involved in that to some
16 extent, or not?

17 A. I was aware of it. But my view was that things that are
18 for the purposes of journalism are not covered by the
19 Freedom of Information Act. So I didn't think it was
20 going to be an issue.

21 Q. You see there are three aspects to his request. The
22 first is that he wanted written material, produced
23 between December 2011 and March 2012 by several people
24 including you, which touched upon any matter relating to
25 Jimmy Savile. Secondly, a list of meetings concerned

1 strength of the allegations, it wasn't just about the
2 CPS angle, which, as I think we will come to later, has
3 been confused. I think that has become problematic.

4 Q. Let me just make sure I understood this. What you are
5 saying is that as we saw, back in the "Reflecting
6 overnight" email on 30 November, what became the
7 ultimate key, or fulcrum on which the question of going
8 ahead or not going ahead turned, was the CPS old and
9 infirm versus not enough evidence point. But -- but
10 what? But --

11 A. Yes, that's true, because I wasn't comfortable that the
12 strength of the allegations on there -- the strength of
13 the testimony on its own would -- was something that
14 I could put on air without this kind of corroboration
15 about the allegations about the CPS. So the CPS becomes
16 the key but I'm also aware -- I think people -- that has
17 been misinterpreted -- think that I was only doing
18 a story about the police investigation and I was not
19 interested in the substance of the allegations as well.
20 That's the point I'm trying to make.

21 MR POLLARD: Just for clarity, if that first answer had been
22 shown to you -- I don't know whether it was or wasn't,
23 in the end -- you would have said, "That is too focused
24 on one part of the story, I actually made my decision
25 not only on that, but also on my judgment of the

1 strength of the allegations"?

2 A. Yes.

3 MR POLLARD: Okay.

4 A. Well, I don't recall seeing this, so I don't think it
5 was shown to me.

6 MR MACLEAN: I'll show you in a minute what you did see.
7 I will come to it. I will show you, because it is not
8 entirely clear to me what you did see. You saw an email
9 with some response, but whether you saw these answers to
10 the questions, I'm not sure.

11 A. I don't recall seeing this.

12 Q. Then question 2, that's about Mark Thompson and
13 Helen Boaden.

14 A. Yes.

15 Q. Then number 3:
16 "Since December 2011 has anybody from the BBC ever
17 been in touch with either Surrey Police or the CPS or
18 any of the women Newsnight interviewed."
19 Number 4:
20 "Internal inquiry, who made the decision?
21 "This was a purely editorial decision taken by
22 Newsnight."
23 Are you comfortable with that as an answer, 5?
24 A. Er, yes. It was a decision taken by me, yes.
25 Q. 6:

1 will go from James copying their legal department, the
2 editor and group managing editor. It has been through
3 the lawyers and HBSN. Hopefully it all makes sense."

4 And you say "all fine by me".

5 I'm afraid we don't have the answers to the specific
6 questions, but what we do have is the response email at
7 349.

8 A. Yes.

9 Q. But you do see that the response at 349 in the third
10 paragraph does say:

11 "We were pursuing a particular angle relating to the
12 CPS/Police which we were not able to substantiate and
13 which was therefore not broadcast."

14 A. Yes.

15 Q. That is the same line to the answer to the question that
16 you qualified a few minutes ago.

17 A. Yes.

18 Q. So --

19 A. I should have --

20 Q. It is true, you would say, would you, that you were
21 pursuing that angle, and that was --

22 A. And the fact that we were unable to substantiate it was
23 the moment I decided not to broadcast.

24 Q. So that's not the whole story?

25 A. It is true, but it's not the whole story, yes.

1 of day, would say that you were pretty seriously
2 underplaying -- even on the facts that you knew -- what
3 the case was. I mean, "More sexual harassment than
4 assault", sort of takes out of the equation of fact that
5 everybody accepted that these kids were underage. What
6 are your feelings about that email now?

7 A. It's clearly written in frustration at this story not
8 going away. And, um, I would have phrased it more
9 accurately had I known it was going to become subject to
10 an inquiry such as this.

11 MR POLLARD: Okay.

12 MR MACLEAN: Leave aside the inquiry such as this for
13 a moment. It is obvious -- maybe it's not obvious, but
14 The Sunday Times is now pressing, other broadcasters are
15 getting involved: did you go back and look, for example,
16 at the material that Newsnight had gathered, the note of
17 the interviews and the web memoir, to remind yourself of
18 what the facts were? Because you have been operating
19 really from memory from the beginning of the year,
20 hadn't you?

21 A. No, I didn't do that until I wrote the blog.

22 Q. We will come to that. So you are still operating, in
23 these responses, from your recollection of what had gone
24 on, rather than going back to check what you had?

25 A. Yes.

1 Q. What about Liz MacKean and Meirion Jones, who knew at
2 least as much about the story as you did, and probably
3 more, for good reason? One thing you could have done
4 was sit down with Liz MacKean and say, "This damn Savile
5 stuff is not going away, can we sit down and see if we
6 can agree what the facts were?"

7 A. We didn't do that until we're -- until much closer to
8 the Exposure documentary.

9 MR POLLARD: Was that partly because it was a raw subject
10 between you and them?

11 A. I think potentially, that was -- that was one of the
12 reasons. I think I -- I think it's fair to say I had my
13 suspicions about what was fueling a lot of the press
14 stories and so, given, you know, my role in this is
15 about managing, helping the press office manage a story
16 that's being broadcast rather than my day job which is
17 doing journalism on Newsnight. I didn't, um -- I think
18 that -- I didn't feel it was appropriate at that time to
19 focus on it in that kind of -- to go back and review it
20 and do all that, I didn't feel appropriate at that time.

21 MR MACLEAN: You see, for what it is worth, the final
22 response is provided to The Sunday Times at page 366.
23 It is not copied to you at the time, it is sent to
24 a bunch of people at the Sunday Times, if you want to
25 see what went to The Sunday Times --

1 I read your blog, it doesn't answer all of the
2 allegations made against us. I think we make a problem
3 for ourselves by running away from this story."

4 Then he says:

5 "Even though we would be very late starting on it,
6 can I ask you to reconsider?"

7 So he wanted Newsnight to be dealing with the story
8 on the Tuesday night.

9 A. Yes.

10 Q. What was your attitude to that?

11 A. I tried to make a judgment on a day to day basis on what
12 the strength of the story was and what we could
13 meaningfully add to it. And the thing that was
14 difficult was -- I didn't want the programme to appear
15 to be, um, kind of self--- self-pleading for itself, and
16 then there was one particular, conversation, I think it
17 may have been that day, where I had had a telephone
18 conversation with Jeremy in the morning, who was very
19 keen for me to come on my own programme that night and
20 be interviewed by him about it, which I just felt would
21 be very difficult because I'm granted this gift by the
22 licence fee payer to put stuff on BBC2 for 47 minutes
23 a night, and it didn't seem appropriate that I should
24 use that for my own -- to kind of plead my own case. So
25 it was a very unusual and slightly difficult judgment to

1 make as to what we were doing on the programme, or how
2 we reflect the story on the programme.

3 Q. Did you take advice from others about what the
4 appropriate answer was to the point that Mr Paxman was
5 raising?

6 A. I -- I can't recall specifically, but I would assume
7 I may have spoken to Steve Mitchell about it. I would
8 have almost definitely spoken to my deputies about it;
9 because we have a meeting at -- we have a daily
10 editorial meeting where we discuss what we're doing on
11 the programme that day. So we would probably have
12 discussed whether we should or shouldn't be doing it in
13 that meeting.

14 Q. I think it might help to jog your memory if you go to
15 page 204. These are text messages, between you and
16 Steve Mitchell --

17 A. Right.

18 Q. -- on the 2nd, the same day, the day the blog goes up.
19 In the afternoon, Steve Mitchell, Hewlett, that is
20 Steve Hewlett --

21 A. Yes.

22 Q. -- a BBC broadcaster who does media programmes, who had
23 called Mitchell about you. And then this one, the
24 afternoon, 16.38:
25 "Need you or Helen to sign off the blog."

1 Why was that? Why did they need to sign off the
2 blog?

3 A. Because anything -- since Hutton, there is a very strict
4 compliance process around anything which is published by
5 editors in the BBC's name. So anything that I write --
6 any blog that I write has to be signed off by my line
7 manager and agreed by the press department, which we can
8 get on to if you want. So I'm not allowed to publish
9 anything -- I'm allowed to do anything -- ironically I'm
10 allowed to do anything on my programme between 10.30 and
11 11.15 that I like and be responsible for it, but I'm not
12 allowed to publish anything written in the form of
13 a blog without it being signed off corporately.

14 Q. So we have been told -- it has been described to us as
15 follows, the blog. "The editor's blog... " Tell me
16 what you think about this:

17 "The editor's blog is a site where editors across
18 BBC News explain stories and share their dilemmas and
19 other issues with the public".

20 A. I agree with that.

21 Q. "Their blogs are not always overseen or checked by
22 management and I do not believe that the detailed
23 supervision of a blog lies within managerial
24 responsibility."

25 A. Um, I don't agree with that. I think the --

1 particularly after Hutton, it was decided -- and
2 actually I used to write the blog quite a lot before
3 I was even editor of Newsnight, but it was then decided,
4 as part of the new formal compliance process, that
5 anything that we wrote had to be signed off by, um, line
6 managers/press office.

7 Q. So if I was to tell you that Steve Mitchell wrote those
8 words and Steve Mitchell tells us that:

9 "I do not believe that the detailed supervision of
10 a blog lies within my responsibilities".

11 You would disagree with that?

12 A. Well, yes, I would. And if you are -- I'm using the
13 word "sign off" there, you will see in that text
14 message.

15 Q. Yes.

16 A. So sign -- I'm using those words because that's what
17 I understand the process is -- publishing blogs requires
18 a sign off and that has to mean something more than --

19 MR POLLARD: Is it written down somewhere, do you think, the
20 sort of clear rules for this?

21 A. I can't recall them. It may have been written in the
22 Neil Report which was written after Hutton. So it may
23 be explicitly stated in there. But I have certainly --
24 I mean you can look. I used to regularly write blogs in
25 the spirit of which you originally described them and

1 was then, I think, put off -- and I think quite a lot of
2 editors were put off -- because of the level of
3 compliance required to do it made it a less, er,
4 attractive a way of communicating with your audience.

5 MR MACLEAN: We will come to this particular blog on
6 2 October. I assume this was no ordinary blog, is that
7 fair comment?

8 A. That's fair, yes.

9 Q. So even if it were right that blogs weren't routinely
10 overseen or checked by management -- which is not your
11 understanding, I think, of the process -- but even if
12 that were true, that sometimes they weren't, presumably
13 this particular blog was in a rather different category?

14 A. Er, yes. I would agree with that. I think you can see
15 from the number of people involved in the email chain
16 discussing it before it's published.

17 Q. Yes, we will come to that.

18 Then it is suggested to you:

19 "Editors do liaison with the press office on
20 publishing their blogs"?

21 A. Yes.

22 Q. That's the BBC News press office, I think?

23 A. Yes.

24 Q. So it would seem it might be said, as an outsider, that
25 it is a bit odd -- as you say, you are able to put

1 whatever you want on your own programme, you don't have
2 to check with the press office about that, you may need
3 to liaise with them afterwards, but before you stick
4 something on this blog, the press office puts its
5 tuppence worth in?

6 A. Yes, which is why I think a lot of us who used to write
7 fairly regular blogs found the process rather more
8 laborious than it needed to be.

9 MR POLLARD: Does it also -- as well as being laborious,
10 does that arrangement compromise, in your view, what the
11 blog actually is? Because I'm just sort of struggling
12 to get a clear definition of whether it is, if you like,
13 part of the BBC's journalism, in which case it's within
14 the, if you like, the editorial circle, or partly in
15 what you might call a sort of PR area which would be the
16 only reason why you would have the press office
17 involved.

18 Was there a confusion, say, in your mind and in
19 other editors' minds?

20 A. I wouldn't call it a confusion, but I do think you are
21 right to highlight that, and I think the fact that it
22 became more corporate -- it sounds like a negative word,
23 but the fact that the press office was more involved
24 does make what I felt the value of the blog, which is
25 just another means of trying to explain to your audience

1 and communicate with your audience about the kind of
2 dilemmas and issues that you deal with as an editor on
3 a day to day basis -- yes, you did feel that there was
4 a conflict in that. You will see that there was a real
5 marked -- I mean I used to try to do something every
6 week, every couple of weeks, and then I just stopped
7 because it just -- it just seemed to me to be something
8 very different and much more formal once the
9 (inaudible).

10 MR POLLARD: Did the press office like to get involved, or
11 like to have their say on it?

12 A. I mean, it's one of those things that if you ask
13 somebody and they don't have a -- and they kind of
14 acquiesce and don't have a view -- I think people feel
15 they have to suggest something, otherwise what's the
16 point of them? And I think you can see that from the
17 way the blog was written, everybody has to say
18 something.

19 MR MACLEAN: Just looking on the text message: JP, that is
20 Paxman, isn't it?

21 A. Yes.

22 Q. "JP still pushing to do it tonight. I think we should
23 consider it."

24 A. Yes.

25 Q. So here we are at 20 to 5 in the afternoon considering

1 Paul Mylrea.

2 A. Yes.

3 Q. What's his role in all this?

4 A. He's the head of communications for the DG, for the
5 corporate centre.

6 Q. So his involvement is an indication that the very top of
7 the organisation is now involved in this?

8 A. Yes.

9 Q. If I could say, perhaps uncharitably, he's the
10 mouthpiece for the Director General; is that right?

11 A. Yes.

12 Q. A fair summary?

13 A. Yes.

14 Q. So Mr Feeney sends this to you:
15 "Latest attempt by The Guardian to keep this going."
16 Mr Feeney suggests a statement that pretty much
17 sticks to what we said before:
18 "Are you happy with our approach? Essentially we
19 don't unpick our previous statements."
20 Then it is the same stuff.

