

1 Friday, 23 November 2012
 2 (3.00 pm)
 3 MR MARK THOMPSON (called)
 4 Housekeeping
 5 MR POLLARD: Mark, thank you for coming along today. I'm
 6 grateful to you for giving up the time. Most of the
 7 questioning will be done by Mr Maclean. I will kick off
 8 with a few more general questions and I think Dame Janet
 9 would like to add a couple of questions --
 10 **A. I'm very happy --**
 11 MR POLLARD: -- towards the end. Before we get going
 12 Mr Spafford has a couple of procedural points to
 13 mention.
 14 MR SPAFFORD: Just to say, as Nick mentioned, this is being
 15 transcribed. A copy of that will be provided to you or
 16 to Schillings when it is finished for typographical
 17 errors. We also have a real time facility here so you
 18 can follow on the screen what is being said.
 19 **A. Is it okay not look at that, as it were, on the basis**
 20 **that it is one more distraction really.**
 21 MR SPAFFORD: Yes. We will take a break in about an hour's
 22 time. It is very important to give the transcript
 23 writers some breaks.
 24 The final point is confidentiality. Obviously
 25 I discussed that at quite some length with your lawyers.

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1 We agreed the form of a confidentiality agreement which
 2 is great. I understand that Mr Williams will be
 3 receiving some information from you, but we will agree
 4 a separate agreement with him before he receives
 5 information. Insofar as information goes to either
 6 Mr Sulzberger, Mr Golden or Mr Riccieri (?) just for the
 7 record, to make it clear, that before any communication
 8 is made by you to them you will explain to them that the
 9 communication you are giving is confidential?
 10 **A. Yes.**
 11 MR SPAFFORD: And you will ask that they do not share that
 12 with any third party. Is that clear?
 13 **A. I'm happy to consent to all of that.**
 14 **Do I need to sign something?**
 15 MR SPAFFORD: I think your lawyers are signing it on --
 16 **A. On my behalf.**
 17 MR SPAFFORD: -- on your behalf.
 18 **A. The only thing I wanted to say anything about -- I have**
 19 **a brief opening statement, if that will be useful, just**
 20 **to kick things off?**
 21 MR POLLARD: It would be useful and it is relatively
 22 informal so please start with that.
 23 Opening statement by MR MARK THOMPSON
 24 **A. It is not war and peace, you will be pleased to hear.**
 25 **I joined the BBC as a research assistant trainee in**

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1 1979 and remained in it until 2001, by which time I had
 2 become director of BBC Television. For just over two
 3 years I was chief executive of Channel 4. I returned to
 4 the BBC as Director General in June 2004 and remained in
 5 the post until September 2012.
 6 At no point in either of my two periods of
 7 employment at the BBC did I work with Jimmy Savile or
 8 work in those parts of the BBC where he did the bulk of
 9 his broadcasting. I do not recall ever being a party to
 10 the commissioning of any output involving him or to the
 11 consideration of any other matter, editorial or
 12 otherwise, concerning him. Nor was I ever in receipt
 13 of, or aware of any complaint about him. I don't
 14 believe I ever met him.
 15 Jimmy Savile stopped regular broadcasting for the
 16 BBC in the early 1990s. In my time as Director General
 17 I do not believe that his came up in my hearing in any
 18 context until his death in the autumn of 2011 when I was
 19 asked by the BBC press team to provide a quote about him
 20 to offer to the BBC and other media covering the news.
 21 I duly did so.
 22 The unfinished investigation into Jimmy Savile by
 23 Newsnight was not referred to me as Director General.
 24 To this day, although of course I have seen media
 25 reports, I do not know with certainty what journalistic

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1 material the team had amassed, and on the basis of what
 2 evidence and advice the decision was taken not to
 3 proceed with the investigation. I therefore do not know
 4 whether, given all the information available at the
 5 time, the decision was a reasonable or unreasonable one.
 6 Newsnight is transmitted five times a week, year round
 7 and no other Newsnight segment was referred to me before
 8 transmission in my eight years as Director General.
 9 I recollect first hearing about the existence of the
 10 investigation, not through the formal channels but as
 11 a result of an informal remark at a drinks party in
 12 December 2011. At some point soon afterwards
 13 I mentioned to a senior colleague, or colleagues, in BBC
 14 News that someone had said this to me at a party. I do
 15 not recall exactly how I raised it, though I believe it
 16 was with Helen Boaden in the course of a conversation
 17 that touched on other matters as well.
 18 I recall Helen coming back to me shortly thereafter
 19 and advising that Newsnight had decided not to proceed
 20 with the investigation on journalistic grounds. I was
 21 left with the clear impression that my colleagues in
 22 BBC News themselves believed that what had happened to
 23 the Newsnight Savile investigation was completely
 24 routine, that they fully understood it, and that the
 25 matter was therefore closed. I had no reason, either at

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1 (Pages 1 to 4)

1 the time or subsequently to doubt the good faith of what
 2 I was told about the Newsnight investigation.
 3 If I had known, or suspected, that Savile was
 4 a paedophile and rapist, I would have acted on the
 5 information. Several times in my years as director
 6 general, most notably during the controversy about
 7 rigged competitions on BBC programmes, I went out of my
 8 way to uncover and publicise serious breaches of the
 9 editorial guidelines which the media did not know about
 10 and which otherwise might be gone unnoticed. I believe
 11 that despite short term pain, a determination to expose
 12 such failings, strengthens public trust in the BBC and
 13 is necessary if things are to be put right.
 14 Although the crimes Savile is now believed to have
 15 committed in the course of his employment at the BBC
 16 took place many years ago, I believe the same principle
 17 of openness and a willingness to confront shortcomings,
 18 wherever they occurred, applied in this case too. My
 19 last day in the office was September 12 and I stepped
 20 down as Director General at night on September 16th.
 21 I was therefore no longer in post when Peter Rippon's
 22 blog was first put up and was not involved in any of the
 23 decision-making about it.
 24 Although I played no part in the decision not to
 25 proceed with the Newsnight investigation and cannot

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1 A. Yes.
 2 MR POLLARD: And I just wondered if you could give us
 3 a brief sort of picture, not of the whole of BBC
 4 journalism immediately afterwards, but I'm thinking
 5 particularly in terms of organisation. What did you do
 6 to the organisation, particularly at a sort of senior
 7 level, to put it back on a good course?
 8 A. So we -- we -- we did a number of things. Ron Neil was
 9 asked to do a process not entirely unlike the one you
 10 are doing currently, Nick, which looked, um, at
 11 specifically what had happened, um, um, in the Hutton
 12 crisis, but more generally about the way the BBC thought
 13 about investigative journalism and journalism as
 14 a whole.
 15 And a series of recommendations came out of that
 16 work, all of which were implemented. We created
 17 a role -- I think this did not come out of Neil, but
 18 I think literally my first act was to create a role of
 19 Deputy Director General with overall responsibilities
 20 for all of the BBC's journalism. The Director General
 21 would remain the editor in chief with full
 22 accountability, but the idea of having a Deputy Director
 23 General was you would have someone who had the time, as
 24 it were, 24/7, across the week and across the year, to
 25 focus on journalism.

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1 judge whether that was a reasonable decision given the
 2 information available at the time, it is a matter of
 3 considerable regret that the BBC was unable to bring the
 4 truth about Jimmy Savile to the air. Investigative
 5 journalism has been very strong at the BBC in recent
 6 years and it is a great pity, not for competitive
 7 reasons, but for the victim and their families, that,
 8 for whatever reason, we were unable to bring their
 9 stories to the public. I believe that the BBC I led
 10 took child protection very seriously and I have no
 11 reason to believe that the protections we have put in
 12 place in the modern BBC have ever failed. Nonetheless,
 13 like many other people who have devoted their lives to
 14 this institution I feel both sad and angry that such
 15 terrible crimes and suffering occurred within the BBC.

Questions by MR POLLARD

17 MR POLLARD: Mark, thank you for that.
 18 Could I just start with a couple of questions about
 19 BBC journalism generally under your director
 20 generalship?
 21 A. Yes.
 22 MR POLLARD: You came in after Hutton --
 23 A. Yes.
 24 MR POLLARD: -- when clearly the BBC had taken a bit of
 25 a beating over that whole issue?

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1 MR POLLARD: Could I just ask, that was obviously
 2 Mark Byford?
 3 A. Yes.
 4 MR POLLARD: Was that a role created especially for him, or
 5 with him in mind? Would you have had that role anyway
 6 even if he hadn't been --
 7 A. It is interesting because to some extent I think the
 8 answer to your question is that when we -- when Mark
 9 stepped down from the BBC, I asked Helen Boaden to take
 10 on, as it were, the duties of being the head of the
 11 BBC's journalism. So I think the answer is although it
 12 was a role which fitted Mark Byford and he was an
 13 obvious candidate to do it back in 2004, my view was
 14 whether you call them Deputy Director General or simply
 15 Director of News and head of journalism, that given the
 16 scale and scope of the BBC it was important that in
 17 addition to having an overall editor in chief you had
 18 another senior director who -- who had more time to
 19 focus specifically on journalism, given how central
 20 journalism is to the BBC's offering, both at home and
 21 abroad.
 22 But in addition we looked hard and indeed changed
 23 some of the editorial guidelines as they were relevant
 24 to investigative journalism. We created the college of
 25 journalism and put a very, very large number of

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1 journalists inside the BBC through various kinds of
 2 training to, um, as far as possible ensure that --
 3 through all of these measures, that we were doing
 4 investigative journalism in a way which was, you know,
 5 as carefully thought about and as systematic as
 6 possible.
 7 However, it is very important to say a couple of
 8 times in recent weeks people have said to me, "You
 9 centralised the whole thing". Actually that's not true.
 10 We still believed that it was very important that
 11 editorial authority was delegated properly down the
 12 system to department and ultimately to programme
 13 editors. Although programme editors hopefully were
 14 going to have teams who, as it were, had clearer
 15 guidelines and are were better trained and programme
 16 editors would have the support of the editorial policy
 17 department and also the legal department and also the
 18 experience of their line managers in the main editorial
 19 chain of command. We still wanted absolutely to remain
 20 in the position where individual editors were
 21 responsible for what went out on their programmes.
 22 And even under this new system the overwhelming
 23 majority of editorial decisions taken in the BBC would
 24 be taken by programme editors and indeed producers below
 25 programme editors inside the programmes.

