

<p>1 Thursday, 14 November 2012.                  2 (10.00 am)                  3 Housekeeping                  4 MR POLLARD: Peter, thanks for coming along. David. Most                  5 of the questioning will be done by Alan today, I'm                  6 sitting and listening and asking the occasional                  7 question. Before I start, I'm reprimanded if I forget                  8 this, there are a few procedural points Richard would                  9 like to make.                  10 MR SPAFFORD: Thank you for coming along. Present here we                  11 have Peter Rippon and David Price. Richard Blakely you                  12 have met, a barrister at the end there, Alan Maclean                  13 will be asking most of the questions Nick Pollard, who                  14 you know, Dame Janet Smith, who is sitting in, and me                  15 and our colleagues from Merrill who are doing the                  16 transcript.                  17 As I have said to you, this obviously is going to be                  18 transcribed. At the end of the process we will provide                  19 you with a copy of the transcript, on the basis of                  20 a confidentiality undertaking, for you to correct                  21 typographical errors. In terms of the session today,                  22 our cut off point is 5 o'clock, but we think we will be                  23 through well before then. Obviously we are limiting our                  24 discussions today to the programme and we expect you to                  25 come back to consider the blog separately. We will have                  Page 1</p>	<p>1 statement. We have obviously read that, I'm not going                  2 to go through every paragraph of it, necessarily all the                  3 points of it, but I promise we have read it and digested                  4 it. We will dip into it from time to time and at the                  5 end, once I have finished asking my questions, and Nick                  6 has asked any questions -- at the end, if there is                  7 anything you feel we have not covered on the period we                  8 are focusing on -- we are leaving the blog to one                  9 side -- then obviously you will have a opportunity to                  10 say whatever it is at the end.                  11 A. Understood.                  12 Q. Once you have gone away, if there is something else that                  13 occurs to you that you want to say to us, you are more                  14 than welcome to put that in writing again to us.                  15 A. Thank you.                  16 Q. If you just help Mr Rippon to bundle A 1, please. If you                  17 look at the numbers in the bottom right-hand corner, and                  18 you turn to page 96, you should be looking at a extract                  19 of your own diary for 31 October; do you see?                  20 A. Um-hm.                  21 Q. Two things. First of all at 10.30 there is something                  22 called, "Newsnight morning meeting". Then it looks as                  23 though at 11.30 there something called, "Investigations                  24 routine." Peter, Meirion, Mr Jones, Liz, we think that                  25 is Liz Gibbons, and Shaminder, that is Shaminder Nahal.                  Page 3</p>
<p>1 breaks regularly during the day, about one and a half                  2 hour intervals for coffee et cetera.                  3 Obviously confidentiality is critical in this                  4 process as you know. I think you probably have a couple                  5 of documents for me.                  6 MR PRICE: I haven't actually got them with me but if you                  7 want to --                  8 MR SPAFFORD: Are they signed?                  9 MR PRICE: Sorry, this is my fault, I was working quite late                  10 on something else last night.                  11 MR SPAFFORD: Have you seen the further confidentiality                  12 agreement?                  13 MR RIPPON: Yes.                  14 MR SPAFFORD: Are you prepared to confirm, on the record,                  15 that you are happy with it and will sign it and give it                  16 to us?                  17 MR RIPPON: Yes.                  18 MR SPAFFORD: Fine. Obviously it is important and it is                  19 very important that it be adhered to and that you keep                  20 the discussions that you have with us confidential. Is                  21 that clear?                  22 MR RIPPON: Yes.                  23 MR PETER RIPPON (called)                  24 Questions by MR MACLEAN                  25 MR MACLEAN: Mr Rippon, thank you very much for your witness                  Page 2</p>	<p>1 So the programme editor, two deputy editors and Meirion                  2 Jones. Can you just explain to me please what the                  3 purpose of those two meetings would be?                  4 A. Okay, the 10.30 Newsnight morning meeting is the meeting                  5 where we meet as a team to discuss that night's edition                  6 of the programme. It is the main editorial programme                  7 with the key people working on the programme that is                  8 going to go out that evening. It splits at about 11 and                  9 the deputies and the output editor then have a kind of                  10 sub-meeting to decide further what we are going to do on                  11 the programme that evening.                  12 The investigations routine meeting is a meeting                  13 I set up. I think we do it weekly or monthly. I can't                  14 remember, but it occurs quite regularly. It is                  15 a regular meeting where I would meet with Meirion and                  16 with Liz and Shaminder if they are around just to keep                  17 track of what Meirion is working on and what stories                  18 he's looking at. It is quite ad hoc, though, so                  19 sometimes it doesn't happen.                  20 Q. It is regularly diarised, but doesn't necessarily                  21 happen?                  22 A. Yes.                  23 Q. Right. Why is Meirion Jones at that meeting and not                  24 anybody else?                  25 A. Because he does a lot of investigations for me. And It                  Page 4</p>

1 (Pages 1 to 4)

1 just seemed -- I don't know, at some point in the  
 2 beginning of my editorship here I had a discussion about  
 3 how we communicate with each other and what the best way  
 4 of doing that was, and we thought this meeting, or this  
 5 routine meeting -- putting it in the diary so that if he  
 6 or I needed to touch base at a weekly point, we could do  
 7 that.  
 8 Q. This is one of your innovations as programme editor?  
 9 A. He and I agreed that, yes.  
 10 Q. Before we dive into the detail, your background was in  
 11 radio at the BBC?  
 12 A. Yes.  
 13 Q. A lot of experience on a number of leading radio  
 14 programmes, is that right?  
 15 A. Yes.  
 16 Q. World at One --  
 17 A. Okay, I was a BBC trainee in local radio initially.  
 18 I then moved to the BBC World Service where I worked for  
 19 a number of years editing News Hour, the main news and  
 20 current affairs programme there. I then moved to the  
 21 World at One in about 2001, I think --  
 22 Q. As editor?  
 23 A. No, as a assistant editor and then I was deputy editor.  
 24 Then I was editor. At the point I left there to go to  
 25 Newsnight I was editor of five separate programmes, so

Page 5

1 the World at One, PM, Broadcasting House, The World This  
 2 Weekend and a programme called IPM, which we had just  
 3 launched.  
 4 Q. So Newsnight was your first experience of editing in  
 5 television?  
 6 A. As an editor, yes. Although I had spent two years at  
 7 BBC World Television during the period that I was at the  
 8 World Service.  
 9 Q. How different is it editing for a television programme  
 10 as opposed to a radio programme?  
 11 A. How long do you want me to take to answer that? In lots  
 12 of ways it is very different and in lots of ways it is  
 13 fundamentally the same. You are still a BBC editor  
 14 applying the same kind of values and principles to the  
 15 journalism that you do, but it's a different medium so  
 16 the story telling is different. The way you communicate  
 17 with the audience is different, I mean, everything is  
 18 very different. It is not just the medium, I mean  
 19 Newsnight is on a very different time of day to the  
 20 programmes I was doing previously which, again is  
 21 actually -- the way you organise yourself and conduct  
 22 yourself makes quite a big difference.  
 23 Q. The Jimmy Savile story that was not run could probably  
 24 have been done as a radio piece, couldn't it?  
 25 Liz MacKean could have done something on a radio

Page 6

1 programme? It wasn't necessarily a television story?  
 2 A. Yes. We often do stories -- one of the innovations  
 3 I have tried to introduce as editor of Newsnight is to  
 4 get our stories in as many different versions on as  
 5 many different other BBC outlets as possible.  
 6 Q. What I'm trying to get at is what would the different  
 7 challenges be that you didn't have so much experience of  
 8 from your radio background; what would be new to you as  
 9 editor of Newsnight? You have mentioned the same values  
 10 and I understand that, but what would be new to when you  
 11 suddenly arrived at editor of Newsnight? What did you  
 12 think God, I don't know how to do this, or this is new  
 13 to me?  
 14 A. The main difference is the mechanics; knowing who the  
 15 team are, what their strengths and weaknesses are, how  
 16 to get the best out of them, what the mechanics of the  
 17 job are. There is an infinite journey that one can go  
 18 on in understanding how to tell stories and construct  
 19 sequences on television.  
 20 But the Savile story -- I have been editor for four  
 21 years. I had been the editor for quite a significant  
 22 amount of time when that story emerged.  
 23 Q. How were you selected as editor of Newsnight?  
 24 A. Through a competitive boarding process, where  
 25 I applied -- the job became vacant, I applied for it and

Page 7

1 went through an internal BBC selection process.  
 2 Q. Who conducted the interview, do you remember?  
 3 A. Er, I think it was Helen Borden -- it would have been  
 4 the controller of BBC2, Janice Hadlow, and I can't  
 5 remember who else. There is normally three or four. It  
 6 was four --  
 7 Q. Did you get a sense of how many other people were at the  
 8 final interview stage?  
 9 A. There were two interviews from memory. So I don't know  
 10 how many people they interviewed in the first round,  
 11 I think in the second round it was two or three.  
 12 Q. Did you know who those two or three people were that you  
 13 were competing with at the final hurdle?  
 14 A. I knew who I thought they were, yes. [REDACTED]  
 15 [REDACTED]  
 16 Q. [REDACTED]  
 17 [REDACTED]  
 18 A. [REDACTED]  
 19 [REDACTED]  
 20 Q. Once you were appointed as editor, your line manager  
 21 would have been Stephen Mitchell?  
 22 A. Yes.  
 23 Q. So, throughout your editorship of Newsnight to date, the  
 24 reporting, the line management chain has been you,  
 25 Stephen Mitchell, Helen Borden?