21 A. Um-hm.

22 Q. You see The Guardian's questions, from Mr Sabbagh, over
23 the page:
24 "I am told Newsnight initiated investigation in
25 October 2011. Peter Rippon initially said a film would

1 only be broadcast if it could be established if
2 Surrey Police had investigated the allegations."

3 Now that suggests that the first -- initially the
4 key was establishing that the police had investigated.
5 Is that right? I mean, is it right that that was ever
6 the key?

7 A. No.

8 Q. "Surrey confirmed this to the team, so passing the test
9 set."

10 Is that right?

11 A. That wasn't the test.

12 Q. Because you hadn't set that test?

13 A. No.

14 Q. "Rippon consulted his superiors, a new condition was
15 introduced to ask the CPS were they did not proceed to
16 prosecute."

17 And then on the basis that the CPS said insufficient
18 evidence:

19 "On that basis the film was canned, even though
20 victims [plural] were willing to go on the record."

21 That is partly right, isn't it? That that was the
22 reason why the film was canned. That was why it was put
23 in the can, right?

24 A. Yes.

25 Q. Victims being willing to go on the record. In fact

1 I think the only victim on the record was [R1] ?
2 A. That's correct, yes. Well, anonymously on the record.
3 Q. Anonymously on the record?
4 A. Yes.
5 Q. Okay. And then we can see the questions that
6 The Guardian asked. You passed that on to
7 Steve Mitchell and he asked, "Do you want to come up?"
8 Ie upstairs for a chat.
9 A. Yes.
10 Q. We see the BBC's line on 1 October, at page 60. In fact
11 this is --
12 MR POLLARD: Could I just ask a question? You may be going
13 back to this: I just wondered, if we go back to page 11,
14 after that message from Steve Mitchell to you saying,
15 "I would talk to him, emails seem more prone to leak",
16 where there is a pretty clear laying out of
17 Meirion Jones' case, did you talk to him?
18 A. Yes.
19 Q. And what was the gist of that?
20 A. It was a more temperate version of this email in verbal
21 form. Me telling him -- reminding him of my reasons for
22 dropping it and I was particularly, you know, because
23 I don't want anyone to rewrite -- I was very concerned
24 about this whole -- I thought that rewriting history
25 thing -- it was very unfair to make that allegation.

1 MR POLLARD: Yes.

2 A. So I wanted to discuss to him that we -- discuss with
3 him -- I can't remember the details of it, but it was
4 basically a conversation which, from what I can
5 remember, was amicable and was reasoned and --

6 MR POLLARD: In your office?

7 A. In my office, yes, in Television Centre. At this point
8 I have two offices, but it was my office in
9 Television Centre.

10 MR POLLARD: Yes.

11 A. So it was a perfectly -- it was a reprisal of what --
12 why I had done what I had done, so far as I was aware,
13 so far as I can recall.

14 MR POLLARD: So presumably the conversation reached the
15 point where partly he was saying, "Look, you gave the
16 go-ahead on November 25" with, "Excellent, let's pull
17 the TX plan together." And then you would say to him,
18 "That's not an absolute green light because I had other
19 things in my mind, namely the CPS letter." And you set
20 that out.

21 So how did the conversation go at that point? It
22 seems to me you have absolutely reached the point where
23 you are discussing his view of the bar that was passed
24 and your view of the bar that had to be passed.

25 A. I know this is unhelpful, but I can't recall the details

1 of the conversation. I do remember us discussing, you
2 know, the idea that it was -- I do think -- I do think
3 we went back over this. You know, he need to understand
4 that the reason I didn't want to run it was for
5 editorial reasons and these were the editorial reasons,
6 and he needed to -- he can disagree with it, but that
7 was my judgment at the time and I reiterated, you know,
8 that, and I think that from memory he -- again he
9 accepted that it was legitimate for me to do that.

10 MR POLLARD: I absolutely get that. The discussion was
11 about how you judged the evidence. He didn't suggest,
12 did he, at that meeting, that you were pressured,
13 either, if you like, internally through the editorial
14 chain or by wider BBC corporate interests?

15 A. No. He really -- he didn't, no.

16 MR POLLARD: Okay, thank you.

17 MR MACLEAN: Now, did you get to page 60? If you go to 61,
18 that's the email we just looked at from Paddy Feeney to
19 you regarding keeping it going. And your reply starts
20 at the very bottom of 60, being twelve minutes later:

21 "Paddy, yes, I'm happy. For your information the
22 account is inaccurate."

23 And then Helen Deller, a few minutes later, sends
24 you and Paddy Feeney the email at 60:

25 "The Sun have been on now."

1 And she quotes something that The Sun have said to
2 her about [R1] . And then she says, Deller says:

3 "I suggest highlighting the following element of the
4 statement to them and briefing, if this is correct re
5 the women, for background. We had no reason to believe
6 that the information was not already passed to the
7 police."

8 Ie [R1] information. But of course it
9 hadn't been, because she hadn't been to the police?

10 A. Yes.

11 Q. Your reply to this email is at 73, "Yes it is the same
12 woman." That was true, it was:

13 "We had nothing that she would not have told the
14 police already."

15 A. Yes, because at that point I was under the impression
16 that she had been part of the police investigation.

17 Q. Yes. Then at 91, an hour later, you obviously had
18 a further thought because you say to Helen Deller:

19 "Just to add on this, what was alleged about Glitter
20 and Starr was a long way from anything the police would
21 have considered helpful. With Starr it was not even
22 abuse or with anyone underage."

23 Now, where did that come from? Had you been back
24 to -- had you spoken to somebody or had you looked at
25 some information you had, or was that just a further

1 thought?

2 A. Sorry, that was just a thought from memory, or it may
3 have been a conversation with Meirion. I can't --
4 I remember at some point -- sorry, it is so difficult
5 because you are not making notes of every conversation
6 that you are having.

7 I do remember having a conversation with Meirion
8 about the (b1) [REDACTED] allegations and the
9 fact that she'd not accused him of abusing her in the
10 interview that she did with us, therefore the only
11 allegation against [REDACTED] was that he -- excuse
12 me, but he pulled some pubic hair out of his trousers
13 and waved it at somebody, and that wasn't -- and so it
14 wasn't considered that serious. And that the -- you
15 know, that the [REDACTED] allegation was this, you
16 know, she couldn't identify who the person was and, um,
17 therefore evidentially how valuable would it have been?
18 And I think that he said, you know, that he was saying
19 that he thought that they already knew about it -- that
20 the police already knew about the allegation from
21 a separate person.

22 But, sorry, I can't recall whether that was as
23 a result of that conversation or whether I was just
24 remembering it.

25 Q. Okay. If you go to 144 --

1 MR POLLARD: May I just raise one further point? Sorry, to
2 go back to the conversation that you had with Meirion
3 after the exchange of emails and "let's talk rather than
4 email". I appreciate it is difficult, you can't
5 remember this conversation word for word and why should
6 you be able to, but when you were putting to him the
7 idea that you had in your mind that the CPS test was
8 a key one for you, did he not at that stage, as he might
9 be expected to logically, say:

10 "Yes, but the important thing to remember about the
11 CPS line is we had a brand new witness who had never
12 spoken to police and who therefore would be, if you
13 like, outside the importance of that CPS letter."

14 Because that's his case in many ways.

15 A. Yes, I can't recall the nature of that conversation, but
16 had he told me at that point that [Q1] had not
17 been part of the police investigation, I clearly would
18 not have written the blog in the way that I wrote it.

19 MR POLLARD: You would have remembered that?

20 A. Yes, if it is the day before I would have remembered it.
21 As I think you can see from my witness statement
22 I actually then have a phone conversation with Meirion
23 later on that day where, you know, he uses this phrase
24 which I remembered because I was -- basically all the
25 women had been involved in the police investigation.

1 suggest that these women weren't credible.

2 A. Yes, I think that's fair. I felt slightly hamstrung
3 when I was writing the blog about how fair it was to
4 someone like [Q1] for me to say -- you know, for
5 me to appear to be kind of criticising her or doubting
6 her, particularly in the context of the hundreds of
7 other people I think at this point that were -- that
8 were coming out. And I didn't think it was -- so yes,
9 I did feel slightly hamstrung by the extent to which
10 I wanted to make that explicit in the blog. And also
11 some of the issues I had about the way the testimony had
12 been collected, I didn't want to get into that either
13 because it would have looked like I was criticising my
14 team.

15 Q. If you go to 155, on 1 October in the evening, 9.30 at
16 night -- which day of the week is this?

17 A. Monday.

18 Q. It is a Monday. You had obviously been back at this
19 stage to what you call the original blog. That is the
20 [Q1] web memoir?

21 A. Yes.

22 Q. And you quote bits of it. And then you say:
23 "Obviously we cannot second-guess the stories
24 publicly and I have no reason to defend JS but also note
25 she was on Lithium at the time."

1 a subsequent email it becomes clear that he means --
2 Q. Helen and George, he says?
3 A. Either him and Helen or him and Helen and George.
4 Q. Was this it, or was there a conversation around this
5 about briefing notes?
6 A. Er --
7 Q. Are these the extent of the instructions, if you like?
8 A. I think they probably are, yes.
9 Q. When he says:
10 "It might be a good idea to draft a briefing
11 note..."
12 Did you understand you could have emailed back and
13 said, "I don't think it's a good idea, I'm not doing
14 it", or was this an instruction?
15 A. I, er, I couldn't think of a good idea why it wasn't
16 a good idea, if you see what I mean, so I was happy to
17 do it. In fact I was more than happy to do it, because
18 I was quite keen for -- to get -- I felt we needed to
19 get a more -- an account of what I had done written.
20 Q. What was the timeframe for doing this?
21 A. He didn't set a timeframe, but he meant now -- I mean he
22 wanted it, so it was kind of something to prioritise and
23 do as soon as possible.
24 Q. So you replied 20-odd minutes later, over the page:
25 "Will do by lunch time. I agree it may be a good

1 story.

2 A. Yes.

3 Q. But that would not apply to something that was only
4 going to Steve and --

5 A. I agree.

6 Q. Look at 180, the one you had in mind a minute ago, "For
7 now it is for internal consumption."
8 So it looks as if you have picked up on the point
9 that you appear to be contemplating at 9.11, something
10 that is going to the public -- and he's, as it were,
11 correcting you saying:
12 "No, no no, it is for internal consumption, so the
13 full version. If this goes on, as you say, we may need
14 to put an edited version out there. For now I want
15 Helen and George to know the full story from you."
16 So by 9.14 it is clear that the first task at least
17 is an internal, full version for internal use.

18 A. Yes.

19 Q. So what you did then was send something to
20 Steve Mitchell and Helen Boaden at 12.15, page 191.
21 This is the chain of events.

22 A. Yes.

23 Q. What had you done between 8.43 and 12.15 in order to get
24 to this document? What had you looked at?

25 A. I went back and looked at the original blog that

1 [REDACTED] had written, and the final statement we got
2 from the CPS were the two kind of source documents
3 I used and the rest I did as best as I could recall, as
4 Steve had requested.

5 Q. What about ROUGHSAVILLE 2, which was the script, if
6 script is the correct description?

7 A. I may have looked at that. I can't recall whether I did
8 or I didn't.

9 Q. We can see you went back to the [REDACTED] web memoir,
10 because you have the link to it there, don't you?
11 That's the link?

12 A. Yes.

13 Q. And then you explain your initial view that it wasn't
14 really a Newsnight story. Meirion then came back, said
15 there was more than one woman and the key witness was
16 alleging the police had investigated it but had dropped
17 it on the grounds he was too old.

18 A. Yes.

19 Q. And then you see in the next paragraph, third line:
20 "The key witness said in her original blog ..."
21 So this document proceeds on the basis that that's
22 the same key witness?

23 A. Yes.

24 Q. So it is the same point we had before?

25 A. Yes.

1 it may be you were doing other things as well?

2 A. Yes, as I said, this is an extraordinarily busy period,
3 an unprecedented busy period for the programme because
4 we are effectively running two different programmes. So
5 it would have been significantly less than that, yes.

6 Q. I'm struck by the fact that you are asked to do it, "As
7 best as you can recall". You weren't asked, for
8 example, to produce a briefing note making, as it were,
9 damn sure you go back to the source material and getting
10 every detail correct. You are asked to produce
11 a briefing note, "As best as you can recall"?

12 A. Which is what I did.

13 Q. Which is what you did. But it is immediately being
14 interpreted or taken to be:

15 "The detail behind our existing public position;
16 namely that Newsnight had focused on a very specific
17 approach and when this didn't stack up, dropped the
18 project on editorial merit."

19 Is that in effect not the same telescoping of what
20 the story was really about that you have been critical
21 of earlier this morning?

22 A. I think you could read that like that, yes. I think you
23 could.

24 Q. But you didn't -- that didn't set off an alarm bell for
25 you, did it? What we're going to see, I think, is that

1 going to be a warts and all account of the truth. Is
2 that a fair way of putting it?

3 A. Not quite. I would be restricted in the way I could
4 describe what happened in order to -- because I wanted
5 to steer away from elements of witness reliability. But
6 I do refer to that in the blog, as you can see. I don't
7 ignore it. It is part of the blog.

8 Q. Would you say it was your idea to write the blog?

9 A. I -- I can recall arriving at work about 10 to 10.30
10 that morning. So this is after having been asked to
11 write this. And bumping into Helen from the press
12 office as I was -- I bumped into her as I was entering
13 the building and we just had a kind of general, "How are
14 things looking today?" And as a result of that
15 conversation -- I can't remember whether she suggested
16 it or whether I suggested it, but from that it became --
17 so I can't remember whether I specifically suggested it
18 or whether she suggested it, but it was as a result of
19 that conversation, I think I picked up the idea that
20 I could possibly do something, yes.