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1 MR POLLARD: Did that role of Deputy Director General in
 2 charge of the journalism, did that, to sort of put it
 3 bluntly, allow you to sleep more easily at night?
 4 Because it has been clear from a lot of the discussions
 5 in recent weeks that the role of the Director General as
 6 editor in chief, to some extent carries all the
 7 responsibility with it, but actually none of the real
 8 oversight.
 9 A. Well, I think -- I think none of the real oversight is,
 10 um, too strong a statement. But what is definitely
 11 true, if you are Director General, is that you are
 12 heavily reliant on the system below you and around you
 13 explicitly alerting you to issues.
 14 It is complicated because, particularly in the
 15 matter of editorial decision-making, partly because the
 16 Director General often sits, as it were, as one of the
 17 stages or overseeing one of the stages in the complaints
 18 process, there is a argument for not engaging the
 19 Director General unnecessarily. But the
 20 Director General, I believe, in all circumstances, for
 21 as long as there is a Director General who is also the
 22 editor in chief, there will be some occasions where the
 23 organisation will rightly think matters should be
 24 referred all the way up to the Director General for
 25 decision. And I was in favour of that and believed

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1 I could discharge that responsibility, which I did in
 2 the matter of Jerry Springer, the Nick Griffin
 3 invitation to Question Time and many other instances.
 4 It would appear a few times a year.
 5 Of course what you are trying to do as
 6 Director General, your biggest role is as editor in
 7 chief is putting in place the people, the structures,
 8 the processes, the guidelines and the values such that
 9 the system, the machine, will, you know, hopefully, you
 10 know, 100 per cent of the time -- in reality probably
 11 99.99 per cent of the time -- deliver the right outcome.
 12 And this role was part of that.
 13 But it's not the only way of doing it. Having
 14 a Deputy Director General was not the only way of doing
 15 it. I thought it was the simplest and clearest way of
 16 doing it and when Mark stepped down Helen Boaden -- this
 17 is the first time in the BBC's history, by the way, that
 18 we had had one person in charge of all the BBC's
 19 journalism. I thought the system worked pretty well.
 20 We are going to discover from your inquiry what we make
 21 ultimately of the matter of the Newsnight investigation
 22 but what I would say about my time overall as
 23 Director General is although we certainly had some
 24 editorial difficulties in, um, our radio and television
 25 areas: competitions, Queen-gate, Russell Brand show,

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1 this was a period where the overall -- individual
 2 programmes which went wrong -- where the overall run
 3 rate of quality and accuracy of BBC News I think was
 4 very high, actually. And compared -- certainly compared
 5 to recent history.
 6 MR MACLEAN: Why did you get rid of the Byford role and give
 7 the responsibilities to Helen Boaden?
 8 A. The -- in the sort of period I guess 2009/2010, the --
 9 the main discourse in much of the media and politically
 10 about the BBC was around, er, the value for money of the
 11 organisations.
 12 MR MACLEAN: Salaries?
 13 A. Salaries, but also numbers of senior managers, numbers
 14 of managers as a whole. There was a very big discourse
 15 about: is there a way in which the BBC could become
 16 notably smaller and indeed we were going, because of
 17 a constrained licence fee, we were -- we were across the
 18 top to bottom of the organisation looking for staff
 19 reductions. And it seemed at the time the governing
 20 body and the BBC Trust was also very eager that he we
 21 should show some movement on this and part of that was
 22 to look hard at the Executive Board and looking at
 23 whether we could run the BBC with a smaller number of
 24 executive directors on the Executive Board.
 25 MR POLLARD: Does it look like a false economy now, do you

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1 think?

2 A. I think the answer to that is it is not as clear cut as

3 that. I mean, I'm going to be very interested in what

4 you come up with. There were clearly straightforward

5 benefits and value for money in having fewer senior

6 managers. I also believed that we had made sufficient

7 progress, um, and in particular that the process of --

8 which is not relevant to you directly -- of integrating

9 the domestic BBC News operation and the World Service --

10 MR POLLARD: Yes.

11 A. -- which was going to have to be done by Helen anyway,

12 and which felt like the biggest single task that we --

13 we had in front of us, the fact that Helen had already,

14 in my view successfully taken over responsibility for

15 English local radio, all of these things -- because we

16 had rather previously also abolished another post which

17 was the so-called Director of Nations and Regions.

18 So we had begun a process of trying to reduce the

19 numbers of senior managers already, the fact that she

20 had already, in my view actually very successfully,

21 taken on that responsibility made me think that,

22 certainly with Helen, she had enough experience and

23 would have enough time and would have sufficiently able

24 lieutenants across the piece -- you know Horrocks at the

25 World Service and so on -- that this felt like it was

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1 a sensible thing to do. Manifestly taking one extra

2 piece of oversight out of the system, you know, brings

3 with it some potential level of risk.

4 MR POLLARD: I have two more questions, then I'm going to

5 hand over to Mr Maclean for now, and they are connected.

6 I will put them both to you at the same time. Can you

7 tell me a little bit about how the thing that is

8 variously called the Managed Programmes Risk List and

9 the Managed Risk Programmes List --

10 A. Yes.

11 MR POLLARD: -- came about. And secondly, in the context of

12 that, I understand the purpose but I would like you to

13 set out about sharing knowledge from one department to

14 another.

15 A. Yes.

16 MR POLLARD: How does that sit with the very clear fear, if

17 you like, of undue influence, because a story or

18 a project being run by one department might

19 inadvertently be influenced by another? In other words,

20 one part of this system is designed to help share and

21 spread information and the other is, if you like,

22 a Chinese wall potentially to stop that happening.

23 A. Well, so the -- let me try and answer the question.

24 I believe that the Managed Programme Risk List, which is

25 the way I, possibly incorrectly, speak of it was one of

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1 the outcomes -- was a post-Hutton addition. And the

2 intention was to make sure that a significant number of

3 senior managers across the BBC would be aware, at the

4 highest level, of, you know, potentially sensitive

5 programmes.

6 MR MACLEAN: Was that -- that was an innovation of

7 Mark Byford once he was in his post, was it?

8 A. No. I can't recall to be honest -- we can readily --

9 I am sure we can readily find out. To be honest the BBC

10 will be able to tell you precisely what its origin was.

11 It is certainly roughly contemporary with Mark arriving,

12 but the intention was not just to capture journalism and

13 investigations, but to capture potentially sensitive

14 programmes of every kind, including dramas and comedies

15 and so forth.

16 MR MACLEAN: I'm going to show you an example of that --

17 A. Sorry.

18 MR MACLEAN: I'm going to show you an example of that so we

19 can talk about it.

20 A. Yes. To answer Nick's point, there is an inevitable

21 tension between scrupulous and complete kind of walls

22 between different programmes to emphasise separation,

23 and the reality that if you -- if you go too far down

24 that road you may end up with the left hand not knowing

25 at all what the right hand is doing.

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1 MR POLLARD: Sure.

2 A. And the managed programme list was an attempt, in

3 a sense, by mentioning programmes at a really very, very

4 high level, I think, to find a way in which there could

5 be information and a kind of awareness of the existence

6 of programmes. You know, all of the recipients of the

7 list and those who discussed the list would then be

8 able, in light of that, to decide whether it was

9 appropriate for them to get involved.

10 As it were they if they -- if the television

11 division rang up the radio division, they could then, at

12 that point, decide whether it was appropriate for them

13 to get more involved.

14 MR POLLARD: Thank you for that.

15 A. What I would do is just run my eye down it to see it in

16 the sense of (inaudible) but it would be -- I mean,

17 I can't -- generally I would be -- use it as one of the

18 ways I would familiarise myself with roughly what was

19 going on.

