

<p>1 Wednesday, 5 December 2012 2 (2.00 pm) 3 LORD PATTEN (called) 4 MR POLLARD: Lord Patten, thank you for joining us this 5 afternoon. Thank you for coming along to answer some 6 questions. Most of the questions will be from 7 Mr Maclean, I will chip in as and when appropriate and 8 Mr Spafford has a few procedural points first. 9 MR SPAFFORD: I do, thank you. Thank you for coming along. 10 Obviously as you can see the interview is being 11 transcribed. At the end of the day you will receive 12 a copy of that and check it through for any 13 typographical errors. We may need to take a short 14 break, not clear on that, just to give the transcribers 15 a chance for a short rest. 16 Can I remind you both, please, about 17 confidentiality, you, Lord Patten, have kindly provided 18 a signed confidentiality agreement and I think you, 19 Nicholas, have not given yours yet, but I have agreed 20 its terms with Peter deVal, so I'm happy with that. 21 Obviously what is said today is subject to those two 22 agreements. Could you just confirm that back for the 23 record, please. 24 A. Sure. 25 MR KROLL: Yes.</p> <p style="text-align: center;">Page 1</p>	<p>1 intervene after a programme if it seemed to have been in 2 breach of Editorial Guidelines, and indeed we have 3 an Editorial Standards Committee, chaired by 4 Alison Hastings who has a background as a regional 5 newspaper editor, who look again and again at complaints 6 about specific programmes, or about non-compliance with 7 the guidelines. 8 So, for example, they are -- they will shortly be 9 looking at the disastrous second Newsnight programme of 10 2 November. But when it came -- just to give you 11 an example of how I think the Charter should and does to 12 affect my role, and referring again that second 13 Newsnight programme, which I know is not part of your 14 agenda but it will give you an example, the tweets about 15 the content of the programme and the likely naming of 16 a politician were brought to my attention before the 17 programme went out. But I did not think it would be 18 right for me to phone up and ask about it. 19 Q. Brought to your attention informally as opposed to going 20 up some chain? 21 A. Absolutely, by members of my staff who had seen them. 22 What I did too, after the programme, which 23 I watched, was to contact the then Director General 24 through the director to ask whether he was satisfied 25 that the -- that Newsnight was being properly managed,</p> <p style="text-align: center;">Page 3</p>
<p>1 MR SPAFFORD: Thank you. 2 Questions by MR MACLEAN 3 MR MACLEAN: Lord Patten, you will be pleased to know that 4 unlike some of the people you have been questioned by in 5 recent weeks we have read the Royal Charter of the BBC 6 and some of the protocols and we think we understand how 7 the system works but I wanted to explore with you, 8 before we get into any details, if you can just give us 9 a sense of how you consider, from your experience, the 10 Trust's role vis-a-vis editorial standards which, as 11 I understand it, is essentially exercised by this 12 protocol which is issued to the Executive Board. It 13 then gives rise to the Editorial Guidelines which are 14 essentially the rule book, if you like, for the 15 individual programme makers. 16 One of the things that we need to look at, once we 17 have worked out what the facts were, obviously were 18 whether any of the guidelines were violated, in this 19 particular instance and/or whether there were any gaps 20 or any lacuna in those guidelines. But before we get 21 into that, I just wondered if you could give us a sense 22 of how this protocols slightly unusual arm's length 23 relationship actually works in practice. 24 A. Yes. I wouldn't dream of trying to intervene before 25 a programme is transmitted in its content but I would</p> <p style="text-align: center;">Page 2</p>	<p>1 that there was a chain of command for running it, 2 because it seemed to me to be a pretty rum programme. 3 So, I wouldn't intervene before and -- but I would 4 afterwards if it seemed to me that there was 5 a likelihood of the guidelines having been broken. When 6 you actually read the guidelines and look at the second 7 programme, you see again and again specific instances 8 where the guidelines were simply ignored by very 9 experienced News managers. 10 MR POLLARD: Could I just ask you almost to push that to 11 an extreme: however big, shall we say, a potential 12 disaster might be looming on the horizon, in your eyes 13 is the principle of non-intervention so important that 14 you wouldn't pick up the phone to the Director General 15 and say "You have to intervene"? 16 A. Well, in -- in the case of the second Newsnight 17 programme I was also, I think, understandably, affected 18 by the fact that it was allegedly about people I had 19 worked with in the 1980s and 1990s and, even though you 20 would not know it from some of the right wing press that 21 I was a Conservative -- indeed the last chairman of the 22 Conservative Party to win an election -- the idea of 23 an ex-chairman of the Conservative Party phoning up 24 about a programme which was going to be about senior 25 Thatcher era Conservatives was, I thought, something</p> <p style="text-align: center;">Page 4</p>

1 that would be taken very much amiss.
 2 Now, looking back at the past, I think most
 3 chairmen, as in the old -- chairmen of the old board of
 4 governors would have felt very much the same.
 5 I mean, it is interesting that Marmaduke Hussey
 6 didn't himself know about the interview with
 7 Princess Diana which caused so much of an explosion, and
 8 one can think, when you read through Asa Briggs and talk
 9 to Jean Seaton, the historian at the BBC nowadays, you
 10 would get lots more instances of that.
 11 I know you are not getting into specific governance
 12 issues, but if Parliament and the country wanted
 13 an executive chairman as a sort of super editor in chief
 14 I guess that they would change the charter. I do think
 15 it is very important, however, that we are like hawks
 16 about compliance with the editorial standards. Not just
 17 dealing with specific complaints but looking at quality
 18 and content of programmes against those editorial
 19 standards.
 20 MR MACLEAN: I appreciate you are on the Trust side not the
 21 Executive Board side, but it might strike one as odd,
 22 reading this structure, to learn that the Executive
 23 Board itself has I think a minimum of four non-executive
 24 directors.
 25 A. It has more now.