21 Q. What did you understand the purpose of the blog to be?
22 I don't mean the editor's blog generally, but the
23 purpose of this post on the editor's blog.

24 A. Personally for me I felt that a -- the Newsnight
25 audience could reasonably -- given the amount of

1 coverage of the Exposure documentary that was likely to
2 happen because it was going to transmit the next day,
3 and there had been some press coverage of why I had
4 taken the decision I had taken -- I felt that the
5 Newsnight viewers would probably appreciate an account
6 from me as to why, when they are watching this Exposure
7 thing wondering why I hadn't run the piece I run -- that
8 they would deserve an explanation of that. That was the
9 spirit in which I agreed to write it.

10 Q. So the purpose from your point of view was to explain
11 why you hadn't done the piece?

12 A. To the audience.

13 Q. To the Newsnight viewer?

14 A. Yes.

15 Q. So if I were to suggest to you that it has been
16 suggested to us that you decided to write a blog in
17 order to make it clear that you entirely rejected the
18 allegation that pressure had been put on you to drop the
19 Savile investigation, is that a fair description of the
20 purpose?

21 A. I mean that was part of it, because there had been
22 significant press coverage the day before, which is why
23 I dealt specifically with those two issues. Sorry, the
24 two issues that the press -- sorry, the two issues that
25 the press kept talking about were whether we were

1 Q. Copied to Mr Mylrea:
2 "After much consideration and consultation with
3 Sara Jones, this is now the proposed line. Any
4 feedback, could you call Jess [that is Jessica Cecil,
5 presumably] or Paul [I infer Mr Mylrea] ASAP."
6 It is the same point; a number of serious
7 allegations by Jimmy Savile:
8 "Allegations of a serious criminal nature which only
9 the police have the proper powers to investigate."
10 So that's really the same point that gets developed
11 into the BBC line.
12 A. Yes.
13 Q. Had you been involved in the much consideration and
14 consultation with Sara Jones?
15 A. No, none at all. But at the point at which this became
16 policy we obviously then did disclose all we had to the
17 police as requested.
18 Q. Because that was the corporate instruction, as it were?
19 A. Yes.
20 Q. That was the BBC's position?
21 A. Yes.
22 Q. Let me just show you at 341 -- it touches on something
23 that you mentioned earlier, the same day, just after the
24 blog has gone up, Helen Deller to Paddy Feeney at the
25 bottom. They are trying to track down what the

1 you to Steve Mitchell at 7.30 that evening:

2 "I will get a script to you this time tomorrow.

3 I just need to iron out a few bits with Meirion first.

4 He's interviewing a second victim on camera tomorrow".

5 So that's what we have. Then the next thing we have
6 in writing is the one at 214, which is what I call, "The
7 pondered overnight email --"

8 A. Yes.

9 Q. -- at 9.37 the following morning.

10 MR POLLARD: I just wondered whether, having looked at those
11 emails last week, anything had come back to you about
12 the course of that day and whether you did have
13 a conversation or you sort of followed it up in any way
14 with Stephen?

15 A. I pondered this because I wasn't aware of the email when
16 it first -- the --

17 MR MACLEAN: The 118 one?

18 A. Yes, the 197. If I had felt the conversation was
19 significant I am sure I could recall it. But
20 I genuinely can't. I thought when we spoke last time
21 you made a very good point you said -- I said it was
22 Meirion's account, but you said, "But you don't
23 attribute to him." I was pondering that afterwards but
24 that is very routine. I think if I had attributed it to
25 Meirion it would have made Steve think that I was

1 distancing myself from that judgment.

2 So what I'm doing -- they send me the script,
3 I think, the day before. This is the period at which
4 I'm trying to make a decision about -- and when I'm
5 engaging slightly more fully with the material I have
6 and the judgment that I need to make, so I'm kind of
7 exploring the editorial terrain as much as possible.
8 And I mean, I -- I think it's a particular
9 characteristic of Stephen that whenever -- his mantra,
10 you know, is that editors edit, and it's very clear to
11 me that that's the judgment he wants me to make. I
12 can't think of any occasion -- I can't think of any
13 occasion where he's -- where I've felt that he's taking
14 a particularly strong one way or the other view on
15 a story, and --

16 Q. It was the same day that you got the script.

17 A. Was it?

18 Q. You remember 143, 9.51, ROUGHSAVILLE comes around. And
19 then you remember 11.30:

20 "If you haven't looked at ROUGHSAVILLE, ROUGHSAVILLE 2
21 is better."

22 Do you remember? 159? Same bundle, page 159. So
23 143 is 9.51 from Meirion Jones to MacKean, Livingston --

24 A. Okay, all right.

25 Q. Then 11.30:

1 "If you haven't read the last draft yet, read this
2 one."
3 A. Okay, so I then --
4 Q. 11.30. Then within two hours, you send the email to --
5 A. Yes.
6 Q. -- Mitchell.
7 A. So what I have done is I have just kind of summarised
8 the script and sent it to him. I mean, the likelihood
9 is we would have had a conversation but as I say
10 I can't -- I can't recall the substance of that.
11 MR POLLARD: Okay.
12 A. I'm trying to -- I can't think what else to say.
13 MR POLLARD: I think what you are suggesting, if I may say
14 so, is you did ponder it overnight, without
15 a conversation, it would appear, with Steve Mitchell.
16 You pondered it overnight and came to a slightly
17 different conclusion.
18 A. No, I think I -- I mean I probably did talk to Stephen.
19 What I'm trying to remember is would that conversation
20 I've had with him, how would that have -- did that
21 affect the decision that I took? I can't recall, so
22 I can't make that judgment. But I would -- I would
23 counsel, though, don't -- it's quite normal for me to
24 kind of -- not play devil's advocate, that's not the
25 right phrase, but to kind of express stories in

1 with Meirion Jones on the 1st. He told you then, did
2 he, that all the women -- he was confident all the women
3 had been spoken to by the police?

4 A. Yes, I called him that afternoon because the press
5 office were pushing me because this was one of the
6 allegations that was repeatedly getting asked of them.
7 So I called him just to reacquaint myself with the
8 explanation as to why we -- he felt very strongly
9 throughout that we didn't have any evidence that should
10 have been handed over to the police. And as part of
11 that conversation I -- I very -- had a very firm
12 recollection that he said -- I mean I said to him, it's
13 true, isn't it, we didn't have anything because all the
14 women had been part of the police investigation anyway.
15 And he said, basically that's right, and anyway we
16 didn't have anything that would have been of evidential
17 value, or something like that. And I remembered that
18 very clearly, which is why I put it in the blog.

19 Q. He said basically that's right? He says that on
20 1 October, he again told you that we had more
21 information than Surrey Police had in 2007 to 2009.
22 I think there is a divergence of --

23 A. There clearly is. Because after this he and I then had
24 a conversation with Liz to try to establish what the
25 situation was. And he, as far as I was aware, I felt he

1 changed the account that he had given me on Monday to --

2 Q. Right.

3 A. -- to say that we -- to agree with Liz.

4 Q. Could you have misheard or misinterpreted at that

5 meeting? Because it appears to have been a key point of

6 Meirion's, I think, all the way through, or for a large

7 part of this journey, shall we say, that the key plus

8 about '[R1]' was that she was new, if you like, to

9 the story. That she hadn't been -- that she hadn't been

10 talked to by the police back in 2007.

11 A. I think you can see from a lot of the email chain why

12 I was under that impression. I think part of that is

13 because the ambiguity in some of the emails that he has

14 sent to me. Had he told me that that wasn't the case,

15 then I'm confident I would have remembered it. The main

16 reason being in that the claim that all the women had

17 spoken to the police is an explanation for the

18 conclusion that we didn't have anything evidential --

19 which we can see from the subsequent emails -- that we

20 agreed on.

21 Had I not been left with that impression based on

22 that conversation I had with him, I would have simply

23 just used a different explanation. So I was -- I was

24 very sure and I was struck by when he, um, challenges

25 the truth of that, he doesn't -- he just says it's

1 "I can see that the producer, Meirion Jones, the
2 reporter, Liz MacKean and the press office,
3 Helen Deller, were copied in and Peter undertook to
4 brief the press office on the correct line to take. So
5 far as I was concerned the blog had addressed the main
6 issue; that is the reasons why Peter dropped the
7 investigation and any dispute about other details in the
8 blog was being addressed with press office involvement.

9 "That continued to be my view for the rest of the
10 week. I didn't hear any more on the subject and on
11 Friday 5 October I asked that my weekly email message to
12 staff include a link to the blog. I remained concerned
13 however about what I now realised was a fractured
14 relationship between Peter Rippon and the producer and
15 reporter. At this time, and in the following days, my
16 main concern was the argument over why Peter had dropped
17 the investigation."

18 Now, what about it is one thing to brief the press
19 office to stop using the line, but what about correcting
20 the blog?

21 A. I should have corrected it.

22 Q. Why not say, "I want to correct my blog"?

23 A. Well, the reason I didn't -- I should have, and the
24 reason I didn't was that -- as you can see from the
25 emails -- that I felt that the substantive point about

1 evidence of value to the police, however you want to
2 phrase it, still stood. So that particular error was --
3 didn't undermine the conclusion of the main point I was
4 trying to make in the blog.

5 So that was the strategy that I proposed at the
6 time, but I accept I should have corrected it.

7 MR POLLARD: Can I just ask a question, just an observation
8 really, I was just staring at that sentence on page 88:

9 "We're agreed that we have never had any information
10 about anyone alive that the police should have been told
11 about."

12 I suppose with the welter of questions that have
13 been asked about this whole matter, that has certainly
14 been challenged, hasn't it, that line? In other words,
15 that perhaps that should have been -- that was not
16 something that journalists sitting together or
17 individually should have decided. And that by this time
18 in October, before making such a clear assertion as
19 that, perhaps either the police or a lawyer should have
20 been spoken to?

21 I mean there was information about [REDACTED], and
22 arguably about [REDACTED]. Whether it had strong
23 evidential value or not, there was certainly evidence
24 that, I guess, on the face of it, police should have
25 been told about, wasn't there?

1 earlier this week. I was happy with his decision then
2 and I remain so now".

3 A. Yes.

4 Q. And you wanted him to change that, to harden it up, if
5 you like, at page 67, to "supported". I think that
6 change didn't get made, is that right?

7 A. No, but I didn't feel strongly about that. I mean
8 I was -- I don't think there is a hugely significant
9 difference between the two words.

10 Q. Okay.

11 Then page 84, if you put 9 away and go back to 8,
12 Paddy Feeney to Helen Deller on the 3rd:

13 "We are truly sorry for the ... She says she's
14 deceived, angry, et cetera, but no direct accusation."

15 That is the reference to [REDACTED] ...

16 "How about we are truly sorry for the disappointment
17 and any distress caused by [REDACTED] and other contributors
18 by not broadcasting their stories. The BBC decided in
19 the end that we couldn't reach the standard of proof we
20 needed to broadcast. That was the only criterion."

21 Was that line developed by reference to you at all?
22 Is that how you would have put it?

23 A. I can't remember whether that was done in consultation
24 with me. I may well have let that go, though, if I had
25 been shown it.

1 "We can be much stronger on the second line to
2 The Mail. We believe the allegation being made about Mr
3 Glitter was already known to the police. We were also
4 unable to identify or trace Mr Glitter's alleged
5 victim."

6 That first sentence, you say that's what
7 Meirion Jones told you?

8 A. Yes.

9 Q. So at 134, which has been redacted and we can't see all
10 of this, but you were happy with those responses,
11 including the one to The Mail we see at the bottom of
12 the page.

13 A. Yes.

14 Q. This is all moving quite quickly. You see:

15 "I need to get ITN's statement to them in the next
16 hour."

17 These press enquiries are all rush rush, aren't
18 they?

19 A. Yes. I think from what I can recall ITN ran the
20 interview with **CRD**, who they can't include in the
21 Exposure documentary without giving us any right of
22 reply, at lunch time, so the press office was quite keen
23 to make sure they did give us a right of reply in an
24 evening broadcast.

25 Q. David Jordan you mentioned. If you go to page 192, if

1 you look at the bottom, in the evening, re Media Show.
2 So he has been on The Media Show, I think, by this stage
3 and he says:

4 "Thanks. I hope I didn't misrepresent your position
5 in any way and it made sense. Happy to do Newsnight
6 tomorrow, once I have watched the programme."

7 Then you say:

8 "Your defence was great."

9 I suspect that might have been to -- you might not
10 really have felt that his defence was great, is that
11 right?

12 A. I, um -- I was pleased that he did The Media Show
13 because I think there was some discussion about whether
14 I should go on The Media Show, which in the context of
15 me feeling that I was being slightly paranoid, maybe
16 not, about being hung out to dry, I was quite resistant
17 to the idea of me doing The Media Show because I didn't
18 want to be -- I felt that other executives needed to
19 engage on the story. So I was wanting to be supportive
20 of him doing it for me.

21 Q. Right. We can see what you said to David Jordan. You
22 were just trying to slightly readjust his sights, as it
23 were?

24 A. Yes.

25 Q. In case he gave any more interviews?

1 I think on 8 October, and gave an interview in the 10
2 past 8 slot. Do you remember? Did you hear that?

3 A. Yes.

4 Q. What did you think when you heard that?

5 A. I remember listening quite attentively for how he would
6 describe his view of me. And I can't remember the
7 language that he used but I was reassured by it.
8 I don't remember what phrasing he used around the issue
9 of what the nature of the investigation was, I'm sorry.