20 MR POLLARD: Yes, absolutely.

21 Questions by MR MACLEAN

22 MR MACLEAN: Can I just go back to the Mark Byford

23 discussion? We have had evidence, from Helen Boaden in

24 particular, to the effect that his role was fairly

25 critical in the light of -- after Hutton. What she said

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1 was he, this is the Mark Byford, was brought in to calm
 2 the journalism. He brought me, Helen Boaden, as head of
 3 news as part of that and set up a series of processes by
 4 which there was more visibility of the sensitive
 5 journalism that was going on.
 6 **A. Yes.**
 7 **MR MACLEAN:** : That may be a reference to the Managed
 8 Programme Risk List. Indeed she says:
 9 "Not just journalism, but sensitive programme
 10 making that was going on across the BBC. But that was
 11 a role we hadn't until then had. It was an innovation
 12 by Mark Thompson to create the head of journalism and
 13 deputy director role which was fulfilled by Mr Byford
 14 who was already in the BBC but was given that
 15 responsibility."
 16 **A. That's correct. In fact it was me rather than Mark who**
 17 **appointed Helen to become Director of News.**
 18 **Q. Right.**
 19 **A. And I did this as part of a single -- I moved**
 20 **Richard Sambrook, who had been, in my view -- certainly**
 21 **centrally involved in Hutton, I thought it was right for**
 22 **him, and right for the BBC that he moved laterally to**
 23 **become head of World News. I moved Helen from Radio 4**
 24 **into BBC News, reporting to Mark. So this is a series**
 25 **of management changes which take place in the spring of**
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1 **2004, very much in response to Hutton.**
 2 **Q. The evidence -- the general evidence -- impression we**
 3 **get is that everybody thought these innovations you put**
 4 **in place were a good thing. But then the role gets**
 5 **abolished and, as you have indicated, and as**
 6 **Helen Boaden told us, that that role was abolished in,**
 7 **I think, late 2010?**
 8 **A. I want to say late 2010.**
 9 **Q. And I said to her, "What happened to that part of his**
 10 **responsibilities?" And she said, "They were given to**
 11 **me." Which is what you told us as well. Then I said,**
 12 **"You don't have a formal role beyond news, is that**
 13 **right?" She said:**
 14 **"What happened was that when Mark's role was shut**
 15 **his various responsibilities -- I was told, 'You will**
 16 **have most of his job except for the nations.'"**
 17 **I'm going to ask you who got that parcel in that**
 18 **moment.**
 19 **A. Yes.**
 20 **Q. "We will get Tim Davie to chair the Editorial Standards**
 21 **Board for a year."**
 22 **And she, Helen Boaden, took the rest of Mr Byford's**
 23 **job. Is that right?**
 24 **A. It is. So the Editorial Standards Board is another**
 25 **innovation. And that -- this is a innovation which**
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1 dates from memory from 2007 or thereabouts.
 2 **Q. Right.**
 3 **A. And the Editorial Standards Board, which Mark Byford**
 4 **began chairing, became the forum for editorial**
 5 **discussions across the BBC which included news but went**
 6 **way beyond news. So what we had done, we had created --**
 7 **we created a further inference, this board, which was**
 8 **a gathering of key executive directors from the content**
 9 **divisions and others to monitor editorial standards,**
 10 **quality, and individual programmes, individual**
 11 **complaints -- critical complaints about programmes as**
 12 **well.**
 13 **So what happened was the solution, if you like,**
 14 **which enabled us to no longer have the Mark Byford role**
 15 **as Deputy Director General, was that Helen would have**
 16 **straightforward line management responsibility for the**
 17 **BBC's journalism, except for BBC Scotland, BBC Wales and**
 18 **BBC Northern Ireland, who would become direct reports to**
 19 **me. So I became if you like, executive director with**
 20 **direct responsibility for the three nations.**
 21 **Q. Right.**
 22 **A. And then the Editorial Standards Board, which if you**
 23 **like had become the overview -- the committee which was**
 24 **looking more broadly at editorial standards and**
 25 **programme quality across the BBC, was going to be**
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1 chaired by executive directors essentially on a rolling
 2 basis, with Tim to begin, and then George Entwistle took
 3 over and so on.
 4 **Q. So --**
 5 **A. So in a sense it was a tripartite solution, if you like,**
 6 **to how to make it possible for -- for -- to have one**
 7 **fewer person in the system.**
 8 **Q. But the particular cog in the BBC's wheel that had been**
 9 **Mark Byford was taken out and those responsibilities**
 10 **were then spread --**
 11 **A. Divided in the way that I just said.**
 12 **Q. -- among others?**
 13 **A. What that meant, for example in the case of Scotland,**
 14 **Wales and Northern Ireland, is I had a more -- much more**
 15 **direct role in myself hearing about the journalism and**
 16 **investigative journalism which was happening in**
 17 **Scotland, Wales and Northern Ireland. And whereas**
 18 **generally with investigative journalism happening in**
 19 **news I would have expected, um, Helen Boaden to deal**
 20 **with the overwhelming majority of issues to do with**
 21 **journalism in news, in BBC Scotland and BBC Northern**
 22 **Ireland and BBC Wales I would expect and indeed would**
 23 **sometimes sit down with the directors and sometimes with**
 24 **their colleagues to hear about investigative journalism**
 25 **pieces that were in development. I would ask them, you**
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1 know, high level, but nonetheless questions about
 2 sources questions about whether editorial policy and
 3 legal were happy and so on.
 4 Q. Let me take you down from the Director General's role to
 5 Helen Boaden's position.
 6 We understand from her that she got some of these
 7 responsibilities, perhaps most of them that Mr Byford
 8 had. She is not complaining about that and it may be
 9 that she welcomed that extra responsibility. However
 10 what she did tell us was that the circumstances that
 11 occurred in the last few months -- let me just tell you
 12 what she said. She said:
 13 "I think it is very difficult. I think we've made
 14 it much harder for ourselves by getting rid of the
 15 Mark Byford role. If Mark Byford had still been head of
 16 journalism and Deputy Director General and my boss
 17 I would have told him that Newsnight, as part of a
 18 routine, were doing an investigation into Jimmy Savile
 19 and sexual abuse. He would then have been responsible
 20 for managing the Corporate side of things, completely
 21 separate from me managing the journalism."
 22 And she used the expression, "Cordon sanitaire":
 23 "When we had Ross/brand, I remember distinctly
 24 Mark -- both the Marks [and you are the other one
 25 obviously] were on holiday but when they came back from
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1 holiday Mark Byford was absolutely fire-fighting for the
 2 corporation and clearly trying to get information about
 3 what had happened, and I was running the journalism, and
 4 never the twain shall meet."
 5 So the burden of that is that she felt, on
 6 reflection, as it were, that an important cog had been
 7 taken out of the wheel and if it had still been there in
 8 the last six months things might have been better
 9 handled.
 10 A. In the last six months? As opposed to -- in other words
 11 I think --
 12 Q. The last year then, yes.
 13 A. I think that is quite an important distinction. And --
 14 because I don't fully understand what happened last
 15 year -- and to be honest I don't fully understand what
 16 happened in the last six months either -- it is quite
 17 difficult for me to comment on that.
 18 I think what I want to say is this: in terms of the,
 19 as it were, the direct reports and the people and the
 20 processes that Helen had to look after as Director of
 21 News and now head of the BBC's journalism, I don't
 22 believe that, as it were, what was being asked of her
 23 was, um, too much to do. In other words, because we had
 24 taken the nations, because we had, um -- and I was going
 25 to look after the nations, because we had now the
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1 Editorial Standards Board which also reported to the
 2 Editorial Standards Committee on the BBC Trust, I think
 3 in terms of responsibilities this was a perfectly
 4 sensible apportionment of the responsibility.
 5 I think Helen's point is a slightly different one
 6 about whether or not, um, top of the organisation was
 7 still big enough where appropriate to, um -- to
 8 separate, as it were, the workings of journalism from
 9 the corporate interest. And what I would say is my
 10 experience was there was a number of occasions, um, and
 11 I think at least one after Mark had effectively stepped
 12 down, when Mark wasn't around -- this was a Panorama
 13 about top pay in the BBC --
 14 Q. About your salary.
 15 A. About my salary, where I thought the separation between
 16 corporate interest and news worked very smoothly. And
 17 there were multiple occasions -- the BBC covered itself
 18 so often over this period that we had many occasions
 19 where we looked at how you would separate out how you
 20 report on something and how you actually manage it.
 21 Indeed, in our disaster recovery planning war games
 22 and planning sessions, one of the things we did in these
 23 planning sessions was precisely looking at how, in
 24 a putative crisis, you would separate out the roles for
 25 driving and running the crisis and also, as it were,
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1 speaking if the crisis involved the BBC, about the BBC,
 2 from the News division. So we would quite quickly in
 3 the -- in the simulations and in real life separate out
 4 the -- the operational running of the coverage of the
 5 story from the -- from the event itself.
 6 Q. So you had dummy runs of --
 7 A. Dummy runs and real runs. So that when, um,
 8 Question Time decided to have Nick Griffin, the leader
 9 of the BNP, on an edition of Question Time and you end
 10 up with a situation where this programme became very
 11 controversial -- it was being recorded for broadcast
 12 inside Television Centre, there are many thousands of
 13 people protesting in Wood Lane outside
 14 Television Centre, some of the protestors get into the
 15 studio, they are immediately chased out by security
 16 people -- you can imagine the whole thing.
 17 You have one team who are, as it were, running the
 18 BBC, and I think Caroline Thompson was, in a sense, the
 19 "gold commander" running the incident and you have
 20 a quite separate team, and we have explicitly decided in
 21 advance who is going to be, I can't remember whether it
 22 was Helen Boaden or Steve Mitchell for the purposes of
 23 this occasion, who is actually running the BBC News
 24 coverage for all of this, and someone else who is in
 25 charge of Question Time.
 Page 24

6 (Pages 21 to 24)

<p>1 Q. We have seen -- you may or may not know this -- we have 2 seen that Mr Entwistle, in recent weeks, established 3 a gold, silver and bronze team. And he was gold 4 commander. 5 A. I didn't know that. 6 Q. You didn't know that? 7 A. No. 8 Q. That would be -- to set up a gold, silver and bronze 9 team would be an indication that the disaster plan or 10 crisis plan had been taken off the shelf and was being 11 implemented? 12 A. Yes. The answer is yes. You have identified it as an 13 important incident. Um, and to be honest it -- in my 14 time at the BBC, um, we would -- I don't believe -- 15 I certainly don't recall, if you like, reputational 16 incidents, if I can put it like that -- editorial and 17 reputational incidents of the kind which -- both the 18 Jimmy Savile affair and the Lord McAlpine affair would 19 fit into that category -- in my time the competitions, 20 Queen-gate and the Russell Brand show would all fit into 21 this category as well -- we didn't use the gold, silver 22 bronze methodology for that. There is no reason why you 23 shouldn't, but we didn't. 24 But the gold, silver and bronze is most obviously 25 useful when you have an incident, for example the</p> <p style="text-align: center;">Page 25</p>	<p>1 tomorrow", do you see? 2 A. Yes. 3 Q. And there is a whole bunch of attachments to that email. 4 If you go over the page, is there a document headed, 5 "Editorial Standards Board, Managed Risk Programme 6 List." 7 A. Yes. 8 Q. "For noting at the meeting on 8 December." 9 A. Yes. 10 Q. I will come back to that page. If you then go over 11 again. I assume this is the kind of document that you 12 would receive and you said earlier that you would cast 13 your eye over to see what was going on? 14 A. Yes. 15 Q. It starts with Vision. It starts with BBC1. 16 A. Yes. 17 Q. If you go to page 001, that is the start of BBC2. 18 A. Got it. 19 Q. Then if you go over the page to 10, you see there is 20 a bunch of Newsnight stories there? 21 A. Yes. 22 Q. By the time you get to page 12, we're finished with BBC2 23 and we're on to BBC3. 24 A. Yes. 25 Q. Then it goes on to radio and all sorts of other things.</p> <p style="text-align: center;">Page 27</p>
<p>1 Question Time where you can connect your gold, silver 2 and bronze with the police's -- the Metropolitan 3 Police's gold silver and bronze. So in other words if 4 you have an incident which will involve outside agencies 5 like the police -- 6 Q. They use the same structure, do they? 7 A. This structure is the same structure as used by the 8 Government and by the Police and it is designed for 9 certain kinds of emergency. But to be honest it is 10 a good discipline and is there no reason why you 11 shouldn't use it in other circumstances. 12 Q. I want to understand a bit more about the Editorial 13 Standards Board and how it fits in. It also links up to 14 the Managed Risk Programme List in one document. 15 If you could be shown bundle 4, please, and turn to 16 page 29. Once you get to 29, keep going over the page, 17 you should see an insert document, 29.001. Do you have 18 that? 19 A. Yes. 20 Q. Then go to 0.004. That's where I want you to look, 21 please. 22 That is an email, you see it is dated 7 December 23 last year? 24 A. Yes. 25 Q. And that is in anticipation of, "A meeting for ESB for</p> <p style="text-align: center;">Page 26</p>	<p>1 A. Yes. 2 Q. Now, as a Director General, you would be a member of the 3 Editorial Standards Board, but not chairing it? 4 A. I'm not a member of the Editorial Standards Board. 5 Q. It is chaired now by David -- David Jordan is the 6 director of editorial policy and standards. 7 Helen Boaden indicated that Tim Davie was to chair this 8 for a bit and then she thought she was going to be 9 chairing it for a bit, and then I think you mentioned 10 earlier there was a rolling chair list -- 11 A. I don't have the exact dates, but Tim started -- once 12 Mark Byford had stepped down -- because it had been 13 chaired by Mark Byford before -- Tim Davie took over the 14 chair. Then my recollection is that George Entwistle 15 took over the chair after, although it is possible Helen 16 did as well. So the idea was that there was an 17 executive director who was chairing this. So I didn't 18 receive the Managed Programme Risk List because of my 19 membership of this board, because I was not a member of 20 this board, but I received it anyway. I think probably 21 went to BDG, the direction group as well. 22 Q. We have been told that this managed risk programme list, 23 which obviously starts life in a particular programme, 24 so take Newsnight for example. 25 A. Yes.</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

1 Q. I will show you this if you want. Somebody in Newsnight
 2 puts a particular piece that they are planning to do on
 3 to the bottom rung of the ladder, if you like, of this
 4 list. In the case of Newsnight that was usually
 5 Liz Gibbons, who communicated to Steve Mitchell's office
 6 and says, "Here's a bunch of things that we're doing for
 7 the list".
 8 It then gets fed into, I think, the News Board list
 9 where Newsnight and the other programmes feed in. There
 10 is a News Board list which Helen Boaden would see, and
 11 then they feed up, along with no doubt Vision and
 12 whoever else, and this is then, as it were, the top
 13 level of this list. Is that your understanding?
 14 A. Yes. And I think with one other -- to my recollection,
 15 one other caveat, which is that David Jordan, who in
 16 some ways is the -- in his role as director of editorial
 17 policy and standards, who is the, if you like, the,
 18 um -- not quite providing the secretariat, but he's, as
 19 it were, the executive sponsoring the thing, I think
 20 David -- I would be surprised if David weren't running
 21 down the final list and also making sure that anything
 22 that he and his team had been asked for advice upon was
 23 on the list as well.
 24 Q. Right. So that takes me to my next question. If you go
 25 back to the covering page at 0.005.