Page 5

1 Q. That is really slightly curious, that in an ordinary
 2 corporate structure you have the non-execs who have you
 3 particular role, usually as some sort of policeman of
 4 what the executives are doing. Here, in large part, the
 5 Trust fulfils that role and it is slightly curious why
 6 the Executive Board has these non-executive directors
 7 there at all.
 8 What do they do, so far as you are concerned?
 9 A. Well, first of all the present governance of the BBC is
 10 a consequence of the last disaster. Hutton,
 11 David Kelly, which you know more about than I do, which
 12 blew up the existing single board, partly because both
 13 the chairman and the Director General were swept away in
 14 that rout.
 15 It was thought that the regulator of the -- of most
 16 of what the BBC does should be set at arm's length,
 17 should be separate from the executive, setting strategy,
 18 ensuring compliance and so on, but that there still
 19 needed to be an Executive Board and that that would be
 20 strengthened if there were outsiders on it.
 21 When I became Chairman of the Trust 15 -- no, nearly
 22 18 months ago, um, I thought, first of all, that we
 23 shouldn't be too arm's length from the non-executive
 24 directors that we should try to work more closely with
 25 them when we could. Secondly, the non-executive

Page 6

1 directors needed to have a broader base of experience
 2 and in particular needed, to be frank, a senior
 3 independent director who had more knowledge of, first of
 4 all, the public sector and the not-for-profit sector,
 5 and secondly who would be adept at relating the BBC's
 6 audience to the institution itself, which is why we
 7 encouraged the appointment of Fiona Reynolds, who had
 8 done a terrific job at the National Trust.
 9 I think we have worked particularly successfully in
 10 some areas, much more now in dealing with the issue --
 11 with issues of remuneration and finance. But during the
 12 last few weeks it has been fairly clear that we needed
 13 to see more of one another and that the late -- the last
 14 Director General didn't really turn to either of us very
 15 much for assistance. I mean, one of the problems that
 16 we both identified -- both the non-executive directors
 17 and the Trust -- was that he was very badly supported.
 18 Q. By?
 19 A. By the team around him.
 20 Q. So in terms of the Editorial Standards Protocol which
 21 sits above the Editorial Guidelines, you have explained
 22 the way in which the Trust has an after the fact
 23 investigative and in some sense appellate role dealing
 24 with complaints and ultimately, I suppose, some sort of
 25 sanction imposing role as well, if the rules have not

Page 7

1 been adhered to. But you have not, I think, articulated
 2 any identification of any holes in the guidelines
 3 themselves.
 4 A. Well, we agree the guidelines and, to that extent,
 5 I guess we're happy with what the guidelines actually
 6 say. I repeat what I said a moment or two ago, that
 7 what has surprised me is the senior journalists simply
 8 ignoring some of the fundamental aspects of the
 9 guidelines, like checking stories, like -- I mean, we
 10 have a very, very good school of journalism which is
 11 a school of journalism for the whole industry, and there
 12 are all sorts of things which they would teach on day
 13 one which were ignored particularly, as I say, in the
 14 dreadful second Newsnight programme.
 15 Q. One of the aspects that we've looked at once or twice
 16 with the people who have come to see us, including
 17 Mr Entwistle, was the protocol or rule or standing
 18 instruction, if you like, which the BBC has for --
 19 "sharing" is the wrong word, or maybe "sharing" is the
 20 right word -- providing information to the police.
 21 A. Yes.
 22 Q. Do you happen to know what the current position is about
 23 that or not?
 24 A. No. Except that the assumption that I have made is that
 25 a producer of a programme or editor of a programme would

Page 8

2 (Pages 5 to 8)

1 certainly at the time of a broadcast or after
 2 a broadcast let the police know information which they
 3 had picked up and which might be important for police
 4 investigations. So in the case of the first Newsnight
 5 programme, there were plainly issues about the
 6 non-reporting to the police of information that was
 7 acquired during the course of that -- making that
 8 programme.
 9 Q. George Entwistle said that he thought -- I can show you
 10 exactly what he said, if you like -- in essence he
 11 said -- he gave an example of an investigation he was
 12 involved with, which was to do with a bail hostel in
 13 Bristol, where in the course of the filming they could
 14 see that some of the people who ought to have been in
 15 this hostel were actually running around Bristol outside
 16 the curfew area so they were able to go to the police
 17 and say, "You should know that X, Y and Z is happening",
 18 and he also said this he thought there were good
 19 procedures, as he put it:
 20 "... around clear and present danger while capturing
 21 journalistic information and then very clear protocols
 22 for what you do if the police approach you after you
 23 broadcast."
 24 The BBC does have a rule or a protocol dealing with
 25 what happens when the proverbial knock from the Yard

Page 9

1 comes on the door to say "We are investigating X, do you
 2 have any information about that which would help us?"
 3 Then the BBC essentially looks to see whether it does,
 4 and then, usually voluntarily, will hand over the
 5 material but, like most journalists it would do so once
 6 a court order was attained?
 7 A. There have been quite famous cases where there has been
 8 an argument about that and, in a sense, George Entwistle
 9 was himself involved in relation to the David Kelly case
 10 and the naming of sources then, of protecting sources
 11 and not reporting -- not being prepared to report what
 12 he -- information he had acquired as editor. One of the
 13 paradoxes of all this was that he was such
 14 an outstanding and sophisticated operator as editor of
 15 Newsnight.
 16 Q. What of course was different here was that the broadcast
 17 never took place, the Newsnight Jimmy Savile broadcast
 18 never happened.
 19 A. Yes.
 20 Q. It would appear that the BBC doesn't have some rule on
 21 the stocks for dealing with the question of -- the
 22 police are not going to come and knock on the door
 23 because, by definition, the police don't know about that
 24 which only the BBC has. So it is not -- it would know,
 25 obviously, if the story had been broadcast, they could

Page 10

1 then have formed their own view whether they wanted to
 2 come on the knock on the door and say "Do you have
 3 anything that might be of interest to us?"
 4 But George Entwistle thought there was a gap in the
 5 procedure, which he said he had discussed with
 6 David Jordan, about what happens to material which might
 7 be of interest to the police which has been gathered in
 8 the course of journalistic investigation which doesn't
 9 go anywhere in terms of broadcast. Now, maybe these are
 10 rare circumstances --
 11 A. I think of they are pretty rare circumstances. To be
 12 frank, this particular issue featured most on our radar
 13 screen because of the inaccuracies in the -- or what
 14 appeared to be inaccuracies in Peter Rippon's blog.
 15 I think one or two of the inaccuracies referred to
 16 whether or not the police had been informed.
 17 MR POLLARD: It has been suggested to us, I think with some
 18 justification, that this particular quite narrow point
 19 of material that might be useful but refers to a story
 20 that is not actually broadcast, is pretty much unique in
 21 what most senior journalists can remember. But it is
 22 nearly always the other way around: it is material from
 23 a story that was broadcast that was sort of
 24 supplementary to it, this might have been a unique
 25 occurrence but that doesn't mean that perhaps we