10 Q. Then in bundle 9, at page 366, by 7 October -- this
11 is -- I think it is the second page. I am afraid
12 I can't remember what the second -- you see the
13 7 October, 8.40, a second page?

14 A. Right.

15 Q. I think this is -- I'm not sure what it is. But what
16 I want to show you is the middle of 366:

17 "Thanks Paddy. Paddy, not sure how to deal with
18 this now, think there needs to be disciplinary, not sure
19 we can keep referring people to blog. Let's have a chat
20 a bit later. Am amazed by the brazenness of his
21 briefing."

22 Then at 365, Helen Deller:

23 "May need to find out if there is any truth in
24 Panorama doing a programme. Meirion had emailed the
25 whole of Newsnight telling them that's where he's

1 A. This is what I found quite frustrating at this point,
2 because it became clear to me that once Steve Mitchell
3 called me, which must have been about this time --
4 I can't remember if it was -- it was after the
5 MacQuarrie process had started, which was the result of
6 that email that Meirion sends George on the 5th.

7 After that process started I get a call from
8 Stephen Mitchell saying, "Two people from your team are
9 unhappy about some of the public statements being made.
10 Ken MacQuarrie is going to talk to them. It's not
11 a complaint." But he couldn't tell me whether it was
12 about the blog or whether Ken MacQuarrie was going to
13 talk to me or -- at this point I realised that I needed
14 to change the blog. Because I think if -- if this has
15 become a big corporate investigation -- I'm assuming it
16 was about the blog, so I start saying, "I need to change
17 the blog", but the issue I have is that unless I know
18 precisely what it is that is being disputed in the blog,
19 I can't change it. Ie until Ken MacQuarrie tells me the
20 detail of what is being disputed, I felt I couldn't
21 change the blog because the -- you know, the prospect of
22 having to change it twice was not something I was
23 prepared to contemplate.

24 So at that point I feel I get snookered, because I'm
25 saying, "We need to change the blog", but nobody is able

1 to inform me or give me the information I need to be
2 able to do that. So that's either on the 5th or the
3 7th, I'm not sure precisely when Stephen calls me.

4 Q. Right. Then Steve Mitchell told us that he had met
5 Liz MacKean on 8 October. Liz MacKean, having
6 complained about the blog, the "utter bollocks" email
7 and so on. He then basically, what it comes to is he
8 says that once he heard that Ken MacQuarrie was
9 investigating the points made by MacKean and Jones about
10 the blog, that it was now a corporate process as he put
11 it and he -- these were my words to him -- he
12 essentially downed tools so far as any taking it forward
13 from his end was concerned. It all became a matter for
14 the corporate BBC and it then proceeded eventually to
15 the 22nd when corrections were made?

16 A. Yes, and from my perspective -- I mean he's my line
17 manager so he's who I'm talking to, and we probably
18 had -- we certainly had two, it was probably three phone
19 conversations where I'm saying, "Do you know what this
20 MacQuarrie process is going to be, because I need to
21 know whether he's going to talk to me and if I'm going
22 to change the blog I need to know what specifically is
23 being disputed."

24 Q. Right.

25 A. That -- sorry, go on.

1 he was not put under -- brought under any pressure from
2 any of the management chain, in his own division or
3 elsewhere, to make a different judgment than the one he
4 made."

5 Then he is asked, "Was it is good call?"

6 "With the benefit of hindsight I think we could all
7 wish that Newsnight was able to go as far as ITV went,
8 but on the basis of what he knew at the time I totally
9 support his judgment. You can't use hindsight."

10 And then he's asked about the rumours about
11 Jimmy Savile which he says he hadn't heard at the time.

12 A. Yes.

13 Q. One might think -- one can see why you were buoyed up by
14 what was said by the Director General.

15 A. I was reassured by that, yes.

16 Q. Bundle 11, now. We're trotting through.

17 On the 10th there was a lunch. Lord Patten, I think
18 there was a Q&A thing at a lunch, do you remember that?

19 A. I was not there, but I remember seeing the transcript of
20 it.

21 Q. He was asked various questions by members of the print
22 media, I think?

23 A. Yes.

24 Q. If you take this bundle, page 74.

25 Mr Webster hasn't given up. He's asking some

1 Q. There weren't any other people close to the
2 investigation other than Liz MacKean and Meirion Jones?
3 A. No.
4 Q. No.
5 A. But I asked them -- Liz volunteered to me that neither
6 she nor Meirion had leaked that.
7 Q. And you were pretty upset about that, weren't you?
8 A. I was very frustrated, because -- I keep using this word
9 "frustrated", but I had spent at least a week trying to
10 get the BBC to engage with me on what it was in the
11 MacQuarrie report, the MacQuarrie investigation, so
12 I could then take steps to correct what was in the blog.
13 But I had heard nothing back at all. So to read it in
14 The Guardian was a little bit frustrating.
15 Q. And your frustration is evident from page 407. Or at
16 least reportage of your frustration. We see that the
17 culprits of that -- if that is the right word -- are
18 identified by Helen Deller as:
19 "MJ and LM. Pete is v upset, have done best to calm
20 down."
21 That is your frustration evident, isn't it?
22 A. Yes.
23 Q. Now Mr MacQuarrie's draft file note is in bundle 11,
24 page 191. On the 10th. You didn't have any contact
25 with Mr MacQuarrie at all?

1 A. Um, yes, I think that was caused by the emergence of the
2 [A3] interview which Liz MacKean had used
3 in a clip form on the programme.
4 Q. It was going to be on that night?
5 A. That night. So that had emerged during the day and
6 I was then slightly taken aback by the fact that this
7 interview existed. And I didn't know, until that point,
8 that it had been recorded. So, er, I think that's
9 probably what is fuelling that.
10 Q. Except for the reference on 29 November email to, "Two
11 on tape".
12 A. Yes. Well that -- but, yes, although I -- yes.
13 Q. Which is inconsistent. If you had ever known, you had
14 forgotten?
15 A. Yes.
16 Q. Newsnight dealt with the story that night. Did you know
17 about Mr Entwistle's gold, silver and bronze structure
18 for dealing with the Savile story?
19 A. No.
20 Q. So if you look at 368, at the bottom:
21 "George would like a gold, silver, bronze structure
22 to coordinate work on the Jimmy Savile allegations."
23 And then the members of the gold team, George is the
24 gold commander, Roger Mosey is the incident commander.
25 Lucy Adams, she's a HR person, is she?

1 A. Yes, because I'm operating under the assumption that
2 Stephen and Helen -- they, being my line managers so
3 they are the people who I communicate up the tree
4 through. So this is yet another attempt by me to deal
5 with the issue of the blog and it needing to be
6 corrected.

7 Q. Did they ask you to do this?

8 A. No, I volunteered it, because I was very concerned that
9 it needed to be corrected.

10 Q. You say:

11 "In order to assist the corporate decision."
12 So you obviously knew that there was --

13 A. Clearly, because within -- quite soon after the blog was
14 written it became the main corporate defence of the
15 BBC's position.

16 Q. So then you set out why you wrote what you did. We can
17 read what you --

18 A. Yes.

19 Q. -- say. You make the point that:

20 "It wasn't until her ITV interview last week after
21 I wrote my blog that I was aware that she was saying she
22 had not spoken to the police. None of this undermines
23 the reasons I decided to pull the piece, which, as
24 I make clear, was about the police investigation and
25 having to weigh issues like credibility of testimony."

1 And this is in quotation marks:

2 "Basically all the women we spoke to had spoken to
3 the police and anyway we didn't have any evidential
4 about anyone alive that would have been useful to the
5 police."

6 You are saying that was a direct quote from your
7 discussion with him on 1 October?

8 A. That was the piece of that conversation that I seared
9 into my mind, yes.

10 Q. And then you set out the bit in the blog.

11 A. Yes.

12 Q. Then you say at the end:

13 "I hope this will assist the process in deciding
14 what we may need to clarify on the blog."

15 What happened, so far as you are aware, to that
16 email? What was the consequence of it?

17 A. I have no idea. I have no idea what happened to that,
18 what was done as a result of that email.

19 This is a Friday, I think, yes? Or is it not,
20 I don't know.

21 Q. I don't know.

22 A. Anyway, it doesn't matter. I --

23 Q. Yes, it was a Friday, yes, Friday lunch time?

24 A. Yes. So I -- I don't know what they did with it. But
25 it is clear what I'm trying to do.

1 Q. Right?

2 A. Certainly in those last three days I got the distinct
3 impression that I was being set up.

4 Q. Right. What gave you that impression?

5 A. Well, the fact that it suddenly became imperative that
6 I had to correct my blog, when, um, I had been asking to
7 do that for a significant number of days and nobody had
8 raised it -- engaged with me on the need to do it. And
9 then the sequence of events -- it just became apparent
10 that, um -- that that was what was happening, I felt.

11 Q. And the correction of the blog then, that was
12 a function, was it, of the Director General's appearance
13 before Parliament?

14 A. Yes, so I got a call on the Saturday morning. This is
15 the appearance is on the Tuesday. So the Panorama right
16 of reply is in, I got a call on the Saturday morning
17 from David Jordan saying, "You need to rewrite the
18 blog". Me saying, "Yeah, I do need to rewrite the
19 blog". He and I then discussed the best point at which
20 I should do that. He felt it needed to be done before
21 George appeared before the Select Committee. I agreed
22 and said I can do it for Monday morning. I then had
23 a call on Sunday morning -- and David was going to help
24 me with the wording for the correction --

25 Q. Just give us the dates then. The Monday is the --

1 MR POLLARD: 22nd.

2 MR MACLEAN: Monday is the 22nd.

3 A. Yes, so I had the discussion with David Jordan on the
4 20th in which we decide yes, I need to rewrite the blog,
5 we will do it for Monday morning and David will help me
6 with the wording on Sunday afternoon. I then get a call
7 from Helen Boaden on Sunday, kind of midday-ish, saying:
8 you have to rewrite your thing in the next three hours,
9 which I thought was a little bit hostage to fortune
10 because, you know, my main concern through this period
11 is if I'm going to issue a correction, it need to be
12 definitive. The more time pressure we put on making
13 that judgment, the more the risk is it won't be
14 definitive.

15 I then got a call an hour later from the head of HR
16 for News saying that, um, it was likely that I was going
17 to have to come off editing Newsnight because of what
18 had been written in the blog. I then got a call --

19 Q. Because of what was written in the blog?

20 A. I think -- I can't remember whether he actually made
21 that connection at that point.

22 Q. Right.

23 A. But I certainly said, "Are you asking me or telling me
24 you want me to step aside"? And he said, "Well, if you
25 don't agree, I'm going to tell you". So it felt like --

1 again it felt like there was something going on, of
2 which I was being manoeuvred into a position that I was
3 not particularly comfortable with.

4 Q. And the head of HR for News, who is that?

5 A. Richard Thurston is his name.

6 Q. Right.

7 A. Do you want me to carry on with the narrative?

8 Q. Yes, I do, I think, yes.

9 A. So then I -- I then contact Paul Mylrea and say, "What
10 corrections do you want me to make?" He doesn't seem
11 very sure. So I suggest four corrections. He says,
12 yes, do that, but you must do it by 5 o'clock. That
13 again creates a problem because David is not able to
14 help me with the wording, which I'm very keen to get
15 right this time.

16 Then I get -- whilst we're working on the wording,
17 I get another call from Steve Mitchell is saying, "You
18 are being moved aside, it is because of what you are
19 doing for the blog and there is a discussion going on as
20 to whether you are going to -- the correction is going
21 to be issued by you or whether it is going to be issued
22 corporately."

23 I then sent the suggested corrections that we came
24 up with to Paul Mylrea at around 5 o'clock as discussed,
25 and then didn't hear anything as to what they were going

1 to do with it. I then got a call from the press office
2 saying that the Daily Mail were asking whether I had
3 resigned. That was the Sunday.

4 Q. The 20th?

5 A. Yes.

6 Q. You had a long conversation I think on the 17th with
7 Helen Boaden, is that right?

8 A. Possibly. That's the --

9 Q. The Wednesday, I think.

10 A. Okay.

11 Q. In the middle of the week, do you remember?

12 A. Possibly.

13 Q. And she was concerned about how you were bearing up
14 under what must have been a considerable strain, amongst
15 other things?

16 A. Okay. I had a number of conversations with Helen. So
17 it is quite likely I did have one, yes.

18 Q. You got a telephone call from Chris Patten, I think?

19 A. I did get a phone call from Chris Patten, yes.

20 Q. What did he say?

21 A. He was concerned because he had heard that a Sky
22 television crew had tried to doorstep me outside my

23 house

24

25

And

1 Now it is a hypothetical question because you
2 haven't, but it is just a final opportunity for you to
3 say what you might want to say about whether you think
4 you should actually have seen the interview?
5 A. I -- I don't think seeing the interview -- I don't see
6 why seeing something with an eye makes it -- gives you
7 any more help in making a judgement about whether
8 something is true or not. I don't believe that,
9 I really don't. I think the kind of concerns that I had
10 that I was weighing would not have been swayed by having
11 sat down and watched the interview.
12 MR POLLARD: And yet you do have a view that vulnerable
13 people should be spoken to face-to-face rather than on
14 the phone, that being a personal, "look in the eye"
15 view. Isn't that comparable?
16 A. That is a way of collecting testimony that's considered
17 more -- that's considered stronger. I suppose, I think
18 that's a fair -- I think that's a fair point. But
19 I have seen the interview because I saw it on Panorama
20 and it didn't change my view of whether I had made the
21 right judgement or not.
22 MR POLLARD: No.
23 A. It didn't.
24 MR POLLARD: Okay.
25 Peter, thank you very much for taking the time to

**RELEVANT EXTRACTS OF
TRANSCRIPT OF INTERVIEW
WITH MARK THOMPSON**

1 A. Yes.

2 Q. -- and part of the News organisation doing an
3 investigation into that person?

4 A. Yes. And that is the kind of thing which potentially,
5 although it raises questions because of what Nick said,
6 which is how do you ensure separation, one of the things
7 which in principle this list, um, was introduced to
8 avoid would be two different parts of the organisation
9 doing just so, a tribute on -- I mean, the theoretical
10 danger being BBC1 transmits a tribute programme while
11 BBC2 is transmitting an exposé about the same person.