Page 8

<p>1 A. Yes.</p> <p>2 Q. Would you be given some sort of formal regular appraisal</p> <p>3 by your line manager?</p> <p>4 A. There's an annual appraisal, yes.</p> <p>5 Q. And that's --</p> <p>6 A. And an ongoing conversation, yes.</p> <p>7 Q. Yes. Right.</p> <p>8 Now let us just look at this morning meeting of</p> <p>9 31 October. This was two days after Jimmy Savile had</p> <p>10 died, right? If you go to page 107, there's an email</p> <p>11 there to you and Liz MacKean from Meirion Jones?</p> <p>12 A. Um-hm.</p> <p>13 Q. It looks as if, if you read just the first line -- this</p> <p>14 is the extract from the web memoir -- as if this is</p> <p>15 a follow-up to an earlier discussion, is that right?</p> <p>16 A. Yes.</p> <p>17 Q. Do you remember what you knew about the Jimmy Savile</p> <p>18 aspect before this email arrived? In other words, what</p> <p>19 discussion had you had?</p> <p>20 A. I had arrived in the office -- normally I get in about</p> <p>21 10 o'clock. I had -- I do a kind of walk around to see</p> <p>22 who's there and what they are working on. I'd had</p> <p>23 a brief conversation with Meirion about it before he</p> <p>24 sent me this, yes.</p> <p>25 Q. Meirion Jones has told us that he had some discussions</p> <p style="text-align: center;">Page 9</p>	<p>1 after we had that conversation.</p> <p>2 Q. So he said, did he, words to the effect of, "I would</p> <p>3 like to do a story about Jimmy Savile"?</p> <p>4 A. Yes.</p> <p>5 Q. Before the email, what did he tell you the nature of the</p> <p>6 piece was going to be?</p> <p>7 A. He said -- it is so difficult to try to remember the</p> <p>8 details of the stories. He basically said -- his tag</p> <p>9 line was, "Jimmy Savile: paedophile." He basically said</p> <p>10 he wanted to do a story about Jimmy Savile and whether</p> <p>11 he was a paedophile. I'm not going to speculate too</p> <p>12 much on what he said, but that was essentially what he</p> <p>13 said, yes. And I think he mentioned that he had this</p> <p>14 particular -- he had seen this particular blog of</p> <p>15 this -- of this particular woman, yes.</p> <p>16 Q. We see in the email that he says right at the beginning</p> <p>17 that Maggie Jones, his aunt, had been the head of this</p> <p>18 school that we can then read about.</p> <p>19 A. Yes.</p> <p>20 Q. You said that your initial reaction was lukewarm?</p> <p>21 A. Yes.</p> <p>22 Q. Why?</p> <p>23 A. Because the story I'm looking at then is one -- it's one</p> <p>24 person, and their account. I felt that you need to be</p> <p>25 careful in the climate immediately after somebody's</p> <p style="text-align: center;">Page 11</p>
<p>1 with Liz MacKean a little bit earlier, along the lines</p> <p>2 of, "I've got a story I would like to do about</p> <p>3 Jimmy Savile". But he was still alive then. Was</p> <p>4 31 October the first you heard about a Jimmy Savile</p> <p>5 story being potentially in the pipeline?</p> <p>6 A. Yes, yes.</p> <p>7 Q. What, if anything, did you know about Jimmy Savile,</p> <p>8 apart from the fact that it was well-reported that he</p> <p>9 was dead? What did you know about him as a person, as</p> <p>10 it were?</p> <p>11 A. I obviously knew who he was, what his -- that he -- some</p> <p>12 people considered him eccentric.</p> <p>13 Q. Some people generally? Some people at the BBC?</p> <p>14 A. Just generally. That he was, you know, a high-profile</p> <p>15 public figure who had just died and people felt he was</p> <p>16 eccentric.</p> <p>17 Q. So what did you do with this email? I imagine you read</p> <p>18 it?</p> <p>19 A. Yes, I did, yes.</p> <p>20 Q. Go on.</p> <p>21 A. The conversation I had with Meirion before he sent this</p> <p>22 email -- he said, "Would you be interested in pursuing</p> <p>23 this story?" I said I was pretty lukewarm, I can't</p> <p>24 remember my precise words, but I was quite lukewarm when</p> <p>25 he outlined it. He then sent me this as a follow-up</p> <p style="text-align: center;">Page 10</p>	<p>1 death about doing these kinds of stories. As I say in</p> <p>2 the witness statement, there are often difficulties with</p> <p>3 the strength of testimony and being able to evaluate the</p> <p>4 strength of testimony. So they are not easy to land and</p> <p>5 Newsnight is not a programme that has a massive amount</p> <p>6 of resources, so if you are going to jump into something</p> <p>7 you need to be -- to think carefully about what kind of</p> <p>8 an outcome you are likely to get.</p> <p>9 Q. There are various points in that answer you have given.</p> <p>10 I appreciate this is multi-dimensional, but you</p> <p>11 mentioned the resources of the programme, you mentioned</p> <p>12 the fact that there is only one account, and you</p> <p>13 mentioned, as you put it, difficulties with the strength</p> <p>14 of testimony.</p> <p>15 In other words credibility would be another way of</p> <p>16 putting it? The credibility of people telling this kind</p> <p>17 of story. Is that what you meant?</p> <p>18 A. It's about whether the evidence will stand up to the</p> <p>19 scrutiny that it will get if you expose it to the bright</p> <p>20 light. And it would have been very, very bright in that</p> <p>21 climate.</p> <p>22 Q. So this may be very difficult, but what was the -- was</p> <p>23 there a kind of main reason why you were lukewarm? Was</p> <p>24 it that this just wasn't a Newsnight type of story, it</p> <p>25 wasn't the type of thing that Newsnight did, or was it</p> <p style="text-align: center;">Page 12</p>

1 that this particular story had some problems on the face  
 2 of it, or what?  
 3 A. No, it was -- it was, I would say, it was a combination  
 4 of a feeling in my stomach that these stories are  
 5 difficult to -- can be very difficult to pull off. And  
 6 also -- and doing it so soon after his death was going  
 7 to be -- was going to compound that.  
 8 Q. Why did that matter?  
 9 A. Because the public mood immediately after somebody has  
 10 died is quite -- can be quite reverential, and as  
 11 a journalist you have to weigh that and make a judgment  
 12 about that.  
 13 Q. Let's just look at the email. Did it, as it were,  
 14 register with you that this was copied from the memoir  
 15 that this person, former Duncroft girl, had written?  
 16 A. Yes.  
 17 Q. You would have seen that there was reference, for  
 18 example, two-thirds of the way down that first page, to  
 19 a suggestion in her memoir that there would be a trip  
 20 organised in return for sexual favours:  
 21 "I and a few other girls could come to BBC  
 22 Television Centre and be on his television show.  
 23 I agreed."  
 24 And then the reference to the Lithium that she was  
 25 taking. Did anything strike you about the reference to  
 Page 13

1 the events having taken place at the BBC at that stage?  
 2 A. Um, in terms -- in what sense? You mean in that I read  
 3 it, and I acknowledged it?  
 4 Q. But did you think there might be an angle here about the  
 5 BBC having, as it were, allowed these terrible things to  
 6 happen?  
 7 A. Er --  
 8 Q. Or did that not register?  
 9 A. I can't remember at that point what my judgment was  
 10 about that element of the story.  
 11 Can I volunteer something? I noticed in the email  
 12 bundle that you sent me on Monday that -- the email that  
 13 Meirion sent to Panorama on the same day he sent this,  
 14 you are aware of that?  
 15 Q. Yes, I know the one. Page 102.  
 16 A. There is a dispute about whether -- my attitude to the  
 17 story at the time it was originally pitched, I think it  
 18 is significant that he sent that email to Panorama at  
 19 that time, which I would say supports my contention that  
 20 I was initially lukewarm on the story.  
 21 Q. Let me just show you that email just to be sure that  
 22 we're talking about the same thing. Please go to  
 23 page 102 in the same bundle. Is that the one?  
 24 A. Yes.  
 25 Q. Your point is, tell me if I have this wrong, that  
 Page 14

1 according to your diary there was an investigations  
 2 meeting at 11.30 and your point is that there is some  
 3 significance to be attached, perhaps, to the fact that  
 4 at 11.59 he sends an email to Tom Giles at Panorama,  
 5 which might support the view that you hadn't said what  
 6 a marvellous story it is?  
 7 A. Yes, it is quite unusual and I was surprised to see it.  
 8 Because he worked specifically for me and normally if he  
 9 wants to do a story, he does it for me.  
 10 Q. Right. Did you know whether the BBC had an obituary, as  
 11 it were, in the can for Jimmy Savile?  
 12 A. No.  
 13 Q. Did you ever enquire about whether it had?  
 14 A. You mean a news -- I mean, I am sure there would have  
 15 been a -- news obituaries would have been already  
 16 broadcast because he had been dead for a few days.  
 17 Q. But some sort of tribute type --  
 18 A. No, I wasn't aware of that until Meirion told me  
 19 about it. I can't remember the date.  
 20 Q. Did you notice in the memoir the references to others,  
 21 not just Savile but others including the person  
 22 referred to ~~see at page 108~~  
 23 ~~see at page 108~~  
 24 A. Are you asking me was I aware of this at the time or  
 25 asking me have I read it now or --  
 Page 15

1 Q. I'm asking you what struck you when you read this  
 2 memoir? What were the main points that you took from  
 3 it? And did they help to, as it were, warm you up from  
 4 your lukewarm attitude?  
 5 A. To be honest, I was still a little bit lukewarm because  
 6 you kind of look for the flaws in things when you read  
 7 them as an editor often, and the Lithium thing struck me  
 8 quite strongly. And I think Meirion in -- I was aware  
 9 at that point because Meirion obviously said it in the  
 10 original meeting that the -- the people who were at the  
 11 school were often people who had issues with the police,  
 12 with, um -- well, antisocial behaviour. So I was  
 13 reading it in that --  
 14 Q. That's why they were there in the first place?  
 15 A. Yes.  
 16 Q. So that was, as it were, a bad start?  
 17 A. It -- it fuelled my concern about the -- what the  
 18 evidence threshold would need to be and whether we would  
 19 be able to achieve it from -- if we were just doing  
 20 a story -- if we were doing this, basically this --  
 21 a television version of this blog.  
 22 Q. Right. So let me ask you this: by the end of  
 23 31 October, the end of that day, what was the status in  
 24 your mind of this potential story?  
 25 A. That I wasn't particularly concerned to prioritise it.  
 Page 16