Page 11

1 shouldn't make some recommendations about that.
 2 A. No, I totally see that.
 3 MR MACLEAN: There were two aspects. There was confusion,
 4 if that is the right word, in the blog about whether the
 5 interviewees had all been seen by the police. Of course
 6 if they had, then the argument that the CPS hadn't
 7 pursued the case does take quite a lot of the air out of
 8 the balloon because if they didn't pursue for lack of
 9 evidence then that is not -- it is much less of a story.
 10 On the other hand, if the police had not been told,
 11 of course that is different. If they had not been to
 12 [REDACTED] in particular, then the fact they had not
 13 pursued for lack of evidence doesn't tell you anything
 14 about the strength of her story, obviously.
 15 But the other aspect was the allegations which never
 16 really focused on -- certainly not at the forefront of
 17 the Newsnight report at the time which were these
 18 allegations about abuse by [REDACTED] on the BBC
 19 premises --
 20 A. Yes.
 21 Q. -- which again was information that the police didn't
 22 have.
 23 A. Yes.
 24 Q. That's perhaps a classic example of information which
 25 journalists had gathered that the police didn't have,

Page 12

1 although is there is some suggestion that at least some
 2 of the people involved in Newsnight thought, for some
 3 reason, the police might have been aware of it. But
 4 assume for the moment that's not true, then they did
 5 have some information --
 6 **A. Sure.**
 7 Q. -- which arguably, as a matter of, as it were, morality,
 8 if not some legal obligation, ought to have been
 9 furnished to the police?
 10 **A. I totally agree with that. But I just repeat what**
 11 **I said. The main way in which this came to us was the**
 12 **realisation that the blog which we'd relied on in good**
 13 **faith was not accurate. You know the circumstances in**
 14 **which we discovered that on the Sunday morning when**
 15 **Panorama put a series of questions to us and it was**
 16 **perfectly clear that the blog was inaccurate.**
 17 Q. On Sunday the 21st?
 18 **A. Yes. Yes.**
 19 Q. Did you know at the time how the blog had actually come
 20 about, that it was the offspring of a slightly longer
 21 document called a "chain of events" that Peter Rippon
 22 had written and sent to Steve Mitchell?
 23 **A. No, we -- I think the blog emerged on 2 October --**
 24 Q. Yes, it did, that is right.
 25 **A. -- and I was not quite sure what the genesis of it was,**
 Page 13

1 **but was assured by Steve Mitchell and by the**
 2 **Director General -- sorry, assured by the**
 3 **Director General that it was accurate and had been seen**
 4 **by Steve Mitchell and, as it were, had the executive's**
 5 **imprimatur.**
 6 Q. So if I was to tell you, as appears to be the case, that
 7 on 2 October at 8.43 in the morning Steve Mitchell
 8 emailed Peter Rippon and said:
 9 "Given the press this morning, this isn't yet going
 10 away. So it might be a good idea for you to draft
 11 a briefing for our use on the decision-making process
 12 from commission to decision not to proceed, as best you
 13 can recall".
 14 Which Peter Rippon says is precisely what he did.
 15 He got into the office at 10.30 that morning and sent
 16 the first document which he called a chain of events to
 17 Mitchell at 12.15 that afternoon. He then set about
 18 producing his blog which he produced a couple of hours
 19 later, on the basis that he and Steve Mitchell had
 20 already, as it were, agreed between themselves that it
 21 wouldn't be possible for the blog to give at least the
 22 whole picture as to the reasons why Peter Rippon hadn't
 23 run the story.
 24 I should just show you this actually, it is
 25 bundle 7/198, if you don't mind. It wouldn't be able to
 Page 14

1 tell the whole story. I'll just show you this --
 2 You should see there, if you look a third of the way
 3 down the page from Rippon to Steve Mitchell to
 4 Helen Boaden, at 12.14, that is the chain of events. So
 5 that is the longer document that he sends. Then at the
 6 top of the page, Steve Mitchell at 12.56:
 7 "This is for Helen and I, we will not be on
 8 passing."
 9 Although, in fact, it was on passed to Mr Mylrea
 10 among others:
 11 "It is in effect the detail behind our existing
 12 public position, namely that Newsnight had focussed on
 13 a very specific approach and when that didn't stack up
 14 dropped the project on editorial merit. The blog will
 15 obviously have to steer away from some of the elements
 16 of witness reliability but in essence can follow the
 17 same lines."
 18 So it might be said that there were two problems
 19 here. The first problem in the first email -- if you go
 20 back to 178, the one I read to you a moment ago -- the
 21 first problem was that he was asked to produce
 22 a briefing to the best of his recollection. He was not
 23 asked to go away and do some archaeological dig into the
 24 facts of 11 months before. He was asked to set out his
 25 recollection, so he did. Then he's asked to produce
 Page 15

1 a blog on the basis of that, expressly on the basis that
 2 the blog -- although no doubt intended to be truthful
 3 and accurate and so on -- wouldn't tell the whole story
 4 for reasons which might broadly be defined as taste. He
 5 didn't want to say that he had concerns about the
 6 reliability of some of the witnesses.
 7 **A. But nothing about the, um, reliability of the**
 8 **journalists.**
 9 Q. No. No.
 10 MR POLLARD: Yes, that's a separate point that he made to
 11 us, that as well as not wanting to cast aspersions on
 12 the witnesses, he didn't want to raise any issues about
 13 his own differences of opinion with his journalists.
 14 **A. I mean, I'm making a slightly speculative point. I have**
 15 **never managed investigative journalists, unlike you, and**
 16 **I think sometimes investigative journalists have**
 17 **qualities which mean that their strike rate of accuracy**
 18 **is not as great as one might like. I hope I have put**
 19 **that sufficiently delicately.**
 20 I have suspected from what people have said to me
 21 over the last couple of -- certainly in October, I have
 22 always suspected that that was perhaps an issue involved
 23 here as well.
 24 MR MACLEAN: So far as you were concerned, and the Trust was
 25 concerned, you proceeded on the basis, I think, that the
 Page 16