12 Q. Yes. So we found this BBC document, which is applicable
13 to, I think, specifically independent producers doing
14 programmes, the BBC Business and Production Guide, and
15 what it says under the heading, "Managed Risk Programme
16 List", is this:

17 "BBC Vision [of course this is in the context of
18 BBC Vision) maintains a Managed Risk Programmes List.
19 You will know that your programme has been put on this
20 list, either because this will be specified in your
21 commissioning specification or because your
22 commissioning executive will have informed you. The
23 Managed Risk Programmes List ... (Reading to the
24 words)... or reputational risks, rather than regular
25 concerns around health and safety, competitions, voting

1 or awards which are managed through different
2 procedures."

3 And then it explains:

4 "Intrinsic risk is, for example, a legal issue, or
5 a very difficult editorial policy decision. Secret
6 filming might be an example."

7 And then reputational risk:

8 "This would be any programme which, although not
9 ostensibly about a difficult topic, could damage the
10 reputation of the BBC."

11 Presumably that is accurate. That is the BBC's own
12 definition of the Managed Risk Programme List?

13 A. I suspect each division potentially would have come up
14 with their own way of describing it. I'm not sure -- I
15 don't think that is necessarily a standard text about
16 the managed programme list, but I think it's a fair --
17 it's a fair summary. What it doesn't include, and
18 I guess this is more of an internal manner than an
19 external manner is the point about contention or
20 conflict between -- because a further benefit of a list
21 is, as I have said, that it gathers information from
22 across the entire BBC. But nothing in that piece you
23 just read out from Vision is inconsistent with my
24 understanding of the list.

25 Q. If we look at, as it were, the ones that were on had

1 highest level of the list last year, we can see that
2 there is quite a broad range of type of risk. For
3 example if you go to page 009 --
4 A. Yes.
5 Q. -- which is the second one for BBC2, there is something
6 called The Space Dive. This fellow who recently jumped
7 from space to earth, you may remember?
8 A. I do, yes.
9 Q. You see the risk is, "Commercial risk, product
10 prominence"?
11 A. Yes, Red Bull.
12 Q. And then there is health and safety and there is a legal
13 risk, all in the same programme.
14 A. Yes.
15 Q. There are all sorts of examples, but if you go to
16 page 11 there was something about Wikileaks and there
17 was a reputational and a legal risk.
18 A. Yes.
19 Q. Do you see for that one, Wikileaks, the transmission
20 date slot in the third column from the right is, "To be
21 confirmed. Early 2012".
22 A. Yes.
23 Q. What was your understanding of how close a programme had
24 to be to transmission, or a piece had to be to
25 transmission to get on to this?

1 A. I think -- I think the answer is that -- that that is
2 not -- that wasn't really a parameter. The important
3 thing is you have to -- in this list is you've got a BBC
4 team who are sufficiently far advanced with a --
5 a programme, be it an investigation, be it a comedy or
6 a drama, there is a very high likelihood or a high
7 likelihood that is going to happen and it raises issues.

8 In a sense I think it is worth saying that the
9 issues are potentially -- almost all of the issues
10 become potential issues, even when the programme is
11 still in preparation and work in progress. So
12 potentially an investigation -- when I was editor of
13 Panorama we did an investigation about Robert Maxwell
14 which took well over a year to get to air. And we
15 didn't know until very, very late in the day whether or
16 not we were going to be able to broadcast it. It was
17 a very difficult investigation and the concerns around
18 defamation particularly were very high --

19 MR MACLEAN: : He was a litigious character.

20 A. I have the writ still. He jumped off the yacht a few
21 days after he gave me the writ. But the point is,
22 I would say an investigation like that, a set piece,
23 long range, I would expect to have made it on to the
24 list, even if the TBC was -- had a question mark after
25 it.

1 In other words, very substantial investigations, um,
2 even if they were very long range, or -- I mean,
3 a television drama can have a lifecycle of two years,
4 but if one is thinking of doing a -- the BBC isn't or
5 wasn't, certainly -- if you are thinking of doing a, um,
6 based-on-history drama about the sex life of a member of
7 the Royal family, past or present, the fact that you
8 have that in development is something one would like to
9 see on had on this list, even if it is years ago,
10 because even at the point of casting or something this
11 could become an enormous reputational issue. So, in
12 a way, the proximity to transmission itself I would say
13 would not have been a criteria. I think scale and
14 preparedness, I think it was always accepted that, um,
15 daily news and current affairs programmes like Today and
16 Newsnight, who are sometimes generating not just long
17 range investigations --

18 Q. That is events at the moment, that is different.

19 A. It is complicated because both Today and Newsnight will
20 sometimes do investigative pieces. Sometimes they will
21 be investigative pieces on, as it were, a 48/32-hour
22 turn around, sometimes they will do investigations which
23 are going to take much longer. I think it was
24 recognised about the list that the list would not
25 completely capture -- and we were not asking BBC News to

1 completely capture as it were, every single real-time
2 investigation that the daily programme was going -- and
3 I think by the way it is worth saying that it seems to
4 me, you know -- it is entirely a matter for Nick and for
5 you -- there is a case for -- a practical case -- for
6 saying whether or not there should be a change, I mean
7 a recommended change, to this list, such that it
8 captures in real time all of the investigations that are
9 taking place, not just the ones which are set piece and
10 in advance. There will be a case for having a record in
11 real time of what is going on, even if, as it were, the
12 things arrive quickly or it doesn't yet feel at a stage
13 where historically it would have been on the list.

14 Q. I think --

15 A. I think it is worth thinking about anyway.

16 Q. Let me try and focus on the particulars of this story.
17 I have seen a letter that you wrote to an MP called
18 Mr Wilson.

19 A. Yes.

20 Q. You will be familiar with this letter?

21 A. Yes.

22 Q. One of the points you make in it is you say:

23 "There is a list, which is compiled by the BBC's
24 editorial policy department, of potentially sensitive
25 programmes."

1 copying in the relevant commissioners, I think, is what
2 is going on here.

3 Q. You see it is Danny Cohen has this thought about the
4 Jim'll Fix It special at Christmas.

5 "Loved BBC personality take the place ... (Reading to
6 the words)... [turn outs that is Shane Ritchie] it will
7 be a homage to him and would, I think, feel like a real
8 Christmas treat."

9 Then they start talking about the rights issues and
10 so on.

11 A. Yes.

12 Q. So from there it is in Danny Cohen's basket as to what
13 to do with these commissioning, as far as BBC1 is
14 concerned, and the controller of BBC2, so far as BBC2 is
15 concerned; is that right?

16 A. Yes, and the respective commissioners. The
17 commissioners commission across the networks, again to
18 coordinate between networks. So between -- between the
19 people who are copied in on this email and the other
20 channel controllers with George, you know, in a sense,
21 sitting on top of the whole edifice, they will work out
22 what is going to be on which channel, I guess.

23 Q. Can I now take you to your Christmas drinks?

24 A. Yes.

25 Q. You invited some people to Christmas drinks who had

1 played a particular role, I think -- it wasn't everybody
2 in News --

3 A. There are thousands of people in News. This was
4 basically -- it had been a very big year for News, 2011.
5 There had been the, amongst other stories, the Japanese
6 tsunami, the Arab Spring, the international financial
7 crisis and Eurozone crisis and indeed a number of other
8 big stories as well. And this drinks party, which took
9 place late in December --

10 Q. On the 20th?

11 A. Yes. Um, we could find out, no doubt, but my
12 recollection would have been something in the order of
13 something between 80 and 120 people, maybe.

14 Q. If it helps, it is in rooms 4 and 5 on the sixth floor.
15 Now I've never been there --

16 A. That is fully consistent with that kind of number.
17 Crowded room, probably -- probably -- my guess would be
18 slightly more than 100 people rather than slightly less.
19 And they are all people they have literally -- they had
20 brought a driver who had helped us in Cairo over from
21 Cairo, and many correspondents, foreign correspondents,
22 News crews and some of the domestic teams. There had
23 been quite a few domestic stories and we had quite a few
24 people from local radio as well. My role in a sense,
25 I invited them to say thank you. I did a very brief

1 speech and I think we showed a video and I went round
2 the room and tried to shake every single person's hand.
3 So that's how the evening went.

4 Q. You met -- one of the people you spoke to was
5 Caroline Hawley?

6 A. So it turns out. To be honest I couldn't by the
7 following day, as it were, remember who I had spoken to
8 on this matter. Indeed, as recently as October this
9 year I speculated with Dan Sabbagh of The Guardian that
10 it might have been an external journalist. So I could
11 not remember who had said it. I literally would have
12 had maybe as many as 100 conversations, but certainly
13 a very large number of very, very brief conversations
14 and I concluded the evening with, in the way these
15 things do, a kind of number of small mental notes, most
16 of which are people wanting to come round and talk about
17 their careers and sort of, "Would you help me with this,
18 that or the other?"

19 But one thing was this phrase, "You must be worried
20 about the Newsnight investigation into Jimmy Savile".
21 So this was one of a number of points, but to be honest
22 I couldn't remember by the following morning who had
23 raised it with me. I discovered quite recently, because
24 in that sense she came forward, that it was Caroline.
25 Q. So before you walked into this party, what was your

1 state of knowledge about Newsnight investigating
2 Jimmy Savile?
3 A. I can't recall knowing anything about it before going
4 into this party.
5 Q. You knew neither that it had started nor that it had
6 stopped?
7 A. I didn't know it existed. I can't completely rule out
8 somebody mentioning, but I can't remember it. As it
9 happens, I think Caroline's recollection of the
10 conversation seems to accord with mine. It was the
11 first I heard of it, I looked very surprised when she
12 raised it.
13 Q. Can you remember anybody else who was there -- I do not
14 mean there at the party, who might have witnessed the
15 conversation?
16 A. No. I can remember the phrase. I remember somebody
17 raised it with me. But I didn't really remember that it
18 was Caroline.
19 Q. So the phrase that stuck in your mind --
20 A. I remember seeing Caroline at the party because I had
21 seen her in Tripoli, in Libya some period shortly
22 before. But the phrase that stuck in my mind is, "You
23 must be worried about the Newsnight investigation into
24 Jimmy Savile".
25 Q. Do you remember what you said?

1 A. I think very little, actually. I think I was very
2 noncommittal. The entire conversation with -- with
3 Caroline probably wouldn't have been more than a couple
4 of minutes and this would have been almost one statement
5 followed by me frankly probably backing away slightly.
6 And that's because whoever said it to me -- and I now
7 know it was Caroline -- the -- the editor in chief role,
8 it is a little bit like the Lord Chief Justice meeting
9 someone at a cocktail party who says, "You must be
10 worried about this murder trial that is going on in
11 Liverpool". There isn't a way of engaging with it which
12 is going to be helpful. The right thing to do is to
13 take away the thought and to check it out, as it were,
14 with the relevant part of the organisation, rather than
15 sort of sailing into a, "Really, do tell me more", sort
16 of thing.

17 So it was a -- I think a casual remark. That seems
18 to be Caroline's recollection as well. I believe it was
19 the first time I had heard about it. I didn't attach
20 particular importance to it. It is very important to
21 say that at this point -- and it is very different from
22 our mental state at the moment, at this point the name
23 Jimmy Savile doesn't ring alarm bells. Is there no sort
24 of -- in my head there is no memory of a "dark side" or
25 anything. I have not heard anything about Jimmy Savile,

1 to be honest, over the years and it is more than just an
2 odd little phrase. So it sticks in my mind and I follow
3 it up afterwards.

4 Q. Nothing lodged in your mind about sex or sexual abuse
5 or --

6 A. No, I don't believe so. Not in this conversation, no.

7 Q. So when this lodged in your head about, "You must be
8 worried about the Jimmy Savile Newsnight story", or
9 however it was you (inaudible) --

10 A. Yes.

11 Q. -- what did you do with that?

12 A. I cannot remember precisely what I did except to say.
13 that at some point shortly thereafter, and it may have
14 been on the phone, it may have been in person, this was
15 very close to Christmas and if it was in the next 24/48
16 hours it would have been on the phone if it was later it
17 might have been in person, it might have been at the
18 start of January. I raised it with colleagues in
19 BBC News. I have to say I can't remember precisely who
20 I raised it with. I think it was probably Helen, it
21 might have been Steve Mitchell. And, um, I believe it
22 was Helen who came back to me and said in pretty short
23 order: oh well, they were doing an investigation into
24 Jimmy Savile, um, but the programme themselves decided
25 not to proceed with it for editorial or journalistic

1 reasons.

2 In other words I took from that that Newsnight had
3 indeed, um, had an investigation, but they had, er,
4 I would have assumed this was probably Peter Rippon, it
5 might have been the actually production team themselves,
6 it might have been Peter Rippon had decided not to go
7 ahead with the investigation, in the normal run of
8 business and you know I have been an investigative
9 journalist and editor of Panorama myself and I know that
10 many, many investigations begin and then go nowhere and
11 you can't -- either there isn't a story there or you
12 can't stand a story up and you just abandon it and go on
13 to something else. That is a very normal thing to have
14 happened.