1 But that the way I work with Meirion is I give him a lot  
 2 of freedom to pursue stories that he wants to pursue.  
 3 I did not instruct him not to continue pursuing it.  
 4 I think I used the phrase not to prioritise it or --  
 5 I can't remember, but I was aware that it was something  
 6 that he kind of looked at.  
 7 Q. So your expectation would be, tell me if this is fair or  
 8 unfair, your expectation at the end of that day was that  
 9 Meirion would go away and work it up?  
 10 A. Or not. I wasn't -- I wasn't aware at that point  
 11 whether he was planning to look into it further or not.  
 12 Q. Right. If you go in the same bundle, please, to  
 13 page 193, and that's a very un-illuminating page, but if  
 14 you go over the next page you should -- I hope in that  
 15 bundle there has been inserted a page 193.001.  
 16 A. No. Oh, yes.  
 17 Q. Then go to 193.002, please, first. You should be  
 18 looking there at a email to you from Liz MacKean on  
 19 2 November.  
 20 A. Yes.  
 21 Q. That, I think, was a Wednesday. Just cast your eye over  
 22 that email. The details don't matter but she's giving  
 23 you suggesting of things that she might follow up and  
 24 potentially turn into pieces, yes?  
 25 A. Yes.

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

1 Q. Do you understand, or did you understand at the time,  
 2 where he had got this other information from?  
 3 A. He told me that -- I think from memory he told me he had  
 4 got it from a social networking site and that these  
 5 women had been discussing the story and had similar  
 6 allegations themselves.  
 7 Q. We know, and perhaps you knew at the time that in fact  
 8 it was Friends Reunited he had been digging around on?  
 9 A. Yes.  
 10 Q. Go to page 140. That's the same email, the extract from  
 11 the web memoir that we just looked at that was sent to  
 12 you. But on 2 November he forwards it to  
 13 Hannah Livingston, do you see? At that stage did you  
 14 know who Hannah Livingston was?  
 15 A. Er, well, I mean she was a researcher working --  
 16 coming -- working with us on work experience at the  
 17 time. Or she was a --  
 18 Q. She was a trainee actually, based in Scotland who was on  
 19 a week or a couple of weeks secondment to Newsnight.  
 20 A. Yes.  
 21 Q. Is that right?  
 22 A. Are you disputing the term work experience?  
 23 Q. It has been disputed.  
 24 A. Okay.  
 25 Q. That was your impression, anyway, that she was on work

1 experience?  
 2 A. That she wasn't a particularly experienced journalist,  
 3 yes.  
 4 Q. But she was a journalist and not just somebody sampling  
 5 the newsroom.  
 6 A. As I understood it she was on the trainee scheme  
 7 training to be a journalist, yes.  
 8 Q. Right. Did you know at the time that Meirion Jones had  
 9 brought her into this to the extent that he has done by  
 10 2 November?  
 11 A. I don't -- I can't recall. I can't recall that.  
 12 Q. Tell me if this is wrong. You and Hannah Livingston  
 13 didn't have any -- or any significant -- interaction  
 14 about the Jimmy Savile story at all?  
 15 A. No.  
 16 Q. Perhaps no reason why you should have done.  
 17 A. No.  
 18 Q. So did you know in the days that followed that  
 19 Hannah Livingston was doing some of the research  
 20 legwork, talking to the ex-Duncroft girls?  
 21 A. I became aware -- I became aware of that. I can't  
 22 remember when. I became aware that she was assisting  
 23 Meirion and Liz in looking into the story, yes.  
 24 Q. She's assisting Meirion or assisting Liz, or both?  
 25 A. Both.

1 Q. What about somebody called Mark Williams-Thomas? Was he  
 2 somebody you had heard of at this stage?  
 3 A. Yes, I mean Mark was somebody we had worked with  
 4 previously. He was a former child protection officer,  
 5 he had worked at Surrey Police. I was particularly  
 6 interested to get Meirion to talk to him because the  
 7 investigation that the women were referring to that had  
 8 been stopped allegedly because he was too old was done  
 9 by Surrey Police. So I was suggesting to Meirion that  
 10 we would see if Mark could use his contacts to try to  
 11 establish whether that was true.  
 12 Q. So if you look at page 208, for example, not an email  
 13 sent to you at the time but it evidences  
 14 Mr Williams-Thomas being keen to get involved. In fact  
 15 he suggests himself for the role of reporter. Do you  
 16 see?  
 17 A. Um-hm.  
 18 Q. Do you remember any discussion about that with Meirion  
 19 Jones?  
 20 A. No. As far as I was aware we were using him to try to  
 21 establish the police angle. Obviously I would have been  
 22 happy to involve him if we were to do a final iteration  
 23 of the story in some capacity.  
 24 Q. So he was to be, as it were, used for research purposes,  
 25 especially vis-a-vis Surrey Police?

1 credibility in the claims, and that they decided not to  
 2 pursue them.  
 3 So I felt that would have been in a clear -- in the  
 4 public's eye that would appear to be a clear failure of  
 5 the police to treat these women's stories seriously and  
 6 therefore I thought that made it a much stronger story  
 7 than one person's individual account.  
 8 Q. Because dropping an investigation for that reason  
 9 implies at least --  
 10 A. Implies that they thought that there was some value in  
 11 the claims but they didn't want to pursue them for some  
 12 other reason.  
 13 Q. Well age and infirmity, which might or might not be  
 14 a valid reason in particular circumstances?  
 15 A. But from the women's point of view would have not  
 16 been -- the sense of justice being done in that context,  
 17 I would have thought to the public would have seemed  
 18 that, you know, that's worth reporting.  
 19 Q. So is this fair: you thought it would be important to  
 20 establish whether that was correct because if they had  
 21 dropped the investigation for that reason, that would  
 22 imply that there was some substantive --  
 23 A. Yes.  
 24 Q. -- some substance to the claims?  
 25 A. Yes.

1 A. Well, the -- my understanding was that we were using him  
 2 to establish whether the police -- the fact of the  
 3 police investigation.  
 4 Q. So that's a factual digging exercise?  
 5 A. Yes.  
 6 Q. But you also had it in mind that he might then be used  
 7 in some sort of expert or quasi-expert capacity then,  
 8 passing comment on the facts once they had been  
 9 gathered --  
 10 A. Possibly, yes.  
 11 Q. -- or hadn't we got to that stage yet?  
 12 A. At this stage I -- we were just -- as far as I was  
 13 aware, we were -- I wanted -- he was being used to try  
 14 to establish the fact of the police investigation.  
 15 Q. Right. So you had, as it were -- it registered with you  
 16 early on that there was or might have been an  
 17 investigation by Surrey Police?  
 18 A. Yes. That was -- that was -- that was the key discovery  
 19 that changed my view in the first few days from it was  
 20 telling a story, one woman's story, based on her blog to  
 21 telling a story of more than one woman and that there  
 22 was some -- because the key thing is that if what they  
 23 were saying, which is that the police investigation had  
 24 been halted because he was too old, that not only  
 25 means -- it implies that they felt that there was

1 Q. Now, you had two deputy editors, Liz Gibbons and  
 2 Shaminder Nahal? To what extent at this stage were they  
 3 involved in discussions about whether or not this was  
 4 a sensible story to pursue? At this stage, early on.  
 5 A. I can't remember. When you say, "At this stage" --  
 6 I can't remember. This is, what, a six week period?  
 7 Q. This is all before Karin Ward has been interviewed.  
 8 A. Yes. I can't remember the points at which -- the times  
 9 at which I discussed it with them. I have -- I mean,  
 10 the way I run the programme is that Liz, Shaminder and  
 11 I, as the kind of -- the three of us talk a lot about  
 12 all sorts of different stories that we are doing and so  
 13 I -- it wasn't like there was a moment when we discussed  
 14 it that I can recall. I mean we -- I don't know when --  
 15 Q. Does Liz -- or did Liz Gibbons have slightly different  
 16 responsibilities compared to Shaminder Nahal in terms of  
 17 commissioning films?  
 18 A. Yes. Normally Liz would commission films and often what  
 19 we would call exec, kind of being responsible for the  
 20 editorial content of some investigations. Shaminder's  
 21 role was slightly different, which was more about  
 22 delivering studio events to the programme. So she would  
 23 not normally have an exec role on a particular film but  
 24 she -- as one of my deputies her opinion on any story  
 25 that we are doing, whether she is directly execing it or