1 some kind of campaign?"
 2 But the serendipity of editorial choices could, when
 3 you look at the BBC as a whole, give an impression that
 4 the BBC had an agenda or something. It might also be
 5 a different kind of contention. Um, um, which is, you
 6 know, um, Panorama are going to do, um, an investigation
 7 into X, Radio 4 are thinking of doing a profile into X.
 8 Do they -- they are different subjects, but probably
 9 best if radio knows what -- at least the headlines of
 10 what Panorama might be doing. So there is also
 11 something about, um, in a sense a feel laterally across
 12 the organisation of what is going on.
 13 What it is not intended to do -- this is not
 14 intended to be, as it were, a substitute for the
 15 straightforward, um, editorial chain of command
 16 conversations about what programmes are going to -- it's
 17 not an invitation, as it were, for people in other
 18 divisions to start wading into the primary editorial
 19 decision-making process.
 20 Q. I understand. The example you gave about Panorama and
 21 a radio tribute, that is obviously within --
 22 A. A documentary, I think it was.
 23 Q. But the same would apply if something was happening in
 24 Vision, for example a tribute to a recently dead BBC
 25 personality --

1 A. Got it.
 2 Q. Action is, "For noting", do you see?
 3 A. Yes.
 4 Q. So what is Mr Jordan -- apart from --
 5 A. I'm sorry, on 00?
 6 Q. 0.005. Do you see the title, "Action" and in the box,
 7 "For noting"?
 8 A. Yes. **ESB is invited to note the contents of the paper.**
 9 Q. Yes, so presumably Mr Jordan reads this and soaks up
 10 this information that he finds in it. Apart from
 11 reading it and noting it, what else might happen?
 12 A. **Well, I think -- I think there are, um, a number of**
 13 **possibilities. Um, one obvious point in a very big**
 14 **organisation like the BBC is to make sure you haven't**
 15 **got two or more teams doing identical work. So the**
 16 **first thing is it is simply, you know, are there any --**
 17 **is there any duplication or conflict in the list, as it**
 18 **were, between -- because it turns out you have four or**
 19 **five different programmes doing a given subject.**
 20 **What this might lead to is a conversation between**
 21 **members of the -- and the key directors, executive**
 22 **directors, content executive directors are on the**
 23 **board -- about, "Are we doing too much on X?" Or,**
 24 **"Is it going to look, if we do three programmes over**
 25 **a given period on the same subject, that we're running**

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

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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?

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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.

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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

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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 A. Yes, I mean -- I wrote -- I wrote the letter to
 2 Mr Wilson not having checked, but --
 3 Q. We've checked, and it's not there. Now take, would you,
 4 please, bundle -- just leave that open, if you wouldn't
 5 mind, and take bundle 2 and turn to page 188. I'm not
 6 suggesting that you saw this at the time, but we're very
 7 interested to get your reaction to what I'm going to
 8 show you.
 9 So I'm not suggesting that what you said to
 10 Mr Wilson was wrong, indeed it would appear to be
 11 correct, it's not on the list that I have just shown
 12 you.
 13 A. Yes, I have it. So the point is that this email from
 14 Liz Gibbons to Sara Beck -- I don't know who Sara Beck
 15 is.
 16 Q. She's essentially Steve Mitchell's right-hand woman. So
 17 it is, in effect, going to Steve Mitchell, all right.
 18 It is slightly complicated, this email at the bottom
 19 of the page because it is from Liz Gibbons to Sara Beck.
 20 It is not entirely clear who originally put the
 21 Jimmy Savile piece on to the list from Newsnight. It
 22 may have, in fact, been Peter Rippon before this date.
 23 But what you see at page 188, I hope, is, "Newsnight,
 24 Jimmy Savile." Do you see?
 25 A. I do.

1 MR CHRISTIE-MILLER: It would be useful for Mark to have
 2 a copy of that. Is it in the bundles?
 3 MR MACLEAN: It is. I will give you a reference in just
 4 a moment. Let me read the sentence to you:
 5 "There is a list which is compiled by the BBC's
 6 editorial policy department of potentially sensitive
 7 programmes."
 8 A17, first page, I think from memory.
 9 "But this list is not intended to be exhaustive and,
 10 in particular, often does not include investigative
 11 segments being prepared by general use in current
 12 affairs programmes like Today and Newsnight."
 13 The point you just made.
 14 A. Yes.
 15 Q. "As Director General I saw this list regularly, I do not
 16 believe the Savile investigation was included in it".
 17 If you look at that page in front of you, if you go
 18 to page -- where we were looking a little earlier, in
 19 the BBC2 part of this.
 20 A. Do you have a page reference?
 21 Q. Yes, page 009 is BBC2 News and Current Affairs. That's
 22 the start of it, but Newsnight ones are over the page.
 23 A. Yes.
 24 Q. There is about seven or eight, but what you don't see
 25 there is Jimmy Savile, all right? It's not there.

1 Q. "An investigation by Liz MacKean. Legal/taste."
 2 Transmission was to be confirmed. It was a
 3 Newsnight programme, Peter Rippon was exec producer.
 4 Knowing what you now know about this Newsnight
 5 story, presumably it is unsurprising that it should have
 6 been -- it is unsurprising that it should have been put
 7 on this list, is that right? Can you think of any
 8 reason why it shouldn't be?
 9 A. I think the best thing to say is the following. I --
 10 I have read a number of reports about what the
 11 investigation included and the materials that they had.
 12 I don't actually know how much work they had done.
 13 I don't know how far they had got, and I don't know how,
 14 as it were, close to transmission or close to a decision
 15 it was.
 16 On the face of it, if -- and it is quite a big if
 17 this, and I must emphasise this -- what I have heard is
 18 accurate, then I think it is surprising it was not on
 19 the Managed Programme List, but what I haven't done, and
 20 you will have done, is compared the date. This is
 21 18 November, this list.
 22 Q. Yes.
 23 A. And the Managed Programme List is when?
 24 Q. Let me help you, Mr Thompson, that one is 8 December.
 25 There is a date in between let me show you bundle 3 --

<p>1 A. Okay.</p> <p>2 Q. -- to show you where this Jimmy Savile story fell off</p> <p>3 the list. It didn't fall off at the last stage, to the</p> <p>4 editorial policy board, it fell off before that.</p> <p>5 A. Okay.</p> <p>6 Q. Turn to page 66. This is from Sara Beck. So in effect</p> <p>7 from Steve Mitchell.</p> <p>8 A. Got it.</p> <p>9 Q. So this is a list going to the next stage up the chain.</p> <p>10 Do you know who Stephanie Harris -- what role Stephanie</p> <p>11 Harris fulfilled?</p> <p>12 A. No.</p> <p>13 Q. No. And Emma Wilson -- we have been told that -- my</p> <p>14 note says that she's a business manager for BBC News.</p> <p>15 You see the subject is programmes MRPL -- it gets</p> <p>16 confused, MRPL. And then the news programme list for</p> <p>17 November.</p> <p>18 A. There are two, there is MRPL and MPRL.</p> <p>19 Q. The acronym keeps changing, but we know what they are</p> <p>20 talking about.</p> <p>21 A. There is another recommendation there for you.</p> <p>22 Q. It is easier to say Managed Programmes Risk List, but it</p> <p>23 is not correct. This is the News list --</p> <p>24 A. This is the sublist, as it were, within BBC News which</p> <p>25 is going to go to the whole --</p> <p style="text-align: center;">Page 41</p>	<p>1 and Helen Boaden was Director of News -- that it is not</p> <p>2 necessary to have ten seconds or however long</p> <p>3 conversations between Director of News and Director of</p> <p>4 Vision about what the right hand and left hand</p> <p>5 respectively are doing. It shouldn't be necessary to</p> <p>6 have any of that because you have this mechanism in this</p> <p>7 list.</p> <p>8 A. Though what I would say is, for the reasons I have said,</p> <p>9 um -- the nature of the BBC, the rate at which plans</p> <p>10 change and the rate at which ideas which were going to</p> <p>11 get broadcast don't get broadcast, which suddenly</p> <p>12 arrive -- and also the way in which transmission times</p> <p>13 move around for tactical and for operational reasons,</p> <p>14 means that I don't think I would ever recommend, as it</p> <p>15 were, to colleagues that they use this list as the only</p> <p>16 way of communicating what's going on in the BBC.</p> <p>17 Um, um -- the inevitably bureaucratic way the list</p> <p>18 comes together means that probably by the time it is</p> <p>19 actually gathered across the BBC it is probably already</p> <p>20 out of date in terms of things on it which are not going</p> <p>21 to happen, and other things which are going to happen</p> <p>22 going on it. So I would say that the idea -- as I say</p> <p>23 I have no knowledge of this conversation, I have read</p> <p>24 that such a conversation took place, I have not talked</p> <p>25 to either Helen or George about it, but the idea that</p> <p style="text-align: center;">Page 43</p>
<p>1 MR POLLARD: The whole of News.</p> <p>2 MR MACLEAN: It starts with Vision BBC1, and then at page 17</p> <p>3 we get to Newsnight.</p> <p>4 A. Got it.</p> <p>5 Q. And 71, you can see by the end of 71 we are finished</p> <p>6 with Newsnight and on to other things, and by 72 we're</p> <p>7 finished with BBC2 altogether and on to BBC3.</p> <p>8 A. Yes.</p> <p>9 Q. And Jimmy Savile has disappeared. All right?</p> <p>10 A. Yes.</p> <p>11 Q. So far as we can tell, it doesn't -- it doesn't get back</p> <p>12 on to -- it doesn't get back on to the list and the</p> <p>13 reason -- the reason for that is that Mr Mitchell took</p> <p>14 it off the list.</p> <p>15 Now, it has been suggested to us that -- you know</p> <p>16 presumably, well you must know one of the things we're</p> <p>17 looking at is the short conversation between</p> <p>18 Mr George Entwistle and Helen Boaden at this awards</p> <p>19 lunch on 2 December?</p> <p>20 A. I have read about it.</p> <p>21 Q. You have read about it. You weren't, I think there?</p> <p>22 A. I wasn't there and I didn't know about the conversation</p> <p>23 at the time. I read about it, I think, in recent weeks.</p> <p>24 Q. Yes, but it has been suggested to us that it's not, as</p> <p>25 it were -- Mr Entwistle of course was director of Vision</p> <p style="text-align: center;">Page 42</p>	<p>1 one director might talk to another director,</p> <p>2 notwithstanding the list, just to make sure they were</p> <p>3 sighted on something, strikes me as being perfectly</p> <p>4 sensible.</p> <p>5 Q. But not instead of. Not as a substitute for having the</p> <p>6 programme on the list?</p> <p>7 A. No, absolutely not. No. I agree. So in other words</p> <p>8 I would not -- I would not expect someone to -- there</p> <p>9 are a number of reasons why somebody might remove --</p> <p>10 I've no idea, I mean, this is all news it to me and</p> <p>11 I have no idea who did what to the list, but the idea</p> <p>12 that somebody might have perfectly sensible reasons for</p> <p>13 removing a particular investigation from the list</p> <p>14 I absolutely accept. I would not, however, believe that</p> <p>15 it was -- the sole justification, um, for removing</p> <p>16 something from the list was because actually we're going</p> <p>17 to take that offline and I will mention it person to</p> <p>18 person. I would find that a surprising explanation.</p> <p>19 Q. Yes.</p> <p>20 It was suggested to us -- in fact it was Liz Gibbons</p> <p>21 who suggested it to us that the reason why the Savile</p> <p>22 story was taken off the list was because there was</p> <p>23 a concern to have, as she put it, "Chinese walls"</p> <p>24 between what Newsnight was doing and what Vision was</p> <p>25 doing.</p> <p style="text-align: center;">Page 44</p>