15 Q. At that stage did you get some indication of the content
16 of what the investigation was into?

17 A. No, not really.

18 Q. You still didn't know it was about sexual abuse?

19 A. No. I speculated a few weeks ago to a journalist from
20 The Times that I might have formed the impression it was
21 something to do with sex. But not -- I'm quite clear
22 that the conversation with Caroline, which was very
23 brief indeed, didn't include anything about what the
24 investigation was about, and I certainly don't recall it
25 from Helen either.

1 using the expression "firewall" in the context of you
2 essentially saying I would not have been involved in the
3 decision not to run the story.

4 A. Sorry, I don't recall this. I don't recall this,
5 however I have read this account and it's -- if she said
6 to me -- you know, if she had said to me were you
7 involved in the decision-making I may well have put my
8 hands up just like this and said, "No, I wouldn't have
9 been." And it is perfectly true I wouldn't have been
10 and indeed was not. So it is what -- the one thing
11 I come away from this conversation is this, you know,
12 phrase about, "You must be worried about the Newsnight
13 investigation into Jimmy Savile".

14 Q. What it comes to is you -- what stuck in your head is
15 you must be worried about, so you checked with
16 Helen Boaden, "Should I be worried about?" And were
17 reassured.

18 A. Correct, correct. That's the precise material content
19 of the entire thing.

20 MR POLLARD: But your sense is that in either the one or the
21 two conversations with Helen Boaden you formed the
22 impression somehow that the Savile case was about --

23 A. As I say, I -- I, in an interview with Ben Webster of
24 The Times possibly unwisely speculated in October 2012
25 about what pie might or might not have formed

1 a contribution impression of back in last December. The
2 truth of the matter is -- as it were by inference not
3 because I had been told by either Caroline or Helen in
4 my recollection, but as it were you know you go through
5 a list of money, sex, drug, I suppose and so on, but
6 that -- the truth is very straightforward. I had heard
7 something from a colleague, it turn outs
8 Caroline Hawley, which raised a question mark. I didn't
9 address it with Caroline at the time. I thought that
10 would have been unwise. I subsequently addressed it
11 with the people I took to be the right people,
12 Helen Boaden and BBC News, received reassurance and
13 indeed got the sense the whole matter was closed,
14 crossed it off my list and went off to worry about
15 something else.

16 MR POLLARD: But it wouldn't have been improper in the
17 conversation with Helen to have said what was it
18 about --

19 A. Yes, I could have done. I mean -- in other words
20 I don't -- I'm not going to say, you know, not least
21 because I don't think I, to be honest, this as you will
22 very fleeting, I mean the key thing is these are not --

23 MR POLLARD: Wouldn't any journalist say, "What was it about
24 then?"

25 A. I -- I didn't, is the most straightforward thing to say.

1 Q. So when did you first become aware that you were being,
2 as it were, roped into this story?

3 A. To be honest, I missed these press stories in the -- in
4 the -- in 2012. Um, I mean the context of 2012 in my
5 job was it was an unusually busy period for a number of
6 specific reasons. The golden -- the Diamond Jubilee and
7 the Olympic Games are essentially the biggest
8 broadcasting events in our history. We were mobilising
9 the big new broadcast centre in Salford, we were also
10 getting the New Broadcasting House going.

11 In January/February the announcement that I would be
12 stepping down and the search for a new Director General
13 began. So it was an extraordinary busy period and I was
14 also out of the office much more than I normally would
15 have been.

16 Q. Was it March you resigned? My note says 19 March?

17 A. That was when it became a public announcement but
18 speculation about it began in late January because of an
19 interview given by the chairman. So that is the context
20 of this particular year.

21 The way the, um, I -- was briefed about the press
22 was I would get a physical pack of press cuttings every
23 day. These packs are potentially very substantial, 100,
24 150, 200 pages is not potentially unusual, so very
25 substantial packs of information. I sometimes read

1 News -- the corporate press people I think know this is
2 going on as well, I'm told now -- believe that they have
3 a very clear understanding of this story. I believe
4 that members of the press team had talked to
5 Peter Rippon directly and satisfied themselves in the
6 same way that the senior management in News was
7 satisfied that Peter had reached the decision not to
8 proceed with the Newsnight investigation entirely on his
9 own. They felt that what they were dealing with were
10 relatively low level mischievous stories with no
11 foundation and they could get on with rebutting them.
12 They therefore didn't think they needed to raise it and
13 put it on my radar explicitly.

14 Q. You now know, I assume, that there was a Freedom of
15 Information request by Mr Goslett in April?

16 A. Yes.

17 Q. Which the BBC responded to about a month later?

18 A. Yes.

19 Q. Essentially relying on the journalism et cetera --

20 A. Derogation, yes.

21 Q. And essentially telling Mr Goslett politely to go away.
22 Were you aware of that at that time?

23 A. No. The BBC gets literally thousands of FOIs and
24 I would only ever be involved in FOIs if they related to
25 me personally, in a kind of expenses or, you know, some

1 sort of, as it were, quasi-private capacity, or if there
2 was -- if they wanted my opinion about whether
3 something, you know, fell into the derogation
4 or section 36 or whatever. So it would be very rare for
5 me. So what would happen typically is that my office
6 would refer FOI matters to the team who dealt with FOI,
7 or, if necessary, to the BBC Trust.

8 Q. But this one didn't come to you. So I think the next --
9 I think there are two other aspects I want to touch on
10 as briefly as we can. In the end of August, The Sunday
11 Times --

12 A. Yes.

13 Q. -- is sniffing around. And they sent something to the
14 BBC which also flagged --

15 A. It did.

16 Q. -- in the same email the fact that ITV was doing
17 a piece.

18 A. Yes.

19 Q. And raised a series of questions. And then on
20 7 September, which is very close to the end of your
21 period as Director General --

22 A. Yes.

23 Q. -- there is a letter from ITV.

24 A. Yes.

25 Q. You -- we've seen, obviously, the letter from

1 Mills & Reeve that went --

2 A. To The Sunday Times, yes.

3 Q. -- to The Sunday Times on behalf of you and

4 Helen Boaden. Just tell me what your involvement was in

5 the Mills & Reeve letter?

6 A. So the, um -- kind of my movements over this period

7 are -- Olympic Games is 27 July to something like 12 or

8 13 August. I then went immediately to the United

9 States, briefly to New York and then went to, um, to

10 have some holiday with my family in New England. And my

11 first day back on the office was, I think, 3 September.

12 My last day in the office was the following Wednesday,

13 1 September. So there is a period of about a week and

14 a half which, um, is really my last -- my last chapter

15 as Director General.

16 And the background here is the team, Jessica and the

17 two assistants, are actually principally working for

18 George. George is installed as Director General

19 designate, he's preparing for his first day in office

20 and quite understandably the entire team is focused on

21 giving him the best possible start. I'm in and out of

22 the office, I've trips over these twelve days to

23 Northern Ireland and BBC Caversham and also a lot of

24 meetings which are -- essentially a lot of meetings to

25 go and say goodbye to people outside the office.

1 Q. You are on a farewell tour in effect?

2 A. Pretty much. But there are some matters of housekeeping
3 and other matters which come up.

4 Now what I understand to have happened is this, the
5 letter from the Sunday Times -- the letter from ITV was
6 I believe addressed to George Entwistle, because ITV
7 I think assumed that George was already in charge and
8 I think was dealt with entirely by George and the BBC
9 eventually responded to ITV in some way.

10 We will come on to that will we?

11 Q. Up to a point we will cover that.

12 The ITV letter came in addressed to Mr Entwistle
13 because they thought he was the Director General?

14 A. Yes.

15 Q. He -- I will show you it was sent to your office.

16 A. Yes.

17 Q. But you are quite right. It was eventually responded to
18 after you had left.

19 A. And I don't believe, um -- I don't recall ever seeing
20 the ITV letter or indeed being aware that ITV were
21 preparing a programme. Now although The Sunday Times
22 letter came in, it was obviously related because it was
23 obviously some kind of early -- it was based on some
24 early insight or intelligence from the ITV programme.

25 My point about the ITV letter is to be honest,

1 although it may -- I am sure it came into my office
2 because my office was the office of the Director General
3 and it was, as it were, addressed to the
4 Director General, albeit, it as it were, to the incoming
5 one rather than to the outgoing one, I didn't see it and
6 it wasn't copied to me and it was dealt with separately.

7 MR POLLARD: Did you as you say you saw The Sunday Times
8 letter or not?

9 A. No, let me --

10 MR POLLARD: (Overspeaking).

11 A. I'm trying to deal with the ITV letter. The
12 Sunday Times letter I did not see the original
13 Sunday Times letter, which I think actually was not
14 a letter but I now know was an email sent to one of the
15 members of press team inside BBC News. This is --
16 Helen Keller I want to say.

17 MR MACLEAN: To Helen Deller from Mark Edmonds at The Sunday
18 Times, on 22 August.

19 MR CHRISTIE-MILLER: Shall we just separate ITV letter from
20 Sunday Times letter, because they seem to be getting
21 conflated slightly?

22 MR MACLEAN: I was actually asking about The Sunday Times.

23 A. To be fair, I am sure this is my fault for doing it.
24 I have made some remarks about the ITV letter and then
25 I will deal with The Sunday Times letter.

1 Q. You are quite right, 22 August, Mark Edmonds to
2 Helen Deller. If you want to see the questions, if you
3 take bundle A5 and go to 273.

4 A. 273, did you say?

5 Q. 268 is, I think, the original email.

6 A. Yes, I'm reading it.

7 My understanding is this comes into the press team
8 inside BBC News:

9 "I'm currently on holiday and will be on holiday for
10 another twelve days or so. In my absence... "

11 I'm contactable by telephone and also by email,
12 albeit occasionally -- I have looked at my private email
13 throughout the entire period and I can find nothing go
14 back to 2011 and my private email or any text or
15 anything on my phone, my -- so there is no communication
16 with me about this at all while I'm away.

17 What seems to have happened is that the -- the press
18 people, both inside news and I now understand that it
19 is -- the news press team and BBC News management with
20 some knowledge of corporate press have been dealing with
21 this in fact for, you know, for a number -- for many
22 months. It hasn't, you know, popped up, went down,
23 popped up again, but there has been a period where they
24 have got a way of thinking about this, and a way of
25 rebutting it, and that -- it's established.

1 And they are -- I now know -- also at this point
2 extremely confident that they understand it, the thing
3 very clearly, and know what the lines of rebuttal are.
4 In this case, they decide, um, that the best way of
5 dissuading The Sunday Times Magazine from publishing
6 allegations about Helen Boaden and me being involved in
7 a conspiracy to suppress the Newsnight investigation is
8 to send a letter from an outside law firm, which I guess
9 carries the implication to a newspaper getting it that
10 there is perhaps a greater chance that an individual
11 will sue you for defamation, than if it feels like it is
12 simply a push back from the BBC.

13 By the way, this tactic is not by any means
14 uncommon. I have known of this many times in the past
15 of the press and legal teams deciding that the right
16 thing to protect a given member of staff or presenter is
17 to send such a letter.

18 So by the time I come back from holiday, they have
19 already formulated a kind of tactical plan for dealing
20 with this incoming letter from The Sunday Times.

21 Q. Can I just show you that, so that we get the timeline?

22 A. Yes.

23 Q. Attached to The Sunday Times email that I showed you
24 there were a number of specific questions, if you look
25 in bundle 5, at 287 and 288. At the bottom of 287, do

1 and the 6th?

2 A. Is this the question -- let's just get the --So my -- my
3 recollection is that what happens -- firstly, I have no
4 involvement at all with Mills & Reeve. I never meet
5 them, I don't know the name of the firm that have been
6 asked to do this. There is no briefing and there is no
7 questioning by Mills & Reeve of -- of me or anything --
8 there is no contact at all. I have to say I do not
9 recall having any briefing from an in-house legal team
10 either. It is not impossible that, um, one of the
11 lawyers spoke to me very briefly.

12 Q. Let me show you.

13 A. Yes.

14 Q. If you go in this bundle -- you have the letter at
15 212.001?

16 A. Yes.

17 Q. If you go back to page 183 --

18 A. Yes.

19 Q. -- you will see that we are -- we're not being greatly
20 assisted by some of these emails not being available to
21 us. You see at the bottom of 183 it has been redacted
22 or covered up for privilege reasons. But it looks as if
23 there is a long chain of emails here.

24 A. Yes.

25 Q. Most of which we can't really read. But if you go to

1 186 at the end of the chain that's the -- there's
2 a response from James Hardy on the 29th August, and you
3 see Mark Edmonds says, "Thanks for this".

4 A. Yes.

5 Q. They are not going to run a piece imminently, and there
6 are all sorts of chains involving Nadia Banno, who is
7 a BBC lawyer, all the way up. We get to 183:

8 "Don't see any reason not to send this, but both
9 Helen and Mark would need to agree."

10 Because it is going in your name. And it appears
11 from 183 that you are happy with some suggestion from
12 Nadia.

13 A. So, so -- so he my recollection is as follows: that
14 Amanda Churchill, my assistant, basically says to me,
15 um, Paul and Nadia want to send a letter, a legal
16 letter, back to the -- back to The Sunday Times, because
17 The Sunday Times are threatening to allege that you and
18 Helen were involved in a conspiracy to suppress
19 a Newsnight investigation into Jimmy Savile. I know
20 that is completely untrue.

21 Amanda is saying, you know, they want to send
22 a letter. Now, Amanda's recollection is that she can't
23 remember exactly what happened. She thinks it is likely
24 that she physically printed this thing out for me,
25 ie presumably a covering email from Nadia and the draft

1 letter, the Mills & Reeve letter underneath it.
2 I have to say I'm very clear that I didn't read the
3 detail of the letter. What I would have said to Amanda
4 simply is, it was my practice to typically follow the
5 advice of the -- particularly when the press department
6 and the legal department were both recommending
7 something, I would typically say yes to it and my
8 recollection is I simply very quickly verbally said,
9 "That's fine, send it". And then what Amanda does after
10 that is she simply sends this one-liner back to
11 Paul Mylrea simply saying, "Mark is happy for the letter
12 to be sent".