1 blog was, as it were, a complete and truthful account of
 2 Mr Rippon's mental process.
 3 **A. Yes, yes, absolutely. We didn't know about the doubts**
 4 **that were plainly starting to affect George Entwistle**
 5 **and others maybe as early -- when we look through the**
 6 **papers now -- as 10/11 October. I went into a lunch**
 7 **with the Press Guild on --**
 8 Q. The 10th?
 9 A. -- the 10th --
 10 Q. Yes.
 11 A. -- in which I was relying on the blog. I then went into
 12 an interview on the Radio with Steve Hewlett, and again,
 13 I can assure you in good faith, repeated what I was told
 14 was the true story about what had happened on Newsnight.
 15 We noticed -- we saw at the end of that week,
 16 I think it was in The Guardian, the first stories about
 17 Ken MacQuarrie doing a special report for the
 18 Director General --
 19 Q. Yes.
 20 MR KROLL: About the Thursday or Friday.
 21 MR MACLEAN: The 11th.
 22 **A. But it was not until the 21st, as you say, that we**
 23 **discovered just how flawed the blog was and that people**
 24 **had been looking at corrections that may have to be made**
 25 **for at least a couple of days.**

Page 17

1 Q. Yes.
 2 MR POLLARD: Can I just ask, in those events, the
 3 Press Guild and Steve Hewlett interview, how did you
 4 judge what your role and position should be? Because
 5 there are obviously two polarised views. One is you
 6 absolutely leave it to the Executive, to the
 7 Director General and his team, and you stand back and
 8 you remain at arm's length. The other is you roll up
 9 your sleeves and you get a complete briefing about
 10 everything that is going so that when you are talking to
 11 the Press Guild or Steve Hewlett you have all the facts
 12 at your fingertips. Did you find yourself somewhere
 13 uneasily between those two extremes?
 14 **A. Well, I thought not. Because, I mean, I had been**
 15 **briefed with some regularity by the Director General.**
 16 **But on 9 October, mindful of the fact that I was doing**
 17 **the Press Guild lunch the following day, I asked to see**
 18 **David Jordan and Paul Mylrea, and we spent an hour at**
 19 **which I went through all the arguments about the blog**
 20 **and about other issues as well.**
 21 So while I think it should be enough for one to take
 22 the word of the editor in chief, I did actually check
 23 with David Jordan and Paul Mylrea as well. Then later
 24 that day, I had another brief word with George Entwistle
 25 before a party given for Caroline Thomson's departure,

Page 18

1 and at that point suggested to him that, in addition to
 2 a general enquiry into the whole Savile affair, we
 3 should perhaps do a specific inquiry into Newsnight, and
 4 George persuaded me that that wasn't a very good idea.
 5 So I went on the Steve Hewlett programme the
 6 following day and explained why I didn't -- well, in
 7 rather general terms I declined to accept the case for
 8 a separate Newsnight inquiry and came out of the studio
 9 and George called me to say he thought I was -- I was
 10 now right, and that we should have the inquiry, which
 11 became this.
 12 So I just wished that the Executive had come to
 13 a different view before I had done the lunch or the
 14 Steve Hewlett programme.
 15 MR POLLARD: What had specifically changed his mind; that
 16 must have been your first question, wasn't it?
 17 **A. I imagine that it was the conversations which he was**
 18 **having with by then MacQuarrie and others.**
 19 MR MACLEAN: Did he mention the fact that, I think it was on
 20 8 October -- that's what led to the MacQuarrie
 21 intervention -- that he had had an email which he told
 22 us had had a particular impact on him not from
 23 Meirion Jones, the investigative journalist, but from
 24 Liz MacKean the Newsnight presenter on the 8th, who had,
 25 essentially, told him that the blog was -- had some

Page 19

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.

Page 20

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.

Page 21

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

Page 22

1 us selling a piece of property and moving out of
 2 White City; it wouldn't customarily include editorial
 3 risks.
 4 MR POLLARD: Customarily or ever?
 5 A. Nearer ever than customarily.
 6 MR MACLEAN: An exception might be like Real Lives 20 years
 7 ago, that type of risk.
 8 A. Yes, but Real Lives, you will remember, caused a strike
 9 and a huge media storm when the Chairman and Governors
 10 of the BBC tried to intervene in an editorial decision.
 11 MR POLLARD: Just so I'm clear, I don't expect that the
 12 Savile story, I don't think, would ever have come onto
 13 that agenda --
 14 A. No.
 15 MR POLLARD: -- but if the answer to question: is it
 16 customarily or never is "nearly never", or "nearer
 17 never", how does the occasions when it is not never
 18 square with the point you made earlier about the
 19 absolute necessity of the Trust not intervening before
 20 a programme? Does it come to the point where you might
 21 be warned about potential risk in a programme but would
 22 then not do anything about it?
 23 A. Well, let me answer that in two ways. The second of
 24 which I would want, if this was -- which I think it is
 25 going to be -- eventually published to be redacted --

Page 23

1 MR MACLEAN: Before you go on, that, I think, ultimately is
 2 a matter for you, in the end.
 3 A. Okay.
 4 Q. I think the position is that our transcripts are being
 5 supplied with the report.
 6 A. Okay, fine.
 7 MR SPAFFORD: It has been said they will be published.
 8 A. Okay, let me tell you why.
 9 Plainly, the acting Director General of the BBC is
 10 at the moment very sensitive to politically
 11 controversial programmes. Panorama have been preparing
 12 a programme for some time about the [REDACTED]
 13 [REDACTED]
 14 and not unreasonably, not unsurprisingly, not expecting
 15 me to intervene but just reckoning that I should know,
 16 the existing Director General told me that this was
 17 likely to be happening and told me how many lawyers he
 18 was consulting before the transmission of the programme.
 19 The second point I was going to make is that, if
 20 an editorial decision was likely to cause a huge public
 21 controversy, I would be very surprised if the
 22 Director General didn't mention it to me in our weekly
 23 meetings or when the Director General comes and speaks
 24 to the Trust once a month.
 25 So in relation to the Newsnight programme, I can