<p>1 not is obviously very important.</p> <p>2 Q. Now I just want to explore some of this with you. We</p> <p>3 have heard people talking about commissioning films,</p> <p>4 commissioning pieces. We haven't always had people</p> <p>5 speaking with one voice as to when a story gets</p> <p>6 commissioned. People talk about commissioning, but when</p> <p>7 you ask them: how can I tell when a story has been</p> <p>8 commissioned or not been commissioned, how can I tell</p> <p>9 when that line has been crossed? It's not always clear.</p> <p>10 What is your understanding of commissioning?</p> <p>11 A. Well, the line is -- the line isn't clear, because you</p> <p>12 know, in Meirion's case particularly he will often be</p> <p>13 working on or talking about half a dozen different</p> <p>14 things that he can or cannot look at, that he's pressing</p> <p>15 here and pressing there and -- so the point at which</p> <p>16 they become commissioned is not -- it depends on what</p> <p>17 fact he's -- the strength of a particular fact that he</p> <p>18 may have discovered at some point that makes me think:</p> <p>19 this is more likely to be broadcast. In the terms of</p> <p>20 this story, I felt that when the fact that the police</p> <p>21 investigation was part of it, I was much more keen on</p> <p>22 the story than initially basing it on just the blog.</p> <p>23 But I didn't say, when he did suggest the blog, "I'm</p> <p>24 not commissioning this", and I didn't say when</p> <p>25 I discovered that the police investigation involved, you</p> <p style="text-align: center;">Page 25</p>	<p>1 A. Because she was not keen on pursuing the story because</p> <p>2 she felt that in the climate at the time, which -- you</p> <p>3 know, I had a lot of sympathy with her position, but</p> <p>4 ultimately I got to the point that I did with it, that</p> <p>5 she -- you know, she asked me to exec it, which</p> <p>6 I thought was fine, it was not unusual.</p> <p>7 Q. So she was even more lukewarm -- we will come to the</p> <p>8 reasons why in a moment -- than you were. She was cold</p> <p>9 on this story?</p> <p>10 A. Yes, I think that is fair to say, yes.</p> <p>11 Q. And Shaminder Nahal, did she have a view?</p> <p>12 A. Shaminder was more -- I think Shaminder thought on</p> <p>13 balance that we should go ahead with it, although she</p> <p>14 wasn't across the detail of it, I think, to the same</p> <p>15 extent that I or Liz were. But I think, yes, on balance</p> <p>16 she thought we should go ahead with it.</p> <p>17 Q. If we look at page 267 then. This is 9 November, which</p> <p>18 is the following Wednesday.</p> <p>19 A. Um-hm.</p> <p>20 Q. "Had meeting with Liz and Peter." That would be</p> <p>21 Liz Gibbons and you:</p> <p>22 "She thinks [that's Gibbons] we shouldn't do JS</p> <p>23 story on grounds of taste. I persuaded her otherwise,</p> <p>24 especially given police line. PR agrees that it is</p> <p>25 worth it, but [of course] there are concerns about</p> <p style="text-align: center;">Page 27</p>
<p>1 know, I definitely had a conversation from which he</p> <p>2 could reasonably have inferred that that I was happy for</p> <p>3 them to pursue it. That was --</p> <p>4 Q. Right. Now the exec producing. You mentioned the exec</p> <p>5 producing element, the exec producer of this story was</p> <p>6 going to be you, wasn't it, not Liz Gibbons?</p> <p>7 A. Yes. Although again, the exec producer role -- I'm</p> <p>8 responsible for everything, so in essence I'm -- I exec</p> <p>9 anything. At some point I will devolve that to Liz, but</p> <p>10 I will still need to know what she's doing and that why</p> <p>11 she's doing it.</p> <p>12 Q. Of course.</p> <p>13 A. Because fundamentally I'm responsible, as the editor,</p> <p>14 for everything that we put on the programme.</p> <p>15 Q. But one of her specific roles, we just discussed,</p> <p>16 ordinarily was in terms of films --</p> <p>17 A. Yes.</p> <p>18 Q. -- and she was, as I understand it, almost always the</p> <p>19 exec producer of films?</p> <p>20 A. Yes.</p> <p>21 Q. And in this particular instance, she wasn't?</p> <p>22 A. Yes.</p> <p>23 Q. You were?</p> <p>24 A. Yes.</p> <p>25 Q. Why?</p> <p style="text-align: center;">Page 26</p>	<p>1 women's credibility."</p> <p>2 Does that ring a bell?</p> <p>3 A. It wasn't sent to me.</p> <p>4 Q. The conversation.</p> <p>5 A. Does the conversation?</p> <p>6 Q. "Had meeting with Liz ..." And obviously she's</p> <p>7 summarising the conversation.</p> <p>8 A. It is interesting, obviously when I was preparing the</p> <p>9 witness statement -- I can't remember -- you have --</p> <p>10 because I work with them so closely you kind of a have</p> <p>11 an ongoing conversation all the time with people so</p> <p>12 trying to remember specific ones --</p> <p>13 Q. I'm not asking you to try to remember a specific --</p> <p>14 A. That doesn't -- I don't have any reason to think that</p> <p>15 that's not a --</p> <p>16 Q. What about taste? You mentioned earlier that</p> <p>17 Liz Gibbons' reasons for being cold on the story, about</p> <p>18 the fact he had just died -- Savile had just died and</p> <p>19 so on. Liz MacKean uses the word "taste". Liz Gibbons'</p> <p>20 objection, was it based on the fact that he was just</p> <p>21 dead rather than anything else?</p> <p>22 A. Yes, that was my understanding, yes.</p> <p>23 Q. So if he had been dead for longer, it would have been</p> <p>24 more --</p> <p>25 A. Yes, the public mood changes over time, yes. She felt</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

1 doing it so soon after his death was -- I think -- well,  
 2 I sympathise with that.  
 3 Q. We see you recorded -- you and Liz Gibbons -- both being  
 4 concerned about the women's credibility?  
 5 A. Yes.  
 6 Q. What steps would you take to, as the story developed, to  
 7 examine the question of the women's credibility and  
 8 reach a more concluded view about it?  
 9 A. Sorry, what do you mean?  
 10 Q. Well, you are concerned about the women's credibility.  
 11 A. Yes.  
 12 Q. So as this story develops that's a concern?  
 13 A. Um-hm.  
 14 Q. Presumably at some point you have to decide, make  
 15 a judgment, on the fundamental credibility --  
 16 A. Yes.  
 17 Q. -- of the sources for the story?  
 18 A. Yes.  
 19 Q. So my question is: given that you have these concerns,  
 20 how are you going to -- what steps are you going to take  
 21 as things develop?  
 22 A. I would, at this stage, express -- as obviously I did  
 23 here -- to the team that that's a key concern I have  
 24 about when I'm going to make the final judgment about  
 25 whether we put this thing on air. And I -- so they

Page 29

1 there's a degree of confidence. It's a degree of  
 2 confidence that you can have in the testimony that you  
 3 are being shown. You just have to weigh whether that is  
 4 sufficiently strong, particularly the kind of threshold  
 5 that that gets you to and you have to weigh that against  
 6 the threshold of the climate that putting this on air  
 7 would be and -- and that's how you make the judgment.  
 8 Q. So, yes, I understand the process, but my question was  
 9 whether you ever got to this stage of forming a view  
 10 that fundamentally there was credibility here?  
 11 A. Er, no. Because you -- well, I don't want -- I neither  
 12 thought they were definitely credible or definitely not  
 13 credible. I was always concerned that that was a big  
 14 issue in the strength of the story that we had. But  
 15 I never -- well, the point at which I made the final  
 16 judgment was, I think, whatever it is, when we got the  
 17 final CPS confirmation emphatically denying some of the  
 18 things the women had been telling us, that was -- that  
 19 was -- that was the point at which I made a final  
 20 judgment and assessment about what I felt about the  
 21 strength of the testimony we gathered.  
 22 Q. Denying -- when you say some of the things the women had  
 23 been telling you, you had in mind the notion that an  
 24 investigation had run into the sand because he was old  
 25 and infirm?

Page 31

1 would need to follow whatever evidence they could find  
 2 in order to try to alleviate that concern that I had.  
 3 Q. That would be something for them to do, and then report  
 4 back to you, rather than something that you do?  
 5 A. So the way I always do investigations -- and I have won  
 6 awards for doing them -- is that I do give the reporter  
 7 and producer -- Liz and Meirion in this case -- quite  
 8 a lot of free rein, particular in the initial stages of  
 9 these investigations to pursue things as they see fit.  
 10 As I say, I'm doing an awful lot of other things at  
 11 the same time. And they can come to me at any point for  
 12 advice or guidance, what I think is working, what more  
 13 or what less they might want do, or if they need my help  
 14 or judgment any other way. But it is only when I get to  
 15 the point that I am going to have to make a decision  
 16 about whether I'm going to put this on the telly that  
 17 I get much more engaged with the minutiae of what has  
 18 been unearthed.  
 19 Q. These concerns about the women's credibility, did you  
 20 ever reach the position of concluding that fundamentally  
 21 the women were credible or not?  
 22 A. It's really difficult to judge that, because you are  
 23 trying to weigh -- it's not like there's a line where  
 24 you say, "Yes, this person is credible, yes, this person  
 25 is not credible", you have to think of -- there's a --

Page 30

1 A. Yes.  
 2 Q. Can you look, please, at page 278? You might not have  
 3 seen this email. I don't know if we sent it to you last  
 4 week, but you probably didn't see this email at least at  
 5 the time. But you see it is an email from  
 6 Hannah Livingston to Liz MacKean, copied to Meirion  
 7 Jones, on 9 November. There are various attachments  
 8 to it.  
 9 A. Um-hm.  
 10 Q. Hannah Livingston says:  
 11 "For now, here are the notes from the conversations  
 12 I have had. Best is probably [redacted] Don't get in touch  
 13 without getting back to her. Be careful about phone  
 14 numbers."  
 15 And so on.  
 16 If you go over the page to 280, you see there is a  
 17 note? It is Hannah Livingston's note of a conversation  
 18 with somebody.  
 19 A. Yes.  
 20 Q. At 282 there is a longer note, with one of the other  
 21 ex-Duncroft (?) officers --  
 22 A. Yes.  
 23 Q. -- who at this stage was one of the more important  
 24 sources. [redacted]  
 25 A. Um-hm.