13 So what I did not do is -- you know, I thought that
14 what we were dealing here is with a newspaper which was
15 going to allege that Helen and I had been involved in
16 a conspiracy to suppress this investigation. I knew
17 that to be completely untrue. I'm told that the most
18 effective way of killing it is to send a legal letter,
19 I agree to it.

20 Q. We see that from the last paragraph of the letter, which
21 is essentially saying, "If you print this, we're going
22 to sue you". That's the implication.

23 A. Yes. What I accept of course is had I indeed read the
24 letter in detail on about 5 September, I would have
25 indeed seen not just the allegation about the

1 suppression of Newsnight, but I would have seen some of
2 the -- there were a couple of references in the letter,
3 I know, to the underlying allegations about
4 Jimmy Savile.

5 Q. And BBC premises in particular?

6 A. Indeed.

7 Q. We see that from the bit that is quoted in the first
8 page of the Mills & Reeve letter --

9 A. Indeed.

10 Q. With quotes from the Sunday Times Magazine.

11 A. Some of them are from The Sunday Times. I accept that.
12 And to the extent that I didn't read that, that is
13 clearly a miffed opportunity on my part.

14 MR POLLARD: When you say -- you used the phrase, "I didn't
15 read the detail of the letter".

16 A. Yes.

17 MR POLLARD: Does that mean you did or didn't read the
18 letter?

19 A. To be honest, I can't recall reading the letter at all.
20 I mean it is perfectly possible the thing was handed to
21 me and I said, "That's fine, send it".

22 MR POLLARD: How would you know it was fine it was handed to
23 you --

24 A. Because I thought this was again -- the business of
25 press handling in the BBC because there are so many

1 incoming allegations and points from different
2 newspapers, often it happens in -- in fairly summary
3 fashion. And if Nadia and Paul were both happy that
4 this was the right thing to do, my -- you know, my view
5 would have been that's fine, send it.

6 MR MACLEAN: So you didn't have any direct contact with
7 Mr Lawrence at Mills & Reeve?

8 A. No.

9 Q. And on the 17th we get the ITV letter which is in the
10 same bundle at 229.

11 A. Yes.

12 Q. And I'm not sure what day of the week that is, but there
13 is the ITV letter sent on 7 September. It arrives at
14 17.37, and the actual letter is at page 230.001. And
15 the eventual response to it -- certainly if you go to
16 287, there is an email from Valerie Nazareth, who
17 I think is another BBC lawyer --

18 A. She is.

19 Q. -- to Peter Rippon on the 21st, saying, "I think you
20 should see the statement being sent to ITV."

21 A. Yes.

22 Q. So obviously by then there is a response?

23 A. Yes.

24 Q. And it looks as if, if you go to page 239, this is an
25 email chain about the ITV letter. I want you to look

1 is. Knowing what we now know, how little email traffic
2 there is about this subject between my office and the
3 rest of the BBC.

4 MR POLLARD: Yes.

5 A. I think it is striking, because when a topic of
6 potential corporate interest arises, it's very visible.
7 As you know the BBC loves email and you probably know
8 from carrying these great packs around there is vast
9 amounts of it. What is striking to me, looking at the
10 way this topic is dealt with, is how little email there
11 is on it with me. And I think -- I think, you know, for
12 what it is worth, I can't tell you why that is the case
13 for certain but I think the most likely explanation is
14 that my colleagues thought that this was a really well
15 understood matter and they could adequately deal with it
16 without drawing me into it.

17 MR POLLARD: You don't think somebody should have brought it
18 to your attention?

19 A. I think in retrospect it would have been much better.
20 Because I think that even if they are completely
21 unfounded, the mere fact that such allegations are being
22 made is obviously of corporate interest, I think. So in
23 retrospect I think it would have been better if -- if
24 certainly by February and the press reports in February,
25 it had been brought to my attention.

**RELEVANT EXTRACTS OF
TRANSCRIPT OF INTERVIEW
WITH NICK VAUGHAN-BARRATT**

1 "Some years ago we decided not to make one in
2 advance and that decision has been agreed by successive
3 controllers."

4 A. Yes.

5 Q. Can you unpick that for us? First of all, who is the
6 "we"?

7 A. "We" the BBC, "we" those involved at the various times.
8 The "we" would have been -- it depends how long ago
9 we're talking. I mean, as a sort of -- to explain what
10 tends to happen -- what tends to happen is that every
11 time there's a new controller, because the controllers
12 could effectively commission these films without ever
13 having to transmit them or have them on -- or pay for
14 them, because the money was separate from the
15 controller's budget, every new controller that you met
16 would firstly, through a bit of fear of not wanting to
17 find themselves to have the right programmes around, and
18 also lack of experience, would want to commission
19 a huge -- a substantial number of obituaries because
20 they say "Oh my God, what happens if this person or that
21 person dies", without really thinking of the
22 consequences, which is you would end up, once every
23 couple of weeks, pulling an episode of Casualty and the
24 series would never finish.

25 So there would have been meetings with new

1 controllers of BBC1 and BBC2 which I would be present
2 at, and new commissioners and various other people,
3 where you would have shared the folk memory.

4 What you would have said to them was "Think hard
5 about this, does this person pass the Casualty test?"
6 Because we're talking about spending £100,000 or £50,000
7 or whatever the film will cost, for a film that you
8 might never run. Firstly, this person is not very old
9 or ill -- there are clearly people who are getting on,
10 but they are not frail, they are not ill and -- the
11 channel controllers wouldn't want to be caught out. On
12 the other hand, you can't make films and update them
13 every few years. It becomes a bigger operation than you
14 want.

15 So I would have probably briefed a couple of new
16 channel controllers in the sort of few years that Savile
17 was getting older. They may have asked about him and
18 I would have certainly advised them not to do it.

19 Q. He hadn't been, as far as I remember -- I remember him
20 as a child on Jim'll Fix It -- he hadn't been on the
21 telly much, had he, in the last ten years?

22 A. I don't think so. Not that I recall.

23 Q. So, nonetheless, he would still crop up in these
24 discussions?

25 A. Yes, he would crop up in the discussions. Because, you

1 know, all sorts of odd people crop up in the
2 discussions. So yes, he would have cropped up in the
3 discussions. I can't remember a specific controller
4 asking me about it, but I'm pretty sure that there were
5 a number of conversations over the years about him and
6 probably, certainly dozens, if not hundreds, of other
7 people, so it was only one of many. You know, he
8 certainly didn't pass the Casualty test, as I would call
9 it.

10 Q. Just to be clear about this, this agreement by
11 successive controllers is --

12 A. Yes.

13 Q. -- is it, a fairly fleeting mention of Savile's name
14 along with dozens or perhaps several dozen others?

15 A. Yes.

16 Q. So we run through -- we can all think of names, dredge
17 up names, no doubt -- but you run through and the reason
18 why Savile -- there was no obit film made in advance was
19 that he frankly wasn't a big enough star to pass the
20 Casualty test?

21 A. That's right. That's right.

22 Q. So far as the successive controllers were concerned, if
23 they had thought about Savile at all, they had only done
24 so fleetingly --

25 A. That's right, yes.

1 Q. -- and the reason he's not on the list is not because of
2 rumours about his dark side or whatever --

3 A. No.

4 Q. -- but because he was not a big enough star?

5 A. No. That's right, although certainly there was one
6 meeting which I cannot recall where towards the end --
7 I can't recall the nature of the meeting, which meeting
8 it was -- there was certainly one meeting where he was
9 starting to get ill and, you know, there was a more
10 serious discussion.

11 Q. That's this one, that's the one you referred to?

12 A. Yes, in which I said, you know, there's a darker side,
13 and anyway --

14 MR POLLARD: This is the one you mentioned in your --

15 A. My initial note, yes. But I genuinely can't recall who
16 was there. I went to five meetings a day or something.

17 MR MACLEAN: I will come to that.

18 Is that a sufficient archaeology of the reference to
19 "agreed by successive controllers", or do you want to
20 say anything more about that?

21 A. Um --

22 Q. On one reading, there is a kind of formal meeting,
23 item 1 so on the agenda is Jimmy Savile, and there is
24 a half an hour discussion --

25 A. No, no. Absolutely no. It is casual references,

1 I would say. "Casual" is the wrong word. I would say
2 it is fleeting references, because he is low down the
3 list in terms of fame.

4 Q. So he wasn't a near miss for the Casualty test?

5 MR POLLARD: There was a --

6 A. I don't think so.

7 MR POLLARD: -- network obit which done after he died,
8 wasn't there, a network programme, on 11 November?

9 A. That was around the funeral, wasn't it?

10 MR MACLEAN: I was coming to that. My next question was
11 going to be: there is a distinction between these formal
12 obits, on the one hand --

13 A. These pre-made obituaries.

14 Q. -- and then running some sort of tribute once somebody
15 has died, on the other.

16 A. That's right.

17 Q. I was about to ask you the extent to which -- how does
18 this process of "We're not going to have a pre-made
19 film" relate to, once somebody has died expectedly or
20 unexpectedly, then you get this process that we see at
21 the end of October?

22 A. Right, if it's -- there are two scenarios -- as it
23 happens in this instance, three scenarios because
24 I think one was made by the Nations and Regions --

25 Q. Yes --

1 studio for and previously a documentary series called
2 Savile's Yorkshire Speakeasy, which was a television
3 documentary series where he travelled around Yorkshire,
4 which I was a researcher on and spent quite a lot of
5 time with him.

6 Q. Right, okay. So your knowledge of the "dark side to
7 Jim", did it come from your particular experience
8 working with him in the 1970s or from intelligence you
9 gathered at the BBC more generally --

10 A. Well, let me tell you what I mean about the "dark side
11 of Jim", if that would help you.

12 Q. Yes.

13 A. I want to say from the outset that, until he died or
14 until these stories a few weeks ago, until the ITV
15 documentary, I had never heard any accusations of
16 illegal activity -- well, activity with underage girls.
17 I had never heard those stories, or rumours. I had
18 heard rumours about him abusing his position at
19 Stoke Mandeville, a long time ago -- I'm talking about
20 I heard these rumours in the 1980s when I didn't work at
21 the BBC.

22 MR POLLARD: What does a mean "abusing his position at
23 Stoke Mandeville"?

24 A. Well, you know, there appeared to be stories that he
25 was -- there were accusations that he was having sexual

1 relations with patients at Stoke Mandeville, which
2 I think have come out recently, and I had heard some of
3 those allegations, but not about underage girls. I had
4 never heard that accusation.

5 MR MACLEAN: You had heard, if I put it this way, sex
6 allegations but not underage sex allegations?

7 A. Yes. If I can start from the beginning, I will tell the
8 story. I worked with him from 1971, not all the time.
9 I worked with him on a number of programmes from 1971 to
10 1980, roughly.

11 In the first bit of that work, I was a researcher so
12 I was meeting him regularly to talk through stories,
13 travelling with him to film locations, going to
14 locations, meeting him in various places like his flat
15 in Leeds, and Leeds General Infirmary, the BBC canteen.
16 He didn't have an office or a manager, so he was someone
17 that you had to go to where he was to meet him.

18 You know, I knew him as well as you know anybody you
19 work with. I wasn't a personal friend but I knew him
20 fairly well and he was strange, he was, er, a bit
21 creepy -- I think the women in the Production team would
22 say that.

23 He lived a very itinerant lifestyle, he didn't seem
24 to live anywhere. He would be in his flat in Leeds
25 sometimes or living in the hospital, or

1 Stoke Mandeville, I never went to Stoke Mandeville. So
2 to find him you would have to ring a number of kind of
3 numbers: Stoke Mandeville, Broadmoor, Leeds General
4 Infirmary. He had his flat in Scarborough where he kept
5 all his mother's clothes which he had dry cleaned every
6 year and kept in dry cleaning bags. He had an apartment
7 at an hotel in Bournemouth, as far as I remember.

8 So he had lots of places where he stayed and lived,
9 he didn't appear to actually live anywhere, he was
10 itinerant. He didn't appear to have any, um, close
11 personal relationships.

12 I got the strong impression he was a misogynist. He
13 certainly told me on one occasion, perhaps more, that he
14 never wanted to get married or have a serious girlfriend
15 because they would just be after his money. Um, and he
16 was strange. But I never -- in all the time I worked
17 with him in BBC in Leeds -- I never heard a complaint
18 about his behaviour, inappropriate behaviour. I never
19 saw any inappropriate behaviour, with one exception,
20 which wasn't inappropriate, but which later became
21 a concern.

22 I never heard anybody complain about him, but he was
23 strange, he was a weird character. He clearly, in his
24 years before he started being a broadcaster, you know,
25 he had been a dance hall manager in Manchester and had

1 had a bit of a rough experience. He had got bouncers
2 and, you know, he had obviously been quite a tough --
3 a rough and tough kind of person. He had been
4 a wrestler, and I think he was a, you know -- so he was
5 a slightly --

6 Q. He was a coal miner at some point as well.

7 A. The story is -- I think he had been a coal miner, broke
8 his back, Bevin Boy, couldn't go to war, went down the
9 pits, broke his back, came out of that, started running
10 dance halls, discos, did a bit of wrestling.

11 He wasn't quite an Arthur Daley character, but he
12 was a shady character with a bit of a shady past, and
13 he, um -- he was strange. I mean he wasn't a man that
14 you could have a -- you know, he didn't drink, for
15 example, he never drank, he didn't appear to socialise
16 with people. He was weird, and that's what I meant by
17 his dark side. He was a very strange man.