Page 24

1 understand why people might be surprised that the former
 2 Director General did not apparently know about any of
 3 this. If he had known about any of it, and had not
 4 mentioned it to me because he didn't think that it was
 5 likely to be a matter of much public concern, then
 6 I would think that suggested a lack of political nous on
 7 his part.
 8 MR MACLEAN: You are talking now about 2011 or 2012?
 9 A. 2011.
 10 Q. But does it strike you as surprising that the then
 11 Director General, Mr Thompson, let's assume these to be
 12 the facts, didn't know anything about the Savile
 13 Newsnight story until after it had been canned?
 14 A. Well, let me be careful. I can understand why people
 15 should think it surprising that the editor in chief of
 16 the BBC didn't know about the canning of the programme,
 17 or the reputation of the person about whom the programme
 18 was being made, [REDACTED]
 19 [REDACTED]
 20 [REDACTED] in some of his early
 21 remarks when he became Director General, because one
 22 should not forget -- and it's another of the paradoxes
 23 in this whole business -- one of George Entwistle's
 24 first contributions to the management of the BBC -- and
 25 it's a point he had made again and again to us when we

Page 25

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

Page 26

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,

Page 27

1 albeit at some considerable expense, in terms of
 2 severance payments, to show that the BBC was reducing
 3 its senior management --
 4 Q. Yes.
 5 A. -- which was indeed far too large. But he was what is
 6 called, quite properly, a safe pair of hands.
 7 Q. There is obviously the question of his particular
 8 talents and abilities but also the role that he
 9 fulfilled.
 10 We have heard from some people, including
 11 Helen Boaden, who actually got quite a lot of
 12 Mr Byford's responsibilities -- she ended up with quite
 13 a lot of his job in her lap -- she said to us that,
 14 notwithstanding that, in the swirl that happened more
 15 recently, she would have in effect welcomed somebody in
 16 the Byford role who would have allowed her to get on
 17 with her job of managing the News aspect of the
 18 operation, and leave somebody in Mark Byford's role to
 19 worry about the broader political (with a small p)
 20 implications for of all this for the BBC.
 21 Others have also explained to us that the reason his
 22 role was scrapped was, at least in part, for it to be
 23 shown that the BBC was getting rid of top salaries. We
 24 have had the view expressed to us that getting rid of
 25 his role may have been a false economy and in retrospect

Page 28

<p>1 an error, and somebody playing that type of role, 2 a political safe pair of hands, is actually essentially 3 to make sure that different parts of the organisation 4 talk to each other. 5 A. Yes. Well, as I have said before, the BBC has both 6 overmanaged and undermanaged. I don't think that the 7 BBC needs more senior people in order to avoid making 8 basic mistakes. I certainly think that the next -- the 9 new Director General will want to think carefully about 10 how -- not least on the basis of what you say on how 11 News is managed, and it may be that he will want to have 12 a senior Lieutenant doing that. But whether it needs 13 a lot more people, I'm not sure. I would slightly doubt 14 it. 15 I mean, in this case, you have a Director General, 16 you have a Head of News, you have somebody responsible 17 for current affairs and you have an experienced editor 18 of a television programme, and they -- things still get 19 horribly screwed up. 20 You have plainly, with Newsnight, a dysfunctional 21 team: argumentative, leaking, not accepting an editorial 22 decision, coming back to it over and over again. You 23 have a programme -- a piece of investigative journalism 24 which is dropped by Newsnight in -- I mean, with the 25 benefit of hindsight, I don't understand why somebody <p style="text-align: center;">Page 29</p> </p>	<p>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, <p style="text-align: center;">Page 31</p> </p>
<p>1 didn't say "Well, Panorama can take more -- take its 2 time and spend a bit more time and see if they can get 3 this story to stand up more effectively". This is how 4 you would think -- I don't run the place, but I want to 5 feel that there are people there who will behave in that 6 sort of rational way. 7 There were 20 -- it wasn't just a joke when I went 8 to speak to the senior leader's group in the BBC and 9 said they had more senior leaders than China. The 10 management team, the senior management team, that the 11 previous Director General had was 27 -- 25 or 27. They 12 never met. 13 Q. I was going to ask you about -- you referred to leaking. 14 In your career, you have been in a range of places, 15 which one learns from being an intelligent reader of the 16 newspapers, are commonly leaking, politics being one of 17 them -- 18 A. The Cabinet, for example. 19 Q. -- for example; it may be that the European Commission 20 is another; the Foreign Office may be another to the 21 extent of your involvement in that. 22 A. Yes. 23 Q. Presumably you would agree that somewhere which was very 24 leaky, and either leaking true facts or leaking surmise 25 or rumour or invented facts, the fact that that is <p style="text-align: center;">Page 30</p> </p>	<p>1 nothing leaks. 2 But the BBC, maybe because there are so many 3 journalists working there and journalists are even more 4 likely to leak than politicians -- no, about the same -- 5 maybe it is because of a sense of rival fealties, of 6 rival baronies within the BBC with people -- Newsnight 7 leaking against Panorama, Panorama leaking against 8 Newsnight, individuals in Newsnight leaking against one 9 another and against -- but I mean, it's made -- we have 10 a team of communications staff in the Trust who, 11 particularly during October, found themselves dealing 12 with the consequences of leaks from the BBC, [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 the editor of the -- the media editor of The Times, but 17 coming to us almost off The Times printing press. 18 It was -- it was tiresome and awkward and it made 19 the whole, um, issue, in my view, much more difficult to 20 handle than it would have otherwise been. 21 MR POLLARD: Could I just ask, this obviously loomed out of, 22 to some extent, an unexpected September and October of 23 this year. You had been in place for a year plus -- 24 A. Yes. 25 MR POLLARD: -- by then. You have obviously formed some <p style="text-align: center;">Page 32</p> </p>