11 (Pages 41 to 44)

1 A. I understand. So in other words that they did not
 2 want -- in your -- you are putting to me the idea that
 3 somebody or some person or persons unknown inside News
 4 felt that to -- to put -- to include the Newsnight
 5 investigation into Savile on the list might in some way
 6 forewarn or let Vision know that this investigation was
 7 taking place?
 8 Q. Precisely. And to which -- which raises the obvious
 9 question: well, isn't that rather subverting the person
 10 of the list, at least from Vision's to point of view?
 11 A. And to be honest I find it highly improbable as well.
 12 Anyway, I find it very improbable that anyone would have
 13 such a motivation. And I think it is either taking the
 14 idea of Chinese walls to an extreme and unjustified
 15 level -- so I find that an odd -- I find that an odd
 16 idea.
 17 Q. One can see, perhaps, a concern to, as it were, protect
 18 the integrity of the journalism from pressure.
 19 A. But there is no --
 20 Q. Maybe. Hang on. But it is more difficult, you might
 21 think impossible, to see why Vision should not be told
 22 what News is up to. The whole point of the early
 23 warning system gets subverted if you take it off the
 24 list, doesn't it?
 25 A. I've got a lot of sympathy with the way you put that,
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1 yes, I do. I mean, obviously the problem with the
 2 doctrine of separation is, if you take it to its
 3 extreme -- if you take it to an absolute extreme, it
 4 means that you would end up with complete ignorance in
 5 other parts of the organisation.
 6 Q. And then you get the mistakes about -- you give the
 7 example of Panorama and running a -- whatever it was you
 8 said, and radio running a tribute, you get precisely
 9 those difficulties?
 10 A. That's the risk. So as I tried to say earlier on, point
 11 is you are trying to manage a tension here in ways which
 12 work practically and effectively for the organisation.
 13 And, you know, the kind of -- the kind of, um, ways you
 14 can do that is by keeping the summaries relatively short
 15 in the list. Um, it's also possible to have an entry in
 16 the list which is -- you know, it says, "Subject:
 17 sensitive subject", or whatever. But to be honest,
 18 I mean, let me just say this, as I say, not having been
 19 involved significantly in either of the commissioning
 20 decisions about the -- not involved at all, either in
 21 the Newsnight or in the tribute programmes, um, I don't
 22 regard the fact that Newsnight was looking -- doing an
 23 investigation into Jimmy Savile and BBC Television was
 24 planning some tribute programmes as an unmanageable
 25 conflict at all. Once you know about it, you work out
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1 what to do, indeed it is very valuable to learn, because
 2 if Newsnight are finding out some things that are very
 3 disturbing or damaging that, that would make you want to
 4 think about what you do with the tribute programmes.
 5 I don't think that, in a hypothetical instance, you
 6 find out that an investigation is going on Newsnight and
 7 you decide to drop your tribute programmes on BBC1, that
 8 is not unmanageable, that is sensible. And I don't
 9 regard that as in any sense being a dilution of the
 10 independence of the BBC's journalism.
 11 Q. So if you were in a position of being Director of Vision
 12 and you are commissioning tribute programmes to some
 13 recently deceased icon, and you subsequently discovered
 14 that a bit of the News organisation was doing an
 15 investigation into this person and it wasn't on this
 16 list, you would be justifiably rather cross about that,
 17 wouldn't you?
 18 A. Well, I think -- I think that if, however, the News
 19 division had taken the trouble to say something to me
 20 about it anyway, I think most of my irritation would
 21 be -- in other words, I think -- I don't think that if
 22 you are the Director of Vision you would say the only
 23 possible way I can learn is whether it is on this list.
 24 I still feel that if the director of News came up to you
 25 and said, "We're doing X", you might still feel that was
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1 completely adequate warning.
 2 Q. Even if there was no note or email and it was all done
 3 in the margins of a rather entertaining lunch?
 4 A. It is fair to say best practice would be probably to
 5 make sure it was done in writing. But I think that --
 6 I mean, I -- I don't see any reason why such an
 7 investigation couldn't be on the list. Um, I think to
 8 say it was not put on the list solely because of worries
 9 of contamination of the journalism is a very hard line
 10 and difficult to justify interpretation of what that
 11 separation consists of.
 12 In practical terms, I think a significant mitigation
 13 is to make sure that the Director of Vision knows
 14 about it, but of course, better if it was done on paper
 15 rather than on the fly in a conversation.
 16 Q. So just let me, just to finish this bit off on the
 17 facts, if you have bundle 2 -- I think we looked at 188,
 18 if you look at page 276 --
 19 A. 276?
 20 Q. 276. Just cast your eye, please, over it. If you look
 21 at the bottom email first of all at 13.21, from
 22 Liz Gibbons to Sara Beck on 21 November?
 23 A. Yes.
 24 Q. "Here's the list", and over the page there is,
 25 "Jimmy Savile".
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12 (Pages 45 to 48)

1 A. Yes.
 2 Q. And then back to 276, she has remembered something else
 3 to do with a football club. Then at 9.41 on the 22nd:
 4 "Just so you know, have taken Jimmy Savile off for
 5 now and will put it back on when it is imminent. The
 6 document goes quite far in Vision et cetera and we
 7 thought it might be best to keep it off just for now."
 8 And then the email at the top of the page:
 9 "I know Peter and Steve [that is Rippon and Mitchell
 10 obviously] talked about the Vision issues surrounding
 11 Savile, so that sounds sensible."
 12 Does it seem sensible to you? The reference to
 13 putting it back on when it is imminent?
 14 A. It is quite difficult for me to offer an opinion on
 15 this. You are now asking me really to reflect on -- on
 16 conversations which not only did I not know -- I have no
 17 idea what the conversation -- what contents of the
 18 conversation was.
 19 Q. If the Vision issues, if you take as the assumption that
 20 the Vision issues were the upcoming tribute programmes,
 21 if you take that as the starting point, in other words
 22 Mr Rippon and Mr Mitchell know that there are tribute
 23 programmes of some sort going to take place on the BBC.
 24 A. Yes.
 25 Q. And if the facts were that, as a result of that

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1 knowledge that Jimmy Savile story comes off the MRPL
 2 rather than stays on it, that might be slightly strange
 3 state of affairs --
 4 A. It might be. I'm slightly reluctant to go too far down
 5 the hypothetical road, but I think it is -- I suppose it
 6 is not impossible to imagine people in News thinking:
 7 look, actually it may be all the channel controllers and
 8 some of the Commissioners will see this list. Isn't it
 9 better if somebody has a word with George Entwistle to
 10 warn him that, um, Newsnight are working on something
 11 which could turn out to be big about Jimmy Savile?
 12 Isn't that the best way of broaching it rather than, as
 13 it were -- as it were, spreading it across Vision?
 14 I mean, I'm not saying that was what happened, but
 15 that's a possible explanation, certainly.
 16 Q. In fact, over the page, in fact the definition is rather
 17 bland. It is, "Newsnight Jimmy Savile. Investigation
 18 by Liz MacKean, legal/taste".
 19 A. Yes.
 20 Q. It doesn't tell you a hell of a lot about -- on the face
 21 of it, just by reading that entry in the list, you -- a
 22 reader is not going to know much about it. It might be
 23 a tax investigation or it could be all sorts of things,
 24 couldn't it?
 25 A. I mean, as you know, these things are often -- often

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1 very -- I mean, in the list you will have looked at
 2 these lists there is sometimes -- it's very clear from
 3 the entry what the investigation is about. There are
 4 other occasions where it is not clear.
 5 Q. Yes.
 6 A. "Newsnight Burma, possible undercover. Newsnight
 7 phone-hacking: possible update on phone-hacking story."
 8 It doesn't tell you an awful lot really. I don't
 9 think you can read too much into that really.
 10 Q. Let us move away from that. You mentioned you didn't
 11 have any role in commissioning the tribute programmes,
 12 I'm not suggesting you did.
 13 A. I believe at the time he died, I believe I heard that
 14 Vision might do something about Jimmy Savile but
 15 I didn't --
 16 Q. That's what I'm coming to. You mentioned also one of
 17 the very few emails we have that actually comes directly
 18 from you as Director General. It is in bundle 1. You
 19 can put that one away, please. Bundle 1, page -- if you
 20 go to 79, first of all this is the day that Jimmy Savile
 21 died.
 22 A. Yes.
 23 Q. Julian Payne, he's Mr Mylrea's deputy, is that right?
 24 A. Yes.
 25 Q. Who is Chris Waiting?