18 Um, in terms of his sexuality, I have to say that
19 I thought he was gay in the 1970s. You know, it wasn't
20 that long since it had been illegal to have homosexual
21 relations. A lot of men in show business and other
22 fields used -- you know, covered up their sexuality by
23 having friends who were women and, you know, the sort
24 of, you know, being cheerful around women and putting
25 their arms around lots of girls and things. All those

1 things he did on location.

2 If you were filming a piece to camera with him, he
3 would get you a pile of women and girls whatever, to be
4 around and put their arms around him so he looked more
5 exciting. Obviously, when I saw the stuff on Top of the
6 Pops, that was what you thought he was doing, trying to
7 make himself look butcher than he was.

8 He certainly didn't like children, younger children.
9 I think he said that publicly. I think he said to the
10 Louis Theroux film and others. He wouldn't -- for
11 example, if you were filming and there were children
12 around, he would not want to sit and talk to them
13 afterwards. He would want to get away from them as
14 quickly as possible, or get away from everybody, really,
15 as quickly as possible.

16 There are so there were two sides to him: there was
17 his public face of the cheerful chappy, arm around lots
18 of girls, and this man who didn't have any friends,
19 didn't seem to like women, didn't seem to live anywhere
20 and was a bit weird.

21 Q. After shows that were shot in studios, were there
22 parties in the dressing room afterwards?

23 A. No, he went -- my memory is he went, and he just
24 disappeared. That's my memory.

25 MR POLLARD: What was the one exception you --

1 A. There was one occasion in the early 1970s when I went to
2 collect him to go filming, a fairly normal thing to do,
3 and he emerged from -- I think -- the back door of his
4 flat, rather than the flat itself, with a girl and he
5 asked if we could drop her off and, er, she didn't look
6 distressed, I don't remember her being particularly
7 young, and we took this girl to a school and dropped her
8 off at the school. All I can remember about it,
9 I remember it being a Catholic school, but it didn't
10 surprise me particularly because Savile was a prominent
11 local Catholic, had friends in the Catholic community,
12 and the only friends of his I had ever come across were
13 sort of people who were prominent members of the
14 Catholic -- so the fact that there was a Catholic
15 girl --

16 To be honest, if I came to your house and there was
17 a girl there and I knew you didn't have any children,
18 and you said "Can you drop this girl off?" I would not
19 automatically assume you were a paedophile. This was --
20 you know, I was young, not long out of university. It
21 didn't strike me as particularly odd. Later when --

22 MR POLLARD: She wasn't in school uniform?

23 A. Not that I remember.

24 MR MACLEAN: She was a school girl?

25 A. Yes, we dropped her at the school and she was a school

1 You could make a tribute about Jimmy Savile on Top
2 of the Pops or how wonderful Jim'll Fix It was, but very
3 hard to make a documentary. Do you think, Nick? Do
4 you --

5 MR POLLARD: I understand that, absolutely.

6 A. That's why I think I formed the view we shouldn't make
7 one. But I certainly hadn't heard the rumours of
8 illegality until a few weeks ago and I was quite
9 shocked.

10 MR MACLEAN: So you don't, as a matter of principle, see
11 anything unusual or odd about the BBC deciding to run
12 some sort of tribute programmes to Jimmy Savile, as it
13 were, celebrating his work as an entertainment person on
14 television on the one hand, without dealing with his
15 private life on the other?

16 A. That's not a judgement I'm -- I don't think my judgement
17 on that would be helpful. "I don't know", is the
18 answer. I haven't thought about it.

19 Q. One obvious question is: why the BBC bothered to do
20 tribute programmes to Jimmy Savile at all?

21 A. That's not a question -- I mean I wasn't part of that
22 decision-making process so I don't know. I'm not trying
23 to evade, I'm trying to say I don't -- I didn't think
24 about that. I'm happy to think about it.

25 MR POLLARD: The implication of what you have been talking

1 man"?

2 A. Conflicting nature of the man. Yes, the conflicting
3 nature, yes. It is not code -- I suppose it is sort of
4 code. I mean, Nick is a programme maker: would you
5 understand what I meant by that if you had seen the
6 Louis Theroux film?

7 MR POLLARD: I'm not sure that I would, actually.

8 A. Okay, well, maybe it was an ill-judged email. There are
9 probably many of them.

10 MR POLLARD: Because the Louis Theroux programme --

11 A. I think you are reading too much into this. I think
12 what I'm saying to George here is:

13 - "It is Saturday afternoon. I have just heard that
14 Savile is ill. We haven't got an obit for him. I don't
15 think we should make one. The guy is pretty complex and
16 difficult and there is a dark side", is what I'm saying.

17 MR MACLEAN: But these emails do proceed on the basis of
18 there being some common currency, if I can put it like
19 that. And the common currency might be that he's
20 a weirdo, it might be that he's some sort of sexual
21 predator, and it might be that he's a paedophilic sexual
22 predator, or it might be something else.

23 A. Well, I didn't know that he was a paedophilic sexual
24 predator at the time.

25 Q. So the common currency, is it, is that he's a weirdo?

**RELEVANT EXTRACTS OF
TRANSCRIPT OF INTERVIEW
WITH JAN YOUNGHUSBAND**

1 films that have been made years before which are waiting
2 to be updated, but, um, I didn't know what we had, which
3 is why I asked, and the reply came that there wasn't
4 anything.

5 Q. Apart from -- well, let me ask it differently. What
6 knowledge did you have of Jimmy Savile, apart from the
7 fact that he was dead, on 30 October 2011? What did you
8 know about him?

9 A. I didn't know a lot because I have had never worked with
10 him. I knew -- what I -- what I knew was only from sort
11 of the general sort of almost rumour, if you like, that
12 he wasn't -- that he was a slightly strange man.
13 I mean, you only have to look at him to see that, but
14 I knew two things really. I had worked in charity
15 before, so -- and there had been rumours there that his
16 work around charity and money wasn't exactly
17 straightforward, and then also that I had heard rumours
18 about his -- just his general behaviour but not, you
19 know that he -- that there was a sort of dark side to
20 his general behaviour but I didn't know anything
21 specific about him.

22 Q. We will come to dark side in a minute. What rumours
23 about general behaviour had you heard and from where?

24 A. Well, outside the BBC not inside the BBC, but generally
25 speaking I think people -- because of the Louis Theroux

1 film as well, there was a lot of speculation about
2 whether, you know, he was -- what his -- you know,
3 whether his sexual life was not quite right.

4 I think, to be honest, I thought maybe he was into
5 boys, I don't know, but it is the entertainment industry
6 where there is a lot of rumour and gossip.

7 Q. This is while he was still alive?

8 A. Yes, while he was still alive, in the sort of last year
9 of his life, really, partly prompted by the
10 Louis Theroux film, I think people were saying "Well,
11 what is really going on?"

12 Q. The Louis Theroux film was some years before.

13 A. Yes, but I think we all -- there was a sort of general
14 view that things weren't all what they might be, but
15 nobody really knew what.

16 Q. It strikes me -- or perhaps it might strike somebody as
17 slightly odd that Jimmy Savile was much of a topic of
18 conversation in the last few years? He had fallen off
19 the radar, hadn't he, more or less, in terms of being on
20 television?

21 A. Yes, but he obviously is a famous figure in television.
22 He is a major figure in television as a television
23 presenter and as a public figure and, you know, actually
24 until recently much loved by the public.

25 Q. So, as you mentioned a moment ago and in your timeline,

1 you didn't just email Mr Dolling, you sent, a minute
2 later -- if you go over the page -- an email to
3 Nick Vaughan-Barratt asking what the obit position was?

4 A. Yes.

5 Q. He gives a reply over the page --

6 A. Yes.

7 Q. -- within about 25 minutes or so:

8 "Some years ago we decided not to make one in
9 advance and that decision has been agreed by successive
10 controllers."

11 What, if anything, did you know about that, apart
12 from what's in that email?

13 A. That was just a point of fact really.

14 Q. That was news to you, was it?

15 A. Yes, it was news to me. I just wanted to know: is there
16 an existing film and, you know -- and it was just a pure
17 point of information, do we have a film or not, and we
18 didn't.

19 Q. So it looks as if you then reply saying "Okay, thanks
20 for letting me know". Then you sent -- well, we can see
21 if we go over the page that Mr --

22 A. Yes.

23 Q. -- Vaughan-Barratt then sent you another email. If he
24 hadn't sent you the email at 9.17 on page 88 and matters
25 had rested with your email at 9.15, what would have

1 happened? Would that have been it? You would have
2 said: "What's the obit position?" he said, "We haven't
3 got one", you would say "Thanks for letting me know".
4 Would that have been the end of it, from your point of
5 view?

6 A. No, as a commissioner my responsibility is to the
7 channel controllers, so my job is to then say -- ask the
8 channel and the Head of Vision "Do you want a film about
9 Jimmy Savile? There isn't one". I was sort of
10 anticipating that they would ask me if we had one, and
11 so I wrote saying "We haven't got one. What would you
12 like to do about this?"

13 Q. Before you did that, you got this further email, didn't
14 you, from Mr Vaughan-Barratt at page 88?

15 A. This one, yes.

16 Q. So he has told you at 9.13 that there isn't one:

17 "... decided not to make one in advance and that has
18 been agreed by successive controllers", he says."

19 You say:

20 "Okay, thanks for letting me know."

21 He then has a further thought, as it were, and says:

22 "We decided that the dark side to Jim, I worked with
23 him for 10 years, would make it impossible to make
24 an honest film that could be shown close to death. But
25 maybe one could be made for later."

1 A. Um-hm.

2 Q. You email back saying that you completely understand:
3 "I completely understand."
4 What was your complete understanding, precisely?

5 A. Well, um, you can't -- there was an area of his life
6 which people felt through rumour was not what -- you
7 know, we didn't understand or know about and you
8 can't -- you can't make a film about somebody unless you
9 know about their life, and when you make an obituary, it
10 is a film about somebody's life. It's not a film about
11 their work. It is their whole life and so what I took
12 from Nick's point was he -- him also saying there was
13 a dark side that we don't know about meant that we
14 couldn't have made a film about him because we couldn't
15 have dealt with his private life.

16 Q. So there is a distinction to be drawn, is there, between
17 an obituary which deals with somebody's life --

18 A. Yes.

19 Q. -- and a tribute which deals with their work?

20 A. Yes.

21 Q. Is that the distinction?

22 A. Yes, that is right. Obituaries are made in advance.
23 Then -- we don't make obituaries of every famous person,
24 just a few where making it in advance is necessary for
25 reasons of getting interviews prepared. But with a big

1 entertainer or somebody, you know, in the --
2 an entertainer or a famous star of some kind,
3 Whitney Houston, say, there is already so much material
4 about that person that you can quickly gather that in
5 and make a film overnight if you needed to. So there
6 was not always a need to make the film in advance.

7 Q. As we understand it, there are relatively few obituaries
8 which are in the can, on the shelf, for people who
9 haven't died yet, is that right?

10 A. Yes, that is right. Really the general rule is that,
11 um, we only need to prepare films in advance when --
12 when that person dies you have to change the schedule
13 and put that film out immediately. So you can imagine
14 the kind of people that would apply to.

15 Q. We interrupt this programme to --

16 A. Yes, "We interrupt this programme because this has
17 happened and here is a film".

18 Q. Or we're not showing Casualty tonight --

19 A. Yes, we're not showing Casualty because that -- but that
20 is somebody very, very important.

21 Q. Did Jimmy Savile fall into the "We must pull Casualty"
22 category?

23 A. He wouldn't have done, because: (a) he -- you know, in
24 his case there would have been -- it would have been
25 considered fine for there to be news coverage and, in

1 fact, what happens now is that the News covers
2 everything. Say, when Whitney Houston died, she was all
3 over the papers, all over every broadcaster. So in that
4 case we would say "There is plenty of footage of this
5 person and we can make a film very quickly as a tribute
6 to her at a later date".

7 Q. That --

8 A. But that's a decision of my superiors of how quickly the
9 film should go out.

10 Q. But such a film to be broadcast at a later date that can
11 be put together quite quickly, that is not the same as
12 a obituary, is it, or is it?

13 A. No, that's a tribute.

14 Q. That's a tribute. So you had -- when you sent this
15 email back to Mr Vaughan-Barratt on the Sunday morning,
16 you appear to have been proceeding on the basis that you
17 and he had a complete understanding of what he meant by
18 "the dark side to Jim".

19 A. Yes.

20 Q. So just help me to understand precisely what that dark
21 side comprised of.

22 A. Well, it, um -- from all I knew -- all I knew about the
23 dark side was, as I said before, that I knew from my
24 charity work that there was speculation about his -- the
25 financial side of his life, and, um, there had also --

1 there was speculation about his sexual life because he
2 lived with his mother and he seemed like a pretty weird
3 guy. I didn't know any more but there was a general
4 view around, I think with people, that he was a strange
5 guy.

6 Q. Did you know that Mr Vaughan-Barratt had any
7 understanding about the charity side of things?

8 A. No.

9 Q. The money --

10 A. He just -- it is purely an email. We didn't discuss it
11 at that point.

12 Q. I'm just trying to work out whether you really did have
13 a complete understanding, you see.

14 A. I see.

15 Q. It may be that --

16 A. I didn't have -- when he said -- I think if you say
17 someone has a dark side and you have heard rumours about
18 someone, you assume, okay, yes, he did. In fact, um --
19 I didn't -- we didn't compare notes on what we meant by
20 "dark side" at that point.

21 Q. So is this a fair summary, I'm just trying to understand
22 what we can get out of these emails --

23 A. Yes.

24 Q. -- there were two aspects to it, so far as you were
25 concerned. You had some direct knowledge, I think, of