1 pretty strong views of the problems, particularly within
 2 that journalistic area. Were you aware of those or
 3 becoming aware of them before September/October or did
 4 it hit you out of the blue?
 5 **A. No, one -- one reason why we -- one reason why we chose**
 6 **George Entwistle out of quite a strong field was we**
 7 **thought that, with his background and with his views**
 8 **about the lack of coherent team running the BBC, he**
 9 **would actually address these issues more effectively**
 10 **than any of the other candidates.**
 11 MR POLLARD: But the other argument could be made -- I am
 12 sure you have considered this -- that one of the,
 13 I think, fascinating features of the Newsnight story is
 14 that virtually everybody involved had only ever worked
 15 for the BBC -- I am sure --
 16 **A. That is also a very relevant --**
 17 MR POLLARD: -- there are couple of exceptions of a few
 18 years -- all the way up the editorial chain --
 19 **A. Yes.**
 20 MR POLLARD: -- and it could be argued that the appointment
 21 of George Entwistle as Director General was then going
 22 to perpetuate that problem of BBC lifers managing other
 23 BBC lifers and the possible impossibility of changing
 24 that in any real meaningful way.
 25 **A. Except that if you look at what he said during the**
 Page 33

1 **11 days before this storm broke, he was saying all the**
 2 **right things about how to manage the process better.**
 3 **I mean, the first decision he took was to reduce his**
 4 **senior management team from, I think it was, 27 to 12,**
 5 **or maybe even fewer, and he had been saying all the**
 6 **right things about the BBC being more self-critical,**
 7 **people talking to one another about -- about things they**
 8 **like, things they didn't like. I mean, he had**
 9 **certainly, to use the cliché, talked a good game about**
 10 **all this.**
 11 **We had a very good field of four outsiders and four**
 12 **insiders when it got to the shortlist and he was the**
 13 **unanimous choice, partly because of what I have just**
 14 **described, and also a commitment to making more**
 15 **distinctive and challenging programmes, which the BBC,**
 16 **I think, has to do in order to justify itself.**
 17 MR MACLEAN: I don't know, but it may be that in this
 18 particular case that the facts and the relationships
 19 were just so poisoned and toxic. I mean, for example
 20 George Entwistle told us that when Meirion Jones, the
 21 investigative journalist who had been working on the
 22 story, finally tried to speak directly to Entwistle by
 23 waiting for him outside the lift for 20 minutes or half
 24 an hour, Entwistle essentially refused to have
 25 a discussion with Jones at all, at least in part because
 Page 34

1 he didn't trust Jones to keep the confidence of the
 2 conversation and expected to see it in The Guardian or
 3 in Ben Webster's column in The Times before he got the
 4 words out of his mouth.
 5 **A. [REDACTED]**
 6 **[REDACTED]**
 7 **[REDACTED]**
 8 **[REDACTED]**
 9 **[REDACTED]**
 10 **[REDACTED]**
 11 **[REDACTED]**
 12 **[REDACTED]**
 13 Q. Can I ask you about Brunswick, which we have heard about
 14 a little?
 15 **A. Yes.**
 16 Q. They were hired by the BBC and pretty quickly fired
 17 again in October, which we have been told was -- that
 18 the latter was at the behest of the Trust, is that
 19 right?
 20 **A. Yes, it is.**
 21 Q. Can just talk us through the process?
 22 **A. Well, two things. First of all, I thought that to have**
 23 **David Yelland -- who is actually a very nice guy and one**
 24 **should not hold against him the fact that he was once**
 25 **editor of The Sun -- being trooped through the Newsroom**
 Page 35

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**
 Page 36

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
 Page 37

1 one of his predecessors before he went to the Select
 2 Committee: from John Birt?
 3 **A. Yes, I saw --**
 4 Q. You saw the note?
 5 **A. -- the note.**
 6 Q. What did you make of that advice?
 7 **A. I thought, um, some of it was -- was pretty good. But,**
 8 **I mean, having just had an outing with the Select**
 9 **Committee myself, they are not easy, because there is**
 10 **always one or two members of a Select Committee who**
 11 **regard it as a licence to bully whoever is in front of**
 12 **them, I mean, and it's -- it's easier if you have done**
 13 **it before.**
 14 **I offered myself to that Select Committee hearing.**
 15 **We contacted the chairman -- or certainly the clerk of**
 16 **the Committee and said "I am sure they would like me to**
 17 **come along with the Director General", and they replied**
 18 **very politely that no, they wouldn't and they why would**
 19 **just like to see him. But I think John Birt gave**
 20 **perfectly good advice.**
 21 **But right at the beginning, one of the members, the**
 22 **noisiest of the members, who I think completely put**
 23 **George off his stroke, tried to pin him on the number of**
 24 **cases of sexual abuse that had been reported to the BBC**
 25 **and George actually had the figure, and he also had the**
 Page 38

1 **opportunity of mentioning the appointment of Dinah Rose,**
 2 **and somehow he was so put off by the ranting that he**
 3 **didn't get that out there quickly enough.**
 4 **I think he also, perhaps -- and this isn't a generic**
 5 **criticism -- maybe listened a bit too much to the legal**
 6 **advice he got, rather than taking a slightly more**
 7 **political line, and was -- he was very honest, I mean,**
 8 **as one saw in that disastrous John Humphreys interview.**
 9 Q. I think at one stage you telephoned Mr Rippon, didn't
 10 you --
 11 **A. Yes, I did.**
 12 Q. -- because I think he had been doorstepped and his
 13 children had been upset by that?
 14 **A. We took a -- we -- just so that it wouldn't be**
 15 **misunderstood, we took a fairly full note of it.**
 16 **I think -- well, he got that.**
 17 Q. A note of the conversation?
 18 **A. Yes.**
 19 Q. I'm not sure I have seen that, but we would like to it,
 20 if you have it.
 21 MR KROLL: Yes.
 22 **A. Can you remember the date?**
 23 MR MACLEAN: I can tell you the date. I think it is
 24 18 October.
 25 MR KROLL: That's right. I have a note that you have a note
 Page 39