Page 32



<p>1 Q. Do you remember seeing those notes of those 2 conversations and reading them? 3 A. No, and I won't have -- I wouldn't have expected to do 4 that until we'd advanced the story to a point at which 5 I would have been putting it on air. So it never got to 6 that stage. I didn't -- I did not review these 7 documents before. 8 Q. At all? 9 A. No. 10 Q. If the story had been one that was about to air -- 11 A. Yes, I would have wanted to know what quotes we're using 12 and what the sources were and to establish -- and to 13 check them myself. 14 Q. But as a matter of fact this was not one of the, as it 15 were, resources you used in coming to the conclusion 16 that the story wasn't to be run? 17 A. No. It was a summary of Liz and Meirion's assessment of 18 the strongest elements of this testimony, yes. 19 Q. Now, if you go to page 289, it may be this is all -- 20 I assume this is all going on without you knowing 21 about it, because, as we previously discussed, you are 22 the editor of the programme, the wheels are in motion 23 and they are, as it were, turning away in the background 24 as far as you are concerned? 25 A. Um-hm.</p> <p style="text-align: center;">Page 33</p>	<p>1 did you separate out, at any stage before the story 2 finally died, the presence of the investigation? Was 3 that important in itself, or was it the fact that it had 4 run into the sand because of his age? 5 A. You mean the -- the letter is one element -- 6 Q. The letter is -- 7 A. -- of corroboration that we could have done, and the 8 police/CPS element is another element of corroboration 9 that we could have -- that we needed to pursue. 10 Q. Yes. 11 A. So they are two separate things. 12 Q. Yes, they are separate but related. 13 A. Yes. 14 Q. But I'm trying to explore how critical the age and 15 infirmity aspect of it was for you? 16 A. I'm sorry, can you just repeat the question again? I am 17 not quite sure what you are asking me. 18 Q. She's drawing a distinction, two things need confirming. 19 First of all the very existence of a police 20 investigation. Now presumably if there had been 21 a police investigation which had led to the CPS bringing 22 charges, then we would all have known about it. 23 A. Um-hm. 24 Q. So she wants to confirm the presence of the police 25 investigation, but also this question of a letter, and</p> <p style="text-align: center;">Page 35</p>
<p>1 Q. I understand that. But Hannah Livingston sent another 2 email to Liz MacKean and she says: 3 "So far the only woman willing to go on the record 4 is ██████████ 5 This is 9 November. 6 A. Um-hm. 7 Q. We know that she was eventually interviewed by Meirion 8 Jones and Liz MacKean and Hannah Livingston with 9 a cameraman on 14 November. But we're coming to that. 10 You see she said: 11 "What definitely needs confirming was the presence 12 of a police investigation. Meirion is in touch with the 13 reporter chap [That is Mark Williams-Thomas] who used to 14 be in Surrey Police. A few of the girls have referenced 15 a letter they received from the police, saying there 16 would be no further action taken against Mr Savile 17 because of his age." 18 And there is reference to a police officer. 19 That email appears to separate out two aspects. 20 First of all, the fact of there being a police 21 investigation. Secondly, but related, the question of 22 a letter and no further action being taken because of 23 Savile's age. 24 A. Um-hm. 25 Q. In your mind, did you run those two points together or</p> <p style="text-align: center;">Page 34</p>	<p>1 action not being taken because of his age. Now we see 2 in the end, jumping head to the CPS, confirmation that 3 they didn't proceed because of lack of evidence? 4 A. Um-hm. 5 Q. Not because of age and infirmity. That that seems to 6 have had some importance -- to put it mildly -- in your 7 thinking, is that fair? 8 A. Yes. 9 Q. So let me ask it this way: at this stage, had you -- 10 were you latching -- were you thinking about, to the 11 extent you were thinking about this story at all, about 12 the fact that the investigation had terminated because 13 he was aged and infirm? Was that the critical second 14 aspect of the story apart from the girls themselves? 15 A. That was -- that was a -- that was an important aspect 16 of the story. But what you -- you know, you follow all 17 the leads you can get to try and -- to try and get the 18 strongest story that you can make a judgment on at the 19 end. I mean that -- 20 Q. And obviously that bit would have made it stronger 21 rather than weaker? 22 A. Yes. 23 Q. Whether it was strong enough was another matter? 24 A. Yes. 25 Q. Can you take bundle A2, please, and go to page 50. Now</p> <p style="text-align: center;">Page 36</p>

1 you might not have seen this email before. Do you --  
 2 David Gibson who is described as, "News programmes  
 3 planning editor" --  
 4 A. Um-hm.  
 5 Q. -- what does that mean? He's not a Newsnight person?  
 6 A. He's what you get -- he's one of the people who, if we  
 7 are doing a story will -- what we call do the impact  
 8 element of it in terms of iterating the story for other  
 9 parts of the BBC at the time that we would broadcast it.  
 10 Q. We have heard about something called the Impact team.  
 11 A. Yes.  
 12 Q. They essentially spread it around the BBC.  
 13 A. Yes.  
 14 Q. So Newsnight do a story, and I think you are probably  
 15 familiar with the email for this story, the Impact team  
 16 were getting ready for Liz MacKean, for example, to do  
 17 pieces for other BBC programmes.  
 18 A. Yes.  
 19 Q. Television and radio.  
 20 Now who is Sara Beck?  
 21 A. Sara Beck is basically Stephen Mitchell's assistant.  
 22 Q. You see the reference to Kevin B at the top. It has  
 23 misspell his name, do you know who that might be?  
 24 A. That's probably Kevin Bathurst who is the controller for  
 25 the news channel.

Page 37

1 Q. Right?  
 2 A. As I understood it, it was a device for him to know any  
 3 difficult or controversial things that were in train  
 4 that anybody in journalism would be potentially working  
 5 on.  
 6 Q. It didn't just -- it wasn't just going to stay within  
 7 news, was it? Or was that your understanding?  
 8 A. Well he -- Mark was the deputy director general when the  
 9 thing was -- so I suppose that is for everybody then,  
 10 yes.  
 11 Q. I don't want to be unfair and ask you things that you  
 12 didn't know about. But as we understand it, Newsnight,  
 13 as it were, made a submission to Sara Beck's office, or  
 14 to --  
 15 A. Sara runs the MPRL. She's the kind of keeper of the  
 16 MPRL list for news programmes of which Newsnight is  
 17 a part.  
 18 Q. So Newsnight would feed into the MPRL?  
 19 A. Yes, we would give her the list of what we were working  
 20 on, yes.  
 21 Q. And she is, in effect, in Stephen Mitchell's office?  
 22 A. Yes.  
 23 Q. So she's presumably collecting things, topics for this  
 24 list, from Newsnight and from other --  
 25 A. Yes.

Page 39

1 MR POLLARD: Can I just ask one factual point? Is Sara Beck  
 2 a journalist or an admin person?  
 3 A. Yes, she is a -- no, she's an assistant editor, if that  
 4 means anything to you, which is the same grade as my  
 5 deputies. And has significant editorial background  
 6 having been the bureau chief in Moscow for example for a  
 7 time.  
 8 MR POLLARD: Okay.  
 9 MR MACLEAN: "David Gibson has heard on the grapevine that  
 10 Newsnight might be working on some sort of Jimmy Savile  
 11 exposé for a couple of weeks' time. Might need to be on  
 12 MPRL."  
 13 That is the managed programmes risk list?  
 14 A. Yes.  
 15 Q. That is a mechanism, is it, for communication among  
 16 different parts of the BBC? In the sense that if news  
 17 is doing something that is, or might be controversial  
 18 and might have implications for some other part of the  
 19 BBC, it goes on this list, gets passed up the chain and  
 20 it can then get discussed with representatives of the  
 21 other part of the BBC, for example Vision?  
 22 A. Yes. It's not quite my understanding of what the  
 23 function of the list is, but it was -- I think it was an  
 24 innovation of Mark Byford who at the time was head of  
 25 journalism for the whole of BBC News.

Page 38

1 Q. -- news programmes?  
 2 A. Yes.  
 3 Q. What was your understanding of what she then did with  
 4 this list, once she'd got Newsnight's submission and  
 5 whatever else it was?  
 6 A. Er, I mean, that she would -- you know, when -- I mean,  
 7 Mark Byford was probably still here at this time. She  
 8 would then file it up whatever system that didn't  
 9 concern me that Mark Byford suggested she needed to do  
 10 it through.  
 11 Q. So the person who was actually responsible for feeding  
 12 Newsnight's input to this list was Liz Gibbons, is that  
 13 right?  
 14 A. Fundamentally, yes, because she did most of the --  
 15 yes -- no, yes.  
 16 Q. So she sends them to Sara Beck and then Newsnight has  
 17 done its bit and something will happen to this?  
 18 A. Yes.  
 19 Q. Did you ever see the MPRL, the completed, as it were,  
 20 this month's MPRL, would that be something that is on  
 21 your radar screen?  
 22 A. No, I wouldn't. As a rule I probably do get copied in.  
 23 I probably do get copied in but it's not something that  
 24 I spend a lot of time pondering, no.  
 25 Q. So Newsnight's main function in this was to feed