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1 A. Chris Waiting is, um -- was the, um, chief of staff, as
 2 it were, for Caroline Thompson, but I think at this
 3 point was acting -- I can confirm, but I think he was --
 4 I think Jessica Cecil was doing a big project in the
 5 BBC, and Chris Waiting was, as it were, doing Jessica's
 6 role as well.
 7 Q. Jessica Cecil is your PA?
 8 A. A former executive producer on Panorama and other
 9 programmes. She is a -- there were a couple of PAs,
 10 Amanda Churchill and Rachel Charman (?), but Jessica was
 11 a former senior programme maker who was the chief of
 12 staff/head of office.
 13 But Chris I think at this point is doing this role
 14 for me and for Caroline.
 15 Q. You can see what is happening here. Jimmy Savile has
 16 just died, Mr Payne drafts something up. It is
 17 forwarded to you. If you go over the page you make
 18 a very slight tweak.
 19 A. Yes.
 20 Q. "Thanks Mark", and off it goes. Then what I want to ask
 21 you is: was there any system for commissioning -- any
 22 kind of, as it were, rules which applied to
 23 commissioning obituaries or tributes for BBC stars?
 24 A. No.
 25 Q. These are all just ad hoc decisions?

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1 A. Yes. I mean occasionally -- occasionally, um, you'd --
 2 you would -- I would get calls from former friends and
 3 relatives saying, you know, "1) are you going to do
 4 a memorial service and, 2) couldn't you recognise them
 5 on the air in some way". So occasionally I would end up
 6 sort of ringing around to see if I could persuade
 7 someone, or at least say I have just had a call --
 8 Q. A family member?
 9 A. More likely a former colleague who would say, "He was
 10 the best head of light entertainment the BBC ever knew,
 11 why aren't you doing a 90-minute documentary." That
 12 kind of thing. That would happen, and I would have to
 13 deal with that. Big on-air stars, even from a while
 14 back -- with Jimmy Savile, the -- I would expect the
 15 organisation to make it's own sensible judgments about
 16 what it wants to do.
 17 Q. Did you know, when you discovered that afternoon that he
 18 had died -- I'm not suggesting you had it in your head
 19 whether there was an obituary for Jimmy Savile on the
 20 stocks, but did you come to understand whether there was
 21 or wasn't an obituary?
 22 A. I think that we -- I can't remember the precise
 23 conversations but is worth saying that inside the News
 24 division the daily news programmes and television radio
 25 and the web would automatically as it were instantly

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1 generate their own obits. So without anyone doing
 2 anything, if you look at the 10 O'Clock News that night
 3 or listen to The Today Programme, you would hear an
 4 obituary, which either had been prepared in the past,
 5 but most likely had been -- Nick knows this -- compiled
 6 on the day by a reporter. So the first thing is in the
 7 News division there would be a wave and the website
 8 would do an obit, which would happen without, as it
 9 were -- the machine would just deliver that.
 10 The issue I think you are asking is something
 11 slightly different, which is, you know, the BBC1 -- the
 12 main television channel: would the controller and the
 13 commissioners of BBC1 subsequently decide that they
 14 wanted to commission a programme, an obit or a tribute
 15 programme or whatever to mark this particular person's
 16 passing?
 17 Again, the only preplanned obits where I would get
 18 involved would be for what we consider category A
 19 people.
 20 Q. Like Royal family members?
 21 A. The Royal family, Nelson Mandela, Margaret Thatcher,
 22 where in a sense the BBC has a lot riding on both the
 23 preparations for funeral and also for -- not regularly
 24 but we would -- regularly but not frequently I would
 25 hear the current status of these obits.

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1 But for someone like Jimmy Savile I would regard it
 2 entirely for the controllers of radio and television and
 3 the directors and the Commissioners to work out what
 4 they wanted to do. I think I heard that television was
 5 likely to do something. I never really heard what it
 6 was. And although no doubt, my office would have seen
 7 all the, you know, pre-Christmas publicity in the
 8 Radio Times, I didn't either look in detail about what
 9 television was doing about Jimmy Savile, nor indeed
 10 did I watch the programmes that went out about it.
 11 MR MACLEAN: We will have a short break.
 12 (4.18 pm)
 13 (A short break)
 14 (4.21 pm)
 15 A. You have Roly Keating over here on Saturday 29th saying,
 16 "I will ask Danny to lead on the programme in question.
 17 I would have thought nothing imminent, but probably some
 18 kind of tribute programme in due course." That is
 19 roughly my understanding.
 20 Q. You are looking at page 83 now?
 21 A. Yes.
 22 Q. Then next one up:
 23 "Cheers Roly. We have a quote from Mark T that has
 24 been sent to the wires."
 25 Then Danny Cohen, he is the controller of BBC 1?

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1 A. Correct.
 2 Q. "Good that there is MT quote out there. Will have
 3 a think on tribute programming and we can also bring
 4 BBC2 into the record for that."
 5 In fact, in the end, some pieces went out on BBC2
 6 and there was Jim'll Fix It with Shane Ritchie which
 7 was, I think, on BBC1, as it turned out, on Boxing Day.
 8 But the scheduling of that would be a matter for
 9 Danny Cohen, won't it, or BBC1?
 10 A. Absolutely, yes. Yes. Ultimately commissioning and
 11 scheduling, yes.
 12 Q. Just look at page 86. Can you help me with where
 13 Jan Younghusband and Nick Vaughan-Barrett sit in the
 14 organisation?
 15 A. So Jan Younghusband -- it is a big organisation I may
 16 not get this perfectly right -- is the commissioner
 17 inside BBC Vision who deals with music and music
 18 entertainment. And I think some arts commissioning as
 19 well.
 20 Q. Right. And Nick Vaughan-Barrett?
 21 A. Nick -- Nick must have been very -- must have been very
 22 close to retirement at this point. And possibly --
 23 MR POLLARD: He's gone.
 24 A. He has certainly gone now. I must say I thought he'd --
 25 I thought he'd retired very soon after the Royal wedding

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1 which was in the spring of 2011. So assuming he's still
 2 there at this point, he is the outgoing head of, um,
 3 events at the BBC, I believe, at this point.
 4 Q. Right.
 5 A. If I'm correct in that supposition, or recollection,
 6 he's in charge of one of the production areas -- output
 7 production areas.
 8 Q. Over the page, at the bottom to the one we just looked
 9 at, he replies to Jan Younghusband.
 10 A. Yes.
 11 Q. In answer to the question, "What is the obit position?"
 12 He says:
 13 "Some years ago we decided not to make one in
 14 advance and that decision has been agreed by successive
 15 controllers."
 16 A. Yes.
 17 Q. Would that be -- did you know that?
 18 A. No.
 19 Q. News to you?
 20 A. No. Complete news to me no. I mean, for what it is
 21 worth, firstly, I would have thought Jimmy Savile was in
 22 a category where I would be slightly surprised if they
 23 made a full obit in advance. As I say, News has it's
 24 own provision with materials ready for obits to use in
 25 news programmes. It is relatively rare, I think that an

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1 obit -- television programmes are very expensive -- that
 2 a set piece obit would be made in advance for anyone.
 3 The answer is I have never been involved in
 4 discussions about Jimmy Savile nor was there a generic
 5 discussion about making sure you have obits ready for
 6 stars or like that. I never even had heard discussion
 7 about it.
 8 Q. The sort of set piece obit we're discussing, that would
 9 be the sort of thing where you had some colleagues on
 10 talking heads --
 11 A. Sort of thing. They hardly ever run. There are not
 12 many people who get a television obit. It is a --
 13 I mean, it's a -- I mean, I find it difficult to think
 14 of, you know, apart from major -- major figures, members
 15 of the Royal family, you know, there is, as you would
 16 expect, for Prime Ministers, there would be a plan,
 17 although I have to say I expect the only completed obit
 18 is Margaret Thatcher, probably for Major and Blair and
 19 Brown nothing in the works. Mandela, I know there is
 20 a obit. It is very, very rare indeed for anyone,
 21 actually.
 22 Q. Look at the next page, 88. Again towards the bottom.
 23 So we have the one we saw and then:
 24 "Okay, thanks for letting me know."
 25 Then this, Nick Vaughan-Barrett:

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1 "We decided that the dark side to Jim -- I worked
 2 with him for ten years -- would make it an impossible to
 3 make an honest film that could be shown close to death,
 4 but maybe one could be shown more later."
 5 A. Where is this?
 6 Q. Page 88, which follows on from 87.
 7 MR CHRISTIE-MILLER: Which is missing.
 8 A. The conspiracy widens. There is no page 88 here. Thank
 9 you very much.
 10 MR MACLEAN: I showed you 87.
 11 MR CHRISTIE-MILLER: Can we have 89 as well?
 12 A. We go from 87 to 90.
 13 MR MACLEAN: You don't need 89.
 14 A. Okay.
 15 Q. So 87 was:
 16 "Some years ago we decided not to make one in
 17 advance."
 18 "Okay, thanks for letting me know."
 19 Then the next email is from Nick Vaughan-Barrett
 20 Sunday 30th at 9.17:
 21 "We decided that the dark side to Jim -- I worked
 22 with him for ten years -- would make it impossible to
 23 make an honest film that could be shown close to death.
 24 But maybe one could be made for later."
 25 A. I have it.