1 of that conversation.
 2 MR MACLEAN: I have a reference here to A14/164.
 3 MR KROLL: There was a note that afternoon.
 4 MR MACLEAN: File note from the chairman? Yes, I do have
 5 that.
 6 **A. Okay.**
 7 Q. What I wanted to ask you was: we can see from some of
 8 the documents, for example, if you take bundle 16 at
 9 page 52, please, this is on 22 October, this is the day
 10 that the blog is corrected, I want to show you a couple
 11 of documents here.
 12 52, this is a text message from Mr Payne to
 13 Mr Mylrea, which we have from Mr Mylrea's phone, okay,
 14 on 22 October:
 15 "Think I'm going to need to brief hard today. The
 16 PR blog is the basis for all our position on this, only
 17 way to protect GE, et cetera, would be good to know if
 18 they had any corroborating view besides just that."
 19 Then if you go over the page --
 20 **A. What date was that on?**
 21 Q. The 22nd, do you see, under the mobile phone number.
 22 22 October at 9.28. If you go over the page, this is 11
 23 minutes later on the same morning, from Mr Mylrea this
 24 time to Steve Mitchell and others:
 25 "Steve and Lucy, here are the cleared lines. Happen
 Page 40

1 for Peter [that is Rippon] to see them. Do tell Peter
 2 I'm happy to reassure him personally we will be doing
 3 everything possible to support him."
 4 Now, it is not easy to reconcile those two
 5 documents. One might think that one of the things that
 6 was going on, in at least part of the BBC jungle at this
 7 stage, was that Peter Rippon was being identified as the
 8 fall guy, one might think.
 9 **A. I can see why one might think that.**
 10 **Q.** Again, you are not directly involved in this in your
 11 role as the chairman, but how does the BBC in this kind
 12 of crisis situation, how can it go about ensuring that
 13 it does the right thing by all of its employees, not
 14 just the Director General?
 15 **A. I mean it's -- it's extremely important because there is**
 16 **a duty of care and there is due process, and I think**
 17 **it's very difficult.**
 18 **I phoned up Peter Rippon for the same reasons that**
 19 **I had been sympathetic to George Entwistle. I am**
 20 **used -- it hasn't happened very often, and it's not very**
 21 **pleasant -- but I'm used to having photographers and**
 22 **cameras at my garden gate, shaving in the morning,**
 23 **looking out at the of the blind and seeing three**
 24 **photographers waiting for you. I guess politics has**
 25 **made me thick skinned. I think that George had found it**
 Page 41

1 **hugely difficult to manage, [REDACTED]**
 2 **[REDACTED] and I think Peter Rippon did as well.**
 3 **So, at that sort of human level, I felt sympathetic**
 4 **to him, and the purpose of my phone call was simply to**
 5 **make that point, but to say that I couldn't say anything**
 6 **else in addition.**
 7 **The question of whether he was -- some people**
 8 **thought he was a suitable -- or would make a convenient**
 9 **fall guy -- I think the expression is "could be hung out**
 10 **to dry" -- may have occurred to some people but I think**
 11 **we, um -- I don't think we ever got into that position,**
 12 **and --**
 13 **Q.** "We" the Trust?
 14 **A. Yes, and I'm far more likely, I think, to be accused by**
 15 **some people of naively accepting his word than**
 16 **condemning him as the villain of the piece.**
 17 **Q.** Did you know -- maybe you didn't -- anything about
 18 a plan on 4 October, the day after the ITV broadcast for
 19 the Director General to make a statement, the intended
 20 purpose and effect of which would be to compel
 21 Peter Rippon to resign --
 22 **A. No.**
 23 **Q.** -- a statement which, in the end, was never made?
 24 **A. No. Absolutely not.**
 25 **Q.** When Mr Entwistle first went onto The Today Programme,
 Page 42

1 the first interview -- the Evan Davies one -- which you
 2 say was --
 3 **A. 8 October.**
 4 **Q.** I am sure you are right. Let me just show you the
 5 document, bundle 9/419. It is almost the last document
 6 in the bundle. All barristers know that you find all
 7 relevant documents in the penultimate document in the
 8 bundle.
 9 This is a text from Helen Boaden to Mr Mylrea:
 10 "Sorry, I have been tied up with a funeral I'm
 11 speaking at tomorrow. Have emailed you extra important
 12 fact for GE tomorrow re Newsnight."
 13 This is at 11.05 the night of the 7th:
 14 "Hope it goes as well as it can."
 15 Which you might think is not a statement of great
 16 confidence:
 17 "I think I know what you are going to say. It was
 18 GE or LP would have stepped in."
 19 LP, we presume, is a reference to you?
 20 **A. Presumably.**
 21 **Q.** Is that right? Had you said -- did you know that
 22 George Entwistle was going to Today, and was it the
 23 position that if he didn't you would?
 24 **A. I'm not sure -- I assume I knew he was -- yes, I did**
 25 **know he was going on, but I certainly had no intention**
 Page 43

1 **myself of going on.**
 2 **Q.** So when would the circumstances arise -- if they ever do
 3 arise -- where you would say to a Director General
 4 "I will do this, not you", "I will articulate our
 5 position, the BBC's position"?
 6 **A. When would the circumstances arise? I would be quite**
 7 **loathe to give an instruction. I might suggest it, but**
 8 **I think that one of the things that I was aware of was**
 9 **that one or two papers were -- particularly**
 10 **The Sunday Times -- were arguing that George Entwistle**
 11 **was my puppet and that his appointment had been a coup**
 12 **in order to make myself the Executive Chairman of the**
 13 **BBC, and I was quite reluctant to do anything which**
 14 **looked as though it was undermining him.**
 15 **I mean, I was quite restrained in suggesting myself**
 16 **to the Select Committee the week after, or two weeks**
 17 **afterwards, because I didn't want it to sound as though**
 18 **I didn't trust him to be out on his own. So I think**
 19 **I would have been quite reluctant to say "No, this is**
 20 **one for me", and it wouldn't have been, that morning,**
 21 **right for me to have done the Today programme rather**
 22 **than him.**
 23 **I think he was right to do The Today Programme then.**
 24 **I think the advice that he got to do The Today Programme**
 25 **whenever it was, three weeks later was --**
 Page 44