Page 40

<p>1 information in; to be a contributor, rather than                  2 a recipient.                  3 A. Yes.                  4 Q. Is that fair?                  5 A. Yes.                  6 Q. Now the Jimmy Savile story, did that get on to the MPRL?                  7 A. According to this email, yes, it did. So, yes.                  8 Q. So if you go to page 188, this is a week later, do you                  9 see 18 November?                  10 A. Um-hm.                  11 Q. If you go to the bottom of that page, Liz Gibbons, the                  12 day before, the 17th, to Sara Beck, copied to                  13 Fiona Connery. Who is she?                  14 A. She's my PA.                  15 Q. Copied to you. So:                  16 "Pick of the week, here you are Sara, can you send                  17 me the latest MPRL by the way?"                  18 And we see then Sara Beck sends her:                  19 "Welcome back. Here you are, although it has been                  20 rather mad this last two weeks and all a bit neglected."                  21 I think Liz Gibbons had been away, hasn't she?                  22 A. Yes, she was on leave, I think, for the first or second                  23 week in November.                  24 Q. So do you remember the email we looked at about she not                  25 being very keen on this story because of taste and                  Page 41</p>	<p>1 the then current managed programme risk list. Is that                  2 right?                  3 A. Um-hm.                  4 Q. It starts with Vision, which is BBC speak for                  5 television, and then audio and music?                  6 A. Yes.                  7 Q. Which is BBC speak for radio?                  8 A. Yes.                  9 Q. So we start with Vision, so we have BBC1 programmes                  10 first. And then if you go to 70, we have BBC2                  11 programmes.                  12 A. Um-hm.                  13 Q. Starting with Newsnight, do you see?                  14 A. Um-hm.                  15 Q. Academics, phone hacking, tax avoidance.                  16 A. Is it not on there?                  17 Q. What we don't see is Jimmy Savile.                  18 A. Okay.                  19 Q. And Jimmy Savile, if it was on this list, would be                  20 somewhere between page 70 and 71, or at the very at                  21 least -- at the very most, as it were, 72. It's not                  22 there.                  23 A. Okay.                  24 Q. Can you account for why not?                  25 A. No, it's not. No I can't. My responsibility -- well,                  Page 43</p>
<p>1 so on?                  2 A. Yes.                  3 Q. She must have been back then? She had been away before                  4 that? Or may be you can't --                  5 A. I can't remember, I'm sorry.                  6 Q. Look at the middle of 188:                  7 "Newsnight: Burma, Newsnight [something else],                  8 Undercover Cops: money laundering, Boxing, Newsnight:                  9 Jimmy Savile, investigations by Liz MacKean, legal,                  10 taste. Newsnight..."                  11 And then your name.                  12 A. Um-hm.                  13 Q. When we get to full versions of this, we see that that                  14 last column is identifying the executive producer of                  15 these pieces.                  16 A. Um-hm.                  17 Q. If you just keep that only, and take bundle A3, and go                  18 to page 66, this is ten days later. This is                  19 28 November.                  20 A. Um-hm.                  21 Q. So this is two days before an important email from you,                  22 which we will come to; your email of the 30th, when you                  23 say you have been pondering overnight.                  24 We will come to that. This is the 28th. We will                  25 come to the email in a second. If you go to 67, this is                  Page 42</p>	<p>1 Liz Gibbons' responsibility is to tell Sara Beck about                  2 stories that we need to put on the MPRL. What happens                  3 after that, I -- it's not -- I don't know -- it's not my                  4 responsibility so I don't -- I can't explain that.                  5 Q. Were you involved in any discussion about the presence                  6 or absence of the Jimmy Savile story on the MPRL in                  7 November 2011?                  8 A. No.                  9 Q. You didn't discuss it with Helen Boaden or                  10 Stephen Mitchell?                  11 A. No. I have never seen -- I have to say, I have never                  12 seen this type of document before.                  13 Q. Right.                  14 A. I have seen this type of document -- I have seen the                  15 188 -- that's obviously the programme's MPRL. I have                  16 never seen this form of document.                  17 Q. You have seen, as I put it earlier, the contribution                  18 that Newsnight makes up the chain --                  19 A. Yes.                  20 Q. -- but you don't see the final version. I think you                  21 said earlier -- maybe you didn't mean to say this --                  22 that you would probably see the managed programmes risk                  23 list but didn't give it much focus. I took it to mean                  24 the final one, but I don't think you did.                  25 A. No, I mean this, the one we send to Sara.                  Page 44</p>

11 (Pages 41 to 44)

1 Q. So the 188 one. It might be important, make sure I have  
 2 this clear: you did see and had to some extent took some  
 3 notice of Newsnight's contribution to this, which was  
 4 really Liz Gibbons' responsibility, but not the one we  
 5 are now looking at?  
 6 Now that you are looking at it, can you offer any  
 7 suggestion as to what the purpose of this document might  
 8 be? Perhaps we might get a clue, but maybe we won't, if  
 9 you go back to 66 to see who had has been sent to.  
 10 Stephanie Harris and Emma Wilson.  
 11 A. Yes.  
 12 Q. Stephanie Harris --  
 13 A. Stephanie Harris manages -- well, my only dealings with  
 14 Stephanie Harris are dealing with complaints about  
 15 programmes; if a complaint is escalating about something  
 16 I have done on my programme. I don't know what her --  
 17 I don't know what her role is in this capacity.  
 18 Q. I think I will be corrected by somebody if I'm wrong,  
 19 I think her formal title is "Head of accountability".  
 20 I think.  
 21 MR POLLARD: That's right.  
 22 MR MACLEAN: And we have seen her dealing with, for example,  
 23 Mr Goslett's Freedom of Information request that came  
 24 in, in April 2012, which I think you had some  
 25 involvement in.

1 A. Yes. I don't remember who Emma Wilson is, I'm sorry.  
 2 Q. I am sorry?  
 3 A. I don't know who Emma Wilson is, I'm sorry.  
 4 Q. So this is not a criticism at all, but you can't help  
 5 us. You just don't know what audience, what meeting,  
 6 what individuals would be looking at this document  
 7 presumably at some meeting or other?  
 8 A. I'm sorry, I have no idea. My responsibility is to  
 9 inform, through the process I do with Sara Beck, about  
 10 what difficult stories, controversial stories we are  
 11 working on, to put them on their list. I have no idea  
 12 what happens to the list or who sees the list. I know  
 13 that originally -- as I say, I think it was an  
 14 innovation of Mark Byford when he was deputy director  
 15 general responsibility for journalism, I can't --  
 16 I don't know more than that, I'm sorry.  
 17 Q. You are a little bit hazy -- this is not a criticism --  
 18 as to whether this was something that stayed within the  
 19 news part of the organisation or whether, as  
 20 I understood it, it's intended to be a mechanism where,  
 21 for example, Vision can see what news is doing?  
 22 A. Yes. I mean it's not an issue for me in my job. That's  
 23 why I am hazy on it. It's not --  
 24 Q. Right. Let me just cut to the chase, as it were: it has  
 25 been suggested to us that this Managed Programmes Risk

1 List is, as it were, proof positive that it's not  
 2 necessary for, for example, the Director of News and the  
 3 director of Vision to have ten second conversations at  
 4 parties about what each other is doing, because this is  
 5 the mechanism the BBC has put in place so that the, for  
 6 example, director of Vision can see what controversial  
 7 stories news might be working on.  
 8 It's not, as it were, a point for you directly, but  
 9 I'm trying to understand what your understanding was --  
 10 A. Yes.  
 11 Q. -- of what the purpose of this thing was.  
 12 A. I mean -- I mean that's a -- you know, I can speculate.  
 13 It's a corporate process that's not something I ever  
 14 have to deal with in my job. So I don't know -- I can't  
 15 really comment on it, sorry.  
 16 Q. So to the extent that it has been suggested to us that  
 17 each month all sensitive subjects are put by programme  
 18 editors or deputy editors and executive producers on the  
 19 BBC's Managed Programme Risk List. You agree with that,  
 20 I think?  
 21 A. Yes, that's what we --  
 22 Q. That's what Newsnight did?  
 23 A. Yes.  
 24 Q. It was not necessary to have ten second conversations  
 25 between directors, and that there are rigid protocols to

1 ensure that the left hand and right hand knows what they  
 2 are doing. That's something that was, as it were, above  
 3 your level?  
 4 A. Yes, I am afraid so.  
 5 Q. Right.  
 6 Now, if we then -- so you can't explain why it  
 7 appears, anyway, that Newsnight, having fed this up, it  
 8 doesn't appear on the list a couple of weeks later. It  
 9 can't be that the Jimmy Savile story has been killed,  
 10 because on any view it hadn't been at that stage, right?  
 11 A. Yes.  
 12 Q. So can we then take bundle -- you can put 3 away but  
 13 keep 2 open. Can you take 16, please?  
 14 A. 16?  
 15 Q. Yes, that is right. If you go to page 215, please --  
 16 sorry, go to 216 first of all. We looked at A2/188,  
 17 which is where we started this --  
 18 A. Um-hm.  
 19 Q. -- little line. If you go to page 216, there's an email  
 20 from Liz Gibbons to Sara Beck on 21 November:  
 21 "Here you are, I feel like there is something I have  
 22 forgotten. It will come back to me."  
 23 And then you see above the page it does come back to  
 24 her, she refers what the other story was. It was not  
 25 relevant to the us.