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1 Q. Then the next one up, "I have asked George what he wants
 2 to do".
 3 Had you ever heard about the dark side to
 4 Jimmy Savile?
 5 A. No, no.
 6 Q. And so you had never heard any rumours or --
 7 A. Well, the -- I think all I can recall -- and I mean I --
 8 as I said in my opening remarks, I didn't ever work with
 9 Jimmy Savile. I think I had heard that he bragged about
 10 sexual exploits, in his obit, and I think I had seen
 11 him, I think on Parkinson when I was still a teenager
 12 talking about, sort of sexual exploits, but I would have
 13 absolutely assumed that that was sex in relation to
 14 consenting adults, as it were. And I had never heard
 15 any rumours at all, if you like, of a dark side of any
 16 kind, sexual or otherwise, about Jimmy Savile.
 17 But to be honest, the key thing to say is I have not
 18 heard any rumours about Jimmy Savile at all. I mean,
 19 his name did not really come up when I was
 20 Director General, even beforehand, and I worked for the
 21 BBC for many years and was briefly the director of
 22 television in 2000.
 23 I just didn't hear any rumours and I talked to quite
 24 a few former colleagues and, um, you know, even those
 25 colleagues, you know, some colleagues in the press

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15 (Pages 57 to 60)

1 department, who in a sense are exposed to a lot of
 2 rumours because of the nature of what they do in terms
 3 of talking to the tabloid press, I can think of one of
 4 the BBC's most experienced press officers who had not
 5 heard these rumours. That is not to say that there may
 6 not have been people in the past and maybe
 7 Nick Vaughan Barrett is an example in the present who
 8 had heard these rumours, so I can't rule that out. So
 9 it may be that there were some people in the BBC in 2011
 10 who had heard these rumours and others who had not, and
 11 I fall very definitely into the second category.
 12 Q. Have you seen the Louis Theroux piece?
 13 A. No, I didn't see it this is the documentary from --
 14 Q. The documentary from ten years ago.
 15 A. Yes.
 16 Q. There is slightly curious exchange, to put it mildly
 17 between --
 18 A. People have told me about that recently. I did not see
 19 it at the time and I haven't seen it --
 20 MR POLLARD: You see the potential importance of those two
 21 lines?
 22 A. I do, I do.
 23 MR POLLARD: Because it is a suggestion -- and we obviously
 24 will look more closely at that -- that this is more than
 25 a rumour. It is a hint. It is a hint and I put it no

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1 stronger than that, of a BBC policy:
 2 "We decided that the dark side to Jim would make it
 3 impossible to make an honest film that could be shown
 4 close to death."
 5 It is quite a lot more than, you know, "I heard
 6 there was a dark side to Jim." You say categorically
 7 that you didn't know about --
 8 A. Absolutely not, absolutely not.
 9 MR POLLARD: -- about the rumours and therefore --
 10 (Overspeaking)
 11 A. -- just for the record when I say --
 12 MR POLLARD: (Overspeaking) -- a policy, official or
 13 unofficial like that?
 14 A. Also, I have never heard of such a policy about anyone,
 15 actually. In other words it is not as if the BBC has
 16 such policies to my knowledge. But, a kind of, you know
 17 special black book of the names of people you would
 18 never make an obit about. I have never heard of any
 19 constraint being placed on the making of an obituary
 20 about anyone other than the obvious simple editorial one
 21 about whether they are an interesting person you should
 22 do an obit about. So I have never heard of someone
 23 being put into a kind of super-sensitive category where
 24 you shouldn't do an obit. So I don't know what was in
 25 Nick's mind saying it.

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1 Nor do I know who, if anyone else, the -- the most
 2 striking phrase to me for what it is worth is, "That
 3 decision has been agreed by successive controllers".
 4 MR MACLEAN: Yes. Which --
 5 A. Which does indeed, if Nick is accurate in stating
 6 that -- that is -- that is obviously interesting. Um,
 7 I have never -- I mean, you know, I'm a -- it follows
 8 from what I have said already but let me say it in
 9 terms, I was a controller of BBC2 in the late 1990s,
 10 I was director of BBC Television. I was head of
 11 a factual department pretty close to previous
 12 controllers of BBC1 and BBC2 and all I can say is
 13 I never heard this things being discussed at all.
 14 I can't remember a discussion about Jimmy Savile, let
 15 alone this. But I understand why you find this of
 16 interest.
 17 MR MACLEAN: Can I just show you one more email really up
 18 the chain. Page 103, from Jan Younghusband to
 19 Mr Entwistle, who is of course Director of Vision at
 20 this stage, copied to Danny Cohen.
 21 A. I'm missing 103 as well.
 22 DAME JANET SMITH: Wait a minute, let me see if I can help
 23 you with that one. There you are.
 24 MR MACLEAN: Just cast your eye over that short email.
 25 A. This is:

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1 "Dear Jordan and Danny we don't have an obit of
 2 Jimmy standing by. The BBC decided not to prepare one
 3 in advance, please let me know if you would like us to
 4 commission one now. Thanks, Jan."
 5 Q. Then the response from Mr Entwistle:
 6 "Wouldn't want to commission an obit as such, but
 7 commemorates of JS by repeating some of the ...(Reading
 8 to the words)... I may not be the right place for that."
 9 A. That is BBC1.
 10 Q. BBC1 obviously:
 11 "Look forward to catching up with everybody's
 12 thinking the week ahead. I gather we didn't ...(Reading
 13 to the words)... celebrating a particular part of his
 14 television career is probably better than the live
 15 story, as there are aspects of this which are hard to
 16 tell."
 17 So drawing a distinction, I think, between the man's
 18 life story and his television --
 19 A. Consistent with the idea of a television programme, as
 20 opposed to a chronological complete story about his
 21 life, I guess is the implication.
 22 Q. One might think that if one does know about the darker
 23 side of the story, if there is a darker side of the
 24 story, let's assume that for the moment, that it is not
 25 appropriate to celebrate even a particular part of the

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1 television career, never mind the life itself?
 2 A. Correct. Correct. In other words the phrase, if you
 3 haven't heard the phrase before, "darker side", or
 4 whatever, is a warning light, not just about how you, if
 5 you like, celebrate the life of Jimmy Savile, but
 6 whether you should be doing it at all, I think that's
 7 a reasonable inference, yes.
 8 Q. Precisely.
 9 A. Again, just for the avoidance of doubt, Jan Younghusband
 10 herself, I am sure, will have a view about what she
 11 means by the phrase:
 12 "I gather the BBC decided not to prepare one in
 13 advance."
 14 She may be referring to, as it were, historical
 15 decisions by successive controllers or something, but to
 16 be honest I'm very surprised about the idea that such
 17 decisions would be made. I have not heard of
 18 controllers making these kinds of decisions in my
 19 30 years at the BBC. But for the avoidance of doubt,
 20 you know, I was Director General of BBC, the BBC
 21 corporately had no policy in this area whatsoever to my
 22 knowledge.
 23 And that's because we -- I mean, it's because we
 24 were unaware -- I was certainly completely unaware of
 25 the "darker side", or rumours of a darker side. And
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1 moreover I don't think the BBC typically has policies on
 2 obits other than a policy of ensuring that the most
 3 important people have obits ready to run.
 4 Q. Let me just show you just what we have about that. If
 5 you take bundle 14, page 313 and 314. If you go to 314
 6 first of all please you will see an email we have just
 7 seen.
 8 A. I'm going to 313.
 9 Q. Go to 314 first of all, it is really just an email chain
 10 and you should read it backwards. You see the, "Hi
 11 Jan", email; the one we have just seen?
 12 A. Yes.
 13 Q. Let me show you the reply which starts at the bottom of
 14 the page before from Danny Cohen. Can you, if you can,
 15 just fill in -- I know who George Entwistle is and
 16 I know who Jan Younghusband. Can you help me with the
 17 rest, Mark Lindsay, Dan McAlpin(?), Emma Swain?
 18 A. Mark Lindsay is the head of entertainment commissioning
 19 Dan McAlpin(?) I don't know, Jan Younghusband is the --
 20 is the music and arts commissioner I talked about. Emma
 21 Swain I think is the head of factual commissioning.
 22 Q. So you see here is Danny Cohen?
 23 A. So you have a -- you have the controller of BBC1 --
 24 Q. To the director.
 25 A. -- talking to the Director of Vision, his boss, but
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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
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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
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17 (Pages 65 to 68)

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
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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,
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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?
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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
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18 (Pages 69 to 72)

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 when it was being trailed that, um, a former colleague
 2 and friend phoned me up in Italy to say, you know,
 3 I think was it The Sunday Times, it was one of the
 4 newspapers a few days before, had a lot of detail. And
 5 that was the first time, in a sense, it all came
 6 together and I realised what we were talking about.
 7 And the point, is I think firstly investigations
 8 often come to nothing. The other thing is although
 9 Caroline in her recollection of our -- Caroline Hawley
 10 in her recollection of our conversation talks about
 11 telling me that the investigation has been abandoned, I
 12 don't recall that conversation at all, I just came away
 13 with the sense that there was an investigation which in
 14 some ways there must be some question mark about it or
 15 something I needed to look into.
 16 And when I was told that the investigation had been
 17 abandoned I assumed that the -- in a sense the -- to
 18 state the absolute obvious, the overwhelming majority of
 19 problems you have as editor in chief of the BBC is with
 20 programmes which have been transmitted or are about to
 21 be transmitted. If an investigation goes away it tends
 22 to drop off the radar, not just for me but for much of
 23 the organisation and I just assumed it was something
 24 I could cross off the list.
 25 MR MACLEAN: : Caroline Hawley tells me she remembers you

1 Um, so this -- at this point --
 2 MR POLLARD: Is it three conversations? One with
 3 Caroline Hawley, one asking Helen for --
 4 A. In truth --
 5 MR POLLARD: -- what is that about?
 6 A. In truth, I can't remember whether I got the, as it
 7 were, reassurance and clarification about it in one
 8 conversation with Helen or two.
 9 MR POLLARD: So it is either two or three --
 10 A. It is definitely one conversation with Caroline Hawley
 11 and it is either one or two with colleagues from News.
 12 MR POLLARD: Okay.
 13 MR MACLEAN: There may be several aspects of it. One aspect
 14 is about sexual abuse. Another aspect is about one of
 15 the things which has obviously gone big in the last few
 16 weeks is the question of some of this abuse having taken
 17 place on BBC premises. When were you -- when was that
 18 first on your radar screen, that aspect?
 19 A. I mean it was either the very end of September this year
 20 or the beginning of October. I got phoned by a former
 21 colleague and friend -- I was in Italy -- to be told
 22 what was -- this was in the days immediately running up
 23 to the ITV documentary.
 24 Q. 3 October, that was broadcast. But it was trailed --
 25 A. It was trailed some days earlier and it was that period

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.

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1 A. Yes.
 2 Q. There was one, which was this one, which was in
 3 The Oldie, which you can look at if you want. It is in
 4 bundle 5 --
 5 A. If we need to, but it's not -- it's not a point of
 6 contention, I absolutely understand that there was some
 7 press coverage in January and in February in particular.
 8 Q. The February one was a piece in The Oldie by
 9 Miles Goslett.
 10 A. Yes.
 11 Q. Who has written a number of pieces in a number of
 12 places.
 13 A. Yes.
 14 Q. This one in particular, albeit at the end of the
 15 article, puts some degree of focus on you --
 16 A. Yes.
 17 Q. -- by saying:
 18 "When asked if BBC Director General Mark Thompson
 19 knew of the Newsnight report the BBC refused to comment
 20 but a source ...(Reading to the words)... pre-Christmas
 21 drinks party, so he can't claim to be ignorant of it."
 22 You obviously got -- well, I assume you got
 23 a regular briefing as Director General of what the press
 24 were saying about the BBC?
 25 A. Yes.