<p>1 Q. That was more surprising, was it? 2 A. Um-hm. 3 MR POLLARD: I have just if a few questions to really 4 I think finish off with. 5 Questions by MR POLLARD 6 MR POLLARD: Can I ask your view about the Panorama 7 programme, and how that came about? 8 George Entwistle obviously portrayed it at the 9 Select Committee as a pretty impressive illustration of 10 the BBC's independence of journalism and so on. Other 11 people have described it differently, somebody described 12 it to us as an out and out settling of scores. One of 13 the -- 14 A. I think it was both. 15 MR POLLARD: Yes, possibly so. One of the issues was 16 obviously the role that Meirion Jones played on that, 17 when clearly somebody who had strong personal views, not 18 only about the story but about the way it had been 19 handled and the management of it, and went across to 20 Panorama and played a role might have shifted slightly 21 while he was there. 22 How do you consider that programme now and the 23 rights or wrongs of it? 24 A. It's very difficult to think of another media 25 organisation which would so relish the opportunity of Page 45</p>	<p>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 Page 47</p>
<p>1 demonstrating its own inadequacies. I think that 2 it's -- it was both an example of the BBC being prepared 3 to tell the truth about itself, however horrible that 4 truth was, but it was also a manifestation of what we 5 were saying earlier, what's been wrong in Current 6 Affairs and News management in the BBC, the fact that 7 there were, I am sure, old scores being settled. 8 It's -- it would be, I guess, regarded as odd in 9 some other organisations that a journalist doesn't get 10 his story told on one programme, so moves onto another 11 and gets it told there. 12 MR POLLARD: In that very odd weekend in the run-up to the 13 Panorama programme and the Select Committee appearance, 14 how much did you feel, at that point, obliged to 15 intervene as regards the correction of the blog? 16 A. Totally. I mean, not least because my own -- let's be 17 frank, my own credibility and honour were on the line 18 because I had been out there -- not, it has to be said 19 for a few days -- but I had been out there giving 20 credibility to this particular story. But above all, 21 I thought the BBC could not possibly continue to have in 22 circulation a justification which it knew to be false. 23 But the way in which we came to know that -- though 24 I think we were starting to get our suspicions by the 25 end of the previous week -- was extraordinary. Page 46</p>	<p>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 Page 48</p>

1 fashioned assumption is that I should be able to trust
 2 what I'm told, and that it wasn't just George. As
 3 I said, before I started going public myself, I talked
 4 not only to George but explicitly to David Jordan and
 5 Paul Mylrea to impress them on some of the points I was
 6 going to have to make at the Press Guild lunch and in
 7 an interview with Steve Hewlett and in one-on-ones with
 8 journalists, with television journalists.
 9 But there is no other basis on which you can
 10 operate. Is a lesson I should take from this that
 11 I can't believe it when I'm told things by the next
 12 Director General, that I have to query everything he
 13 says or the Director of News says to me or whatever?
 14 I couldn't possibly operate like that.
 15 I don't think it has anything to do with structures
 16 or institutional arrangements. You just can't operate
 17 like that. I go back to what I said earlier about
 18 recognising the surprise that people may have at what
 19 wasn't apparently known by senior figures and what they
 20 didn't think they should say to us, even if they --
 21 whether they knew it or not.
 22 I'm not trying to shuffle off any responsibility,
 23 but I just think it's been pretty surprising. So with
 24 the next Director General I won't -- or his senior
 25 colleagues -- I won't begin every conversation on the

Page 49

1 assumption that he or she or they may not be telling me
 2 the whole truth, but I will want to be more convinced
 3 that there is a structure in place which ensures that
 4 the truth is being told.
 5 MR POLLARD: Just a final point, because I think I slightly
 6 may have cut you off when you were talking about the
 7 issue of lifers and the --
 8 A. Yes --
 9 MR POLLARD: -- the slight danger of people getting into one
 10 track for 25/30 years and not seeing anything beyond
 11 that.
 12 A. Yes, it is something I have thought of quite a bit, not
 13 least because of the number of friends I've got who are
 14 journalists.
 15 I think the problem is exacerbated in the BBC
 16 because there is hardly any other organisation which
 17 employs journalists which is either as large -- I mean
 18 the Xinhua News Agency -- or is still recruiting. The
 19 BBC is reducing the number of journalists, by and large,
 20 but in comparison with any newspaper or any other media
 21 company, there are the sort of employment opportunities
 22 at the BBC which simply don't exist anywhere else, and
 23 I think that is one reason why people get into the BBC
 24 and then never leave.
 25 I think there are things that -- there are some

Page 50

1 wonderful things of course done in the newsroom, but
 2 I think there are some things done in the newsroom which
 3 would surprise somebody arriving from The Times or the
 4 FT or The Guardian -- which is one reason why we thought
 5 quite hard about that as a possible recruiting ground
 6 for a Director General or senior staff, but I would have
 7 been quite surprised if we didn't take some lessons from
 8 that in the future -- the size of the journalistic
 9 organisation; the remuneration of the journalistic
 10 organisation in comparison with other organisations; and
 11 some of the practices, which I don't think would be
 12 tolerated in a lot of newsrooms.
 13 MR POLLARD: Okay, thank you very much. Lord Patten, thank
 14 you very much for talking to us today.
 15 A. Thank you very much.
 16 DAME JANET SMITH: I don't think there is time really for me
 17 to ask any questions.
 18 MR POLLARD: Oh, sorry.
 19 DAME JANET SMITH: No, it is okay. I was hoping we might
 20 but I know you have another witness, haven't you?
 21 MR POLLARD: We do?
 22 DAME JANET SMITH: You do, I know you do. I think it is
 23 going to cut into your time.
 24 Lord Patten, you would be able to come back to my
 25 inquiry on another occasion?

Page 51

1 A. Of course, absolutely, for as long as you like.
 2 DAME JANET SMITH: I think that would be more sensible, yes.
 3 A. It would be a privilege.
 4 MR POLLARD: Lovely, thank you.
 5 A. Thank you very much indeed.
 6 (3.36 pm)
 7 (The Inquiry adjourned until 3.45 pm
 8 Wednesday, 5 December 2012)
 9 I N D E X
 10 LORD PATTEN (called)1
 11 Questions by MR MACLEAN2
 12 Questions by MR POLLARD45
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 52