<p>1 If you go over the page to 217, there is                  2 Jimmy Savile in the middle of the list?                  3 A. Um-hm.                  4 Q. So that's November. That's a few days before the full                  5 version that we have looked at that Jimmy Savile doesn't                  6 appear on.                  7 A. Um-hm.                  8 Q. Then if you go to 215, this is the following month. You                  9 see 8 December from Sara Beck to Liz Gibbons, and we see                  10 there are six or seven Newsnight stories. Then                  11 Liz Gibbons on 8 December:                  12 "I think that just about covers it apart from                  13 Savile-gate".                  14 So the Jimmy Savile story is not on the MPRL                  15 submission there, but Sara Beck is being, as it were,                  16 reminded of its presence?                  17 A. Um-hm.                  18 Q. Yes?                  19 A. Um-hm.                  20 Q. Can we then go -- if we can close 16 and go back to                  21 bundle 2 -- do you know what the news group board is?                  22 You make a face, which doesn't appear on the transcript.                  23 A. I probably -- yes, I do. Don't ask me who was on it                  24 or -- yes, I do. It's the management group for the news                  25 division.</p> <p style="text-align: center;">Page 49</p>	<p>1 Q. -- et cetera." The et cetera presumably includes                  2 Scotland and places like that. That then goes to the                  3 News Group board and then that gets added to something                  4 called a corporate list. That's no doubt what we have                  5 been looking at with that final version.                  6 So in this particular case -- if you take bundle 2                  7 and go to 276, do you see the second email there,                  8 22 November at 9.41 in the morning, to Liz Gibbons:                  9 "MPRL Berlusconi [we needn't worry about him]. Just                  10 so you know, have taken Jimmy Savile off for now and                  11 will put back on when it's imminent. The document goes                  12 quite far in Vision et cetera. We thought it might be                  13 best to keep off just for now."                  14 First of all, have you ever seen that email before?                  15 A. No.                  16 Q. Do you have any recollection of the Jimmy Savile story                  17 being taken off the MPRL and Liz Gibbons being told                  18 about it?                  19 A. No.                  20 Q. It was not something she mentioned to you?                  21 A. No.                  22 Q. Does that strike you as usual or unusual, or odd in any                  23 way?                  24 A. I mean that list to me is a bureaucratic compliance                  25 issue, which I -- so I don't really have a, um -- it's</p> <p style="text-align: center;">Page 51</p>
<p>1 Q. Right. So it's a board of managers as opposed to                  2 journalists, if I can put it like that?                  3 A. I think some of them would still consider themselves to                  4 be journalists.                  5 Q. But in managerial positions?                  6 A. Yes.                  7 Q. So Helen Boarden is presumably on it?                  8 A. Yes.                  9 Q. Perhaps she chairs it, I don't know?                  10 A. Yes.                  11 Q. And Stephen Mitchell would be on it?                  12 A. Yes.                  13 Q. Now, what we've been told is that this list gets this --                  14 this Managed Programme Risk List gets updated and then                  15 there is a routine meeting with Stephen Mitchell, where                  16 Sara Beck and he discuss the list. Is that something                  17 you are aware of?                  18 A. No, but it doesn't surprise me.                  19 Q. Then, once a month the list is sent to Stephanie Harris                  20 who is described here as head of compliance, which is                  21 not far off head of accountability, for her to compile                  22 the wider news list, including entries from other                  23 departments such as something called "News Gathering"                  24 and something called "English Regions --                  25 A. Um-hm.</p> <p style="text-align: center;">Page 50</p>	<p>1 not something that I focus on hard in my day job. As                  2 I say, I have a responsibility to making sure I'm                  3 flagging up difficult stories when we are working --                  4 Q. I'm not suggesting that you should in any way been                  5 focusing hard on the Managed Programmes Risk List as                  6 a whole.                  7 A. Yes.                  8 Q. I am simply asking you whether you remember this                  9 particular story being taken off this list in November?                  10 A. No, I was not aware of that. I was aware that -- I was                  11 aware -- Stephen Mitchell is my line manager so he's the                  12 person that I talk to about difficult stories that I'm                  13 working on and he was aware that I was working on it.                  14 So that -- as an editor that's my -- that's the way in                  15 which I kind of calibrate my responsibilities in that                  16 regard, in terms of letting him know what I'm doing.                  17 Q. Can you help me with why it might have been thought by                  18 somebody best to keep this programme off the list for                  19 now?                  20 A. I have no idea.                  21 Q. Right.                  22 A. I have no idea.                  23 Q. Look at the email at the top of the page. This is from                  24 Liz Gibbons back to Sara Beck --                  25 A. Yes.</p> <p style="text-align: center;">Page 52</p>

<p>1 Q. -- that same morning, early afternoon, "Okay, I know 2 Peter..." 3 Who I infer is you? 4 A. Yes. 5 Q. "... and Steve talked about the Vision issues 6 surrounding Savile, so that sounds sensible". 7 A. Yes. 8 Q. What's that the reference to? 9 A. That's a reference to a meeting I would have had with 10 Steve before 22 November when I talked him through the 11 story and what we had. And if you look at my witness 12 statement, I think I gave as full account as I could of 13 the terms of that meeting. 14 So Meirion had flagged to me that there were, um -- 15 Vision were planning these tribute programmes. I felt 16 I needed to tell Steve that I was -- that Meirion had 17 told me that. So I had -- you know, I had referred that 18 up to him, because that's what my job is in that kind of 19 context. 20 Q. You are quite right you mention this in your statement. 21 If you have it there, it is page 3, paragraph 9. 22 A. Yes. 23 Q. Now, paragraph 8, you are at the 14th, which we know is 24 the date that the [REDACTED] interview was filmed. 25 A. Um-hm.</p> <p style="text-align: center;">Page 53</p>	<p>1 A. I'm sorry, I'm guessing -- I can't remember the full -- 2 this is a meeting I had over a year ago so I can't 3 remember -- to me the Managed Programmes Risk List is 4 a kind of bureaucratic compliance issue. The purpose of 5 meeting with Steve is to talk through the strengths and 6 weaknesses of a story I'm likely to be doing, so that 7 kind of compliance in terms of -- it may have been but 8 I wouldn't have -- it wouldn't have been a priority 9 issue to discuss in that meeting. 10 Q. Is this fair? Tell me if this is fair or unfair. So 11 far as what happened to the Managed Programmes Risk 12 List, if anything, as a consequence of your discussion 13 with Stephen Mitchell that is, as it were, a matter for 14 him as far as you are concerned? 15 A. Yes. 16 Q. Right. So the Vision issues we see referred to -- 17 A. Yes -- I don't know if it is wise for me to speculate, 18 it is probably not wise for me to speculate. I can 19 guess what that email might be referring to and why they 20 are doing that, but I probably shouldn't because I'm not 21 them and I don't why they do it. Do you understand? 22 I -- 23 Q. If you think you -- 24 A. I want to try to be helpful -- 25 Q. If you think you know --</p> <p style="text-align: center;">Page 55</p>
<p>1 Q. Then by the last sentence of paragraph 9, you are 2 referencing the Surrey Police investigation confirmation 3 on the 25th. 4 A. Um-hm. 5 Q. Which is also an important staging post, isn't it, which 6 we will come to? 7 A. Um-hm. 8 Q. You say you can't remember -- sorry, you say: 9 "I can recall this had not been established when 10 I met with Stephen." 11 So in other words you are dating the meeting with 12 Steve Mitchell before 25 November -- 13 A. Yes. 14 Q. -- or at least before that fact emerged on 25 November? 15 A. Yes. 16 Q. And that would appear to be consistent with this. 17 A. Yes. 18 Q. Because here we are on the 22nd -- 19 A. Yes, so it was before the 22nd. 20 Q. It was on or before lunchtime on the 22nd? 21 A. Yes. 22 Q. So was the Managed Programmes Risk List mentioned at 23 your meeting with Mr Mitchell? 24 A. No. 25 Q. So that would be a matter --</p> <p style="text-align: center;">Page 54</p>	<p>1 A. -- but if I speculate ... it is purely speculating, so 2 I don't know if that is helpful or not. 3 Q. It might be. It would be informed speculation from the 4 point of view of somebody who has been the editor of 5 Newsnight for four years. So it might be of some 6 assistance. 7 A. I think there was -- what are we talking about, 22nd? 8 The email you showed me earlier where there was 9 a discussion about the fact that we were working on this 10 story I think in the teens dates -- it is still in the 11 teens and other people in news are beginning to learn 12 about this. 13 Q. Impact? 14 A. And all that. 15 Q. They are starting -- 16 A. That is quite unusual for a story that Newsnight is 17 working on. 18 Q. That was the 11th? 19 A. Certainly in the stage that we had it at in that 20 stage -- 21 Q. Right? 22 A. -- to be widely discussed within news is quite -- 23 that's -- often to me I find that's not helpful because 24 I just kind of want to work on my story and I want to be 25 able to control when I say, "Okay, I'm happy with this</p> <p style="text-align: center;">Page 56</p>

<p>1 story, we can tell other people that we have it".</p> <p>2 I don't know why that noise, kind of wider noise,</p> <p>3 was being discussed about it at that point and I would</p> <p>4 have felt that maybe Liz felt that that's not helpful if</p> <p>5 we're not in a position where we know whether we have</p> <p>6 fully got a story we want to put on air or not. So it</p> <p>7 may have been an attempt to just kind of contain the</p> <p>8 kind of noises off around an investigation. It's not</p> <p>9 helpful to an investigation if you have lots of other</p> <p>10 people knowing about it before you -- before you are</p> <p>11 ready to do it.</p> <p>12 Q. I see.</p> <p>13 A. Do you know what I mean?</p> <p>14 Q. Is this right then: if everything had been working, as</p> <p>15 it were, as it should with this type of investigation</p> <p>16 that is in its fairly early days, you have the executive</p> <p>17 producer --</p> <p>18 A. Yes.</p> <p>19 Q. -- but more importantly the reporter and the producer,</p> <p>20 in this case Liz MacKean and Meirion Jones, who are</p> <p>21 working on it --</p> <p>22 A. Yes.</p> <p>23 Q. And they are in their little bubble working up the</p> <p>24 story.</p> <p>25 A. And that is the frustrating thing with the Managed</p> <p style="text-align: center;">Page 57</p>	<p>1 A. He mentioned that to me. I can't remember when or at</p> <p>2 what point but I can recall he and I discussing that.</p> <p>3 We knew that the Sun were looking at the story, I think</p> <p>4 The Daily Mail were looking at the story.</p> <p>5 MR POLLARD: Can I just ask; can you recall Newsnight ever</p> <p>6 taking a story off that Managed Programme Risk List</p> <p>7 before for the reason that you have just given? In</p> <p>8 other words to --</p> <p>9 A. To hide it from --</p> <p>10 MR POLLARD: -- hide it?</p> <p>11 A. No, I don't think we would -- we have discussions about</p> <p>12 how you describe what the story is, as I say, it's --</p> <p>13 this is a -- the list to me is a bureaucratic compliance</p> <p>14 thing. It's not something I pay a huge amount of</p> <p>15 attention to.</p> <p>16 MR MACLEAN: For you is a bureaucratic irritation; you are</p> <p>17 trying to run your programme.</p> <p>18 A. Yes. Not irritating. I understand why it is there and</p> <p>19 I --</p> <p>20 Q. That was my point. It is unfair to put irritation in</p> <p>21 your mouth, I accept that.</p> <p>22 The next question is whether Newsnight had ever</p> <p>23 taken a programme off the MPRL. Can you recall</p> <p>24 a situation where Stephen Mitchell's office --</p> <p>25 Stephen Mitchell or those working in his office -- had</p> <p style="text-align: center;">Page 59</p>
<p>1 Programmes Risk List; you are telling every other part</p> <p>2 of BBC the stories that you are working on, which as</p> <p>3 a journalist is not comfortable because other people can</p> <p>4 fake your stories. I understand that there is a kind of</p> <p>5 corporate obligation to do these things, but at the</p> <p>6 point at which you feel your stories are being -- if</p> <p>7 other people are looking at similar stories that's not</p> <p>8 a great -- you want to try to contain it and control it</p> <p>9 and do it yourself.</p> <p>10 Q. So, in other words what you are identifying is that to</p> <p>11 some extent there is an inherent tension between this</p> <p>12 type of list, of saying, "Here are the really sensitive</p> <p>13 things we're working on", on the one hand, and the</p> <p>14 journalist who wants to get his story out some time</p> <p>15 before somebody else does?</p> <p>16 A. There is risk here that if it becomes too widely known.</p> <p>17 If too many people know for example that we are working</p> <p>18 on, for example, a story about Jimmy Savile, if that</p> <p>19 gets out then somebody could do the story before I have</p> <p>20 got my story into a position that I want to. That's the</p> <p>21 risk that we take.</p> <p>22 Q. We have been told that Meirion Jones for example was</p> <p>23 concerned, or as it were thought he knew, that other</p> <p>24 news organisations were sniffing around the Jimmy Savile</p> <p>25 story. Was that something that you --</p> <p style="text-align: center;">Page 58</p>	<p>1 taken a programme off the MPRL?</p> <p>2 A. I don't -- I don't watch it closely enough to know</p> <p>3 whether that happens or not.</p> <p>4 Q. Right --</p> <p>5 MR POLLARD: I just wanted to ask -- apologies if you were</p> <p>6 just about to ask the same thing -- you see the</p> <p>7 significance of the taking off of this programme from</p> <p>8 the list, that what you describe as a bureaucratic</p> <p>9 compliance list issue, the removal of the programme</p> <p>10 potentially took away possibly the one opportunity for</p> <p>11 the knowledge of the Newsnight Jimmy Savile</p> <p>12 investigation to go up the chain, reach Vision and for</p> <p>13 the connection --</p> <p>14 A. I can see that, yes.</p> <p>15 MR POLLARD: -- between the Savile investigation and the</p> <p>16 planned tributes programme to be made. And that was</p> <p>17 lost because somebody took it off the Newsnight list.</p> <p>18 A. Yes, but from my obligation I feel in the way that</p> <p>19 I conduct my job is to -- is the conversation I have</p> <p>20 with my line manager. And so I felt I had dispatched my</p> <p>21 obligation to tell them, to make that link or to do with</p> <p>22 that information what they wanted in the initial</p> <p>23 conversation I had with Stephen Mitchell, which we now</p> <p>24 discover was some time before 22 November.</p> <p>25 So once I had done that, the issues for the -- the</p> <p style="text-align: center;">Page 60</p>

<p>1 kind of corporate issues of what I was doing were not                  2 something I -- you know, I felt I kind of fulfilled that                  3 obligation. So I wasn't aware of this -- this mechanism                  4 was not something that I considered in any depth at all.                  5 MR MACLEAN: All right. Mr Rippon, we need to pause every                  6 so often for the shorthand writer, so we are just going                  7 to pause for ten minutes.                  8 (11.33 am)                  9 (A short break)                  10 (11.44 am)                  11 MR MACLEAN: Now, we're still on the meeting with                  12 Mr Mitchell. Do you have your statement there? Before                  13 we get to the paragraph that deals with the                  14 conversation, in paragraph 4 what you say about the MPRL                  15 is that:                  16 "There is a system for ensuring my managers are                  17 aware of what is being worked on."                  18 Do you see?                  19 A. Yes.                  20 Q. "There is a Managed Programmes Risk List where a record                  21 of all contentious stories in development is kept."                  22 A. Um-hm.                  23 Q. Do I infer correctly that where you refer in part of                  24 those sentences to, "The system", the system you are                  25 referring to is the MPRL?</p> <p style="text-align: center;">Page 61</p>	<p>1 around the fact that they had discussed -- some of the                  2 people we had spoken to had pre-discussed the                  3 allegations about Savile amongst themselves in a social                  4 networking -- on the Friends Reunited site which made me                  5 concerned that, you know, although we were called -- you                  6 say at the time from memory it was seven different kind                  7 of victims and witnesses. If they have all                  8 pre-discussed it, you know, is it seven different                  9 stories or is it the same story being told again?                  10 I think -- that was a particular concern to me at that                  11 point.                  12 The fact that they were anonymous was another.                  13 I can understand why they want to be anonymous, I think                  14 it's fine, but you have to weigh the kind of                  15 evidential strength of something which is anonymous with                  16 something which is not as strong if it is not anonymous,                  17 those kind of things.                  18 I can't recall whether the kind of methodology                  19 was -- I can't recall whether I talked about that or                  20 not.                  21 Q. What methodology?                  22 A. The fact that you -- somebody who I had never worked                  23 with, who is not -- I didn't consider to be                  24 a particularly experienced journalist had done the                  25 interviews on the phone.</p> <p style="text-align: center;">Page 63</p>
<p>1 A. The following two sentences. So the system is the MPRL                  2 and routine consultation.                  3 Q. With, "My managers", plural?                  4 A. With, okay, Stephen Mitchell.                  5 Q. Stephen Mitchell in the first instance at least?                  6 A. Yes.                  7 Q. So let's go then to what you say about the meeting with                  8 Stephen Mitchell, which is paragraph 10. You say you                  9 recall telling him that we had one alleged victim on                  10 tape, and we had some other anonymous testimony. Of                  11 course we know that ████████ had been interviewed on                  12 the 14th.                  13 A. Um-hm.                  14 Q. You say you talked through -- talked Stephen through                  15 what allegations were being made?                  16 A. Um-hm.                  17 Q. "Issues with witness testimony and some of the specific                  18 concerns I had about the testimony of ████████ the                  19 main witness."                  20 A. Um-hm.                  21 Q. Just unpack that a little, please. First of all the                  22 issues with witness testimony. Leave ████████ to one                  23 side for the moment.                  24 A. The issues with witness testimony were the fact that --                  25 I mean there is all sorts of issues. There was one</p> <p style="text-align: center;">Page 62</p>	<p>1 Q. This is Hannah Livingston?                  2 A. Hannah and Liz. So the methodology wasn't as strong as                  3 it could have been. But I can't remember whether                  4 I raised that in this meeting. And I talked through,                  5 you know, the specific nature of the allegations and                  6 the --                  7 Q. Had you, at that stage, gone to look at the                  8 Friends Reunited material that Meirion Jones had                  9 gathered where we can see these women, as it were,                  10 talking to each other on that site?                  11 A. No. This was my account of my conversations with Liz                  12 and Meirion.                  13 Q. Right?                  14 A. The conversation with Steve was based on conversations                  15 we got with Liz and Meirion, what they had told them.                  16 Q. Right. So you then refer to specific concerns about the                  17 testimony of ████████ We will come to those in just                  18 a second. She had been interviewed on the 14th.                  19 Presumably Meirion Jones and/or Liz MacKean came back to                  20 the Newsnight office that day, or the following day, and                  21 gave some feedback as to how it had gone the day before.                  22 Is that right?                  23 A. Yes. I can't recall the specific conversation, but that                  24 would be logical.                  25 Q. If we look at bundle 2 there, please go to page 85,</p> <p style="text-align: center;">Page 64</p>

16 (Pages 61 to 64)



1 please. I don't know whether you saw that email the  
 2 other day or not, whether you have seen it before, the  
 3 short one from Liz MacKean to Hannah Livingston?  
 4 A. I don't recall reading that, no.  
 5 Q. The bit I want to ask you about is the last sentence.  
 6 This is the day after the interview with ██████████ and  
 7 Liz MacKean is recording telling Hannan Livingston that  
 8 there was more enthusiasm for the story in the office  
 9 ie the Newsnight office, which was a good thing.  
 10 Do you recall there being more confidence in the  
 11 story in the wake of the ██████████ interview?  
 12 A. No. I couldn't say that the fact that the interview had  
 13 happened made my confidence in the strength of the  
 14 testimony stronger or weaker. I didn't -- it hadn't  
 15 affected it, so I don't know what that's based on.  
 16 Q. So in terms of your scale of lukewarmness or confidence  
 17 or whatever -- however you want it put it -- in the  
 18 story, you don't recall that being affected by the ██████████  
 19 interview on the 14th?  
 20 A. No, I do -- as I say in the statement, I was slightly  
 21 nervous about them doing the interview because  
 22 Meirion -- when he initially suggested doing the  
 23 interview I had said, "I'm not sure that's wise until  
 24 we've kind of got a bigger sense of the strength of the  
 25 overall story we're going to tell". And he said, "Well  
 Page 65

1 been a police investigation as recently as 2007 and  
 2 whether the claims that it was not pursued because  
 3 Savile was too old stood up, and how, if we would  
 4 establish, it would make our story stronger."  
 5 But you weren't suggesting to Stephen Mitchell that  
 6 that was a deal breaker, as it were? That that was the  
 7 critical factor?  
 8 A. No.  
 9 Q. It would just make it stronger?  
 10 A. Yes.  
 11 Q. As perhaps self-evidently it would?  
 12 A. Yes.  
 13 Q. Then you say:  
 14 "Meirion had told me the BBC was planning Christmas  
 15 programmes about Savile".  
 16 Now we have been told the fact of these Christmas  
 17 plans had come to Meirion Jones and Liz MacKean's  
 18 attention, perhaps in the car when they were coming back  
 19 on the 14th does that ring a bell, or not?  
 20 A. I can't -- I wasn't in the car so I can't comment.  
 21 Q. No, but the fact that it had recently come -- fairly  
 22 recently at this stage, within the previous few days,  
 23 come to the attention of Meirion Jones that there