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1 I simply regarded -- I didn't think of Jimmy Savile at
 2 this point as a kind of BBC person particularly. I mean
 3 he was someone who, you know, had not broadcast
 4 regularly for many, many years. So there was no kind of
 5 corporate alarm bell going about, you know, this -- if
 6 hypothetically the investigation had been into one of
 7 our current main presenters I would have -- if somebody
 8 said, I wouldn't mention a name, but the presenter of
 9 the 10 O'Clock News Newsnight had been investigating I
 10 would have said, "oh really". I would have been very
 11 interested and we might have then felt you needed
 12 a choreography about how much I could know because of
 13 the corporate conflict of interest and all the rest of
 14 it.
 15 But I would have definitely pursued it. I just
 16 thought this was a fairly small thing of what felt like
 17 almost a random remark, I enquired about it and received
 18 what I thought was adequate reassurance and then, you
 19 know, went on to think about the 15 other things going
 20 on.
 21 MR POLLARD: Yes.
 22 MR MACLEAN: There were a whole -- there was a number of
 23 pieces in the press --
 24 A. Yes.
 25 Q. -- one was on 8 January in The Sunday Mirror.

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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

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<p>1 them, I often did not read the pack but I would have it 2 to hand in the car coming in, in the morning, in case 3 I needed it. There was a 9.15 phone call which was 4 a conversation call every morning which I wasn't on 5 every day but was often on and would chair when I was 6 on. If I wasn't able to chair it, one of my colleagues 7 would chair it. And, um, not the only item but one of 8 the items on this 9.15 call would have been a summary of 9 the press from colleagues in the press office. 10 Now I was certainly around on the 9 January, which 11 is, I think, the day after the first piece -- 12 Q. The Sunday Mirror piece was on the 8th? 13 A. And there was some follow-ups on the 9th itself. And 14 I have no reason to believe I was not on the 9.15 call. 15 I don't recall. I didn't read this -- I didn't buy or 16 read The Sunday Mirror and I don't know what else was 17 going on, on the next day. I don't recall the item 18 being brought up on the 9.15 call, certainly, and 19 I think I would have -- it is eye catching, though the 20 January -- I have read these pieces now, the January 21 pieces are not as strong as the February pieces. 22 But I don't recall it being brought up by either 23 Paul Mylrea, the director of communications, or 24 Julian Payne his deputy. And therefore -- therefore 25 didn't hear about it. And it was not that -- I mean, Page 81</p>	<p>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 Page 83</p>
<p>1 the volume of stories about the BBC is such that it is 2 possible to miss things because there is just so many 3 pieces, particularly in the tabloid press. 4 In February when there were more articles, and 5 indeed rather longer articles, as luck would have it, 6 the relate period was a period where these articles 7 start on around again I think 8 February -- 8 Q. It is trailed in Guido Fawkes on 8th Feb this one, and 9 published on the 9th? 10 A. So the story, as it were, in this period is the 8th 11 February we have a conference a senior management 12 conference at the BBC, there is no 9.15 call, we are all 13 in one of those Television Centre studios. I think 14 that's the -- that's the 8th. The 9th I spend the day 15 in Belfast and then from the 10th through to the middle 16 of next week I'm on half term holiday and I think 17 Caroline deputises for me on the 9.15. So I come back 18 the following Wednesday and this is the period where 19 that kind of second rather bigger spate of articles -- 20 now, I mean, the -- why -- why didn't -- why didn't 21 somebody, as it were, more explicitly bring this to my 22 attention? Um, my understanding now is that the press 23 team believed -- 24 Q. Is this the News press team? 25 A. Yes, essentially. That BBC News and the press people in Page 82</p>	<p>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 Page 84</p>

21 (Pages 81 to 84)

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 first 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.

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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,

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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.

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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.

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22 (Pages 85 to 88)

<p>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 Page 89</p>	<p>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 Page 91</p>
<p>1 you see question 1? 2 A. Yes. 3 Q. If you go other the page, you get the other questions 4 and some of them are specifically but or you and 5 Helen Boaden, as you see? 6 A. Yes. 7 Q. Just to give you the date of this, if you go back to 8 page 285, James Hardy to Steve Mitchell: 9 "In the attachment are their detailed questions 10 [that is The Sunday Times] and our suggested responses." 11 A. Yes. 12 Q. So, you are quite right, by 28 August, you see the 13 suggested responses at 287 and 288. For example 288: 14 "As we have previously stated, Mark Thompson was not 15 involved at any stage." 16 And so on. So these are getting developed in that 17 period? 18 A. Yes. 19 Q. Right. So you come back. On the 3rd, I think? 20 A. On the 3rd, yes. 21 Q. And the Mills & Reeve letter gets sent on the 6th? 22 A. Yes. 23 Q. That's, if you want to see it -- you probably don't need 24 to see it, but if you want it, it is in the next bundle 25 A6/212.001. So what is your involvement between the 3rd Page 90</p>	<p>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 Page 92</p>

<p>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</p> <p style="text-align: center;">Page 93</p>	<p>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</p> <p style="text-align: center;">Page 95</p>
<p>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 missed 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</p> <p style="text-align: center;">Page 94</p>	<p>1 just at the one at the top: 2 "Sara Jones is taking a look at the ...(Reading to 3 the words)... to discuss best responses, so probably we 4 can all catch up then." 5 A. Yes. 6 Q. Is this right, Sara Jones is quite a senior BBC lawyer? 7 A. She is the general counsel. She may not have been at 8 this point. She is now, she wasn't then. 9 Q. Is this -- is this the position: that letter came in on 10 the 7th when you were actually still officially 11 Director General, but in pretty much in run off, if 12 I can put it like that -- 13 A. Yes. 14 Q. -- going round saying your goodbyes? 15 A. Yes. 16 Q. And it gets handed to Sara Jones and by the time the 17 response gets formulated, you had departed? 18 A. Yes. So my office, as it were, and the -- and 19 Sara Jones, you know, in a sense -- this is typical of 20 something which is true throughout this entire period, 21 which is that there are a lot of people who are -- 22 believe that they are managing this competently in the 23 News division, in the legal department, in the press 24 division, and they are just going ahead with managing 25 it. In this one, um, you know, the BBC takes the letter</p> <p style="text-align: center;">Page 96</p>

24 (Pages 93 to 96)

1 from ITV. I don't know -- I mean this is a letter which
 2 is not copied to my Blackberry or put in front of me at
 3 all. It goes into the system and they are trying to
 4 figure out the best way of responding to it, I guess,
 5 and they eventually come up with a response after I had
 6 left.
 7 MR POLLARD: Just to go back to the letter --
 8 A. The Sunday Times letter?
 9 MR POLLARD: Yes, yes. And the reply on your behalf and
 10 Helen's behalf to that.
 11 A. Yes.
 12 MR POLLARD: Because I think I should ask you again: at the
 13 moment when it was printed out for you --
 14 A. Yes, if it was.
 15 MR POLLARD: Was it handed to you?
 16 A. The answer is I don't recall exactly how it happened,
 17 and I think nor does -- nor does Amanda Churchill, but
 18 Amanda thinks the most likely thing is she printed
 19 something out and "put it under my nose" in the office
 20 and I immediately said yes to it.
 21 MR POLLARD: Okay, fine. I know this is an issue and you
 22 have made your position clear on it, from, if you like,
 23 the meeting with Caroline Hawley on December 20th, which
 24 I think was the first knowledge you had of this,
 25 although not in detail.

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1 A. Yes.
 2 MR POLLARD: And the discussion with Helen and the various
 3 stories that then appeared in the paper and it might
 4 have been in press bundles through to that final
 5 letter --
 6 A. Yes.
 7 MR POLLARD: You were aware that there had been a Savile
 8 investigation --
 9 A. Yes, which had begun.
 10 MR POLLARD: -- and been dropped?
 11 A. Yes.
 12 MR POLLARD: But at no stage, up to and including the
 13 sending of that final letter which had a paragraph
 14 explaining what the details were, were you aware of
 15 those details?
 16 A. Yes. By the type the -- the Mills & Reeve letter -- I'm
 17 approving the sending of the Mills & Reeve letter, I do
 18 know of course by then -- I think not before then --
 19 that in a sense there is an allegation or conspiracy
 20 theory about how the thing was suppressed, I don't think
 21 I had a clear view of that until then, but no, that's
 22 right.
 23 And again, what I would say is that -- it's -- it's
 24 a -- it's a surprise to me. The most striking thing to
 25 me about the email trail is the -- is how little there

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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.

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1 MR MACLEAN: Is that because of the BBC premises aspect in
 2 particular?
 3 A. No. No.
 4 Q. Or the --
 5 A. As it happens, no, it's because of the -- because of
 6 the -- because of the false but potentially damaging
 7 allegation that there had been a conspiracy to suppress
 8 a piece of investigative journalism in the first
 9 instance.
 10 Q. That's the point that should have --
 11 A. These are all -- I mean, sorry, these are all points of
 12 interest, but I think the -- the point about the
 13 premises is connected with something else which I can't
 14 help you with really, which is my understanding from my
 15 conversations the previous December -- but I have no
 16 reason to believe this is any different to the press
 17 office and BBC News -- was that the Newsnight
 18 investigation had been abandoned for, as it were,
 19 perfectly proper and good journalistic reasons.
 20 In other words, the Newsnight investigation had not
 21 demonstrated to the point at which you could transmit it
 22 the allegations. So in a way, again, I think we're
 23 talking hypothetically, we're certainly talking
 24 hypothetically in my case, it's not clear whether, as it
 25 were -- you have an unfounded allegation that there was

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<p>1 a conspiracy, or at least an unfounded allegation that 2 I was involved in a conspiracy; you have, if you believe 3 the Newnight investigation came to nothing, also, 4 presumably, potentially unfounded allegations about 5 sexual abuse and other crimes by Jimmy Savile. 6 Um, now of course if -- if you knew from the press 7 or anywhere else that there were demonstrated instances 8 of sexual crimes by Jimmy Savile, that is enormously 9 important. But I'm not sure -- I'm really thinking into 10 my head into where the press team and others are in the 11 early part of the year. I'm not sure that they had that 12 clearly because they were very convinced in a sense that 13 the -- that the allegations in fact were not to be 14 relied upon. Does that make sense? 15 MR POLLARD: I agree with that. 16 We have finished our questions from this side of the 17 table. 18 Dame Janet, the floor is yours. 19 (5.19 pm) 20 21 MR MARK THOMPSON (called)1 22 Housekeeping1 23 Opening statement by MR MARK2 24 THOMSPSON 25 Questions by MR POLLARD6 26 Questions by MR MACLEAN16 Page 101</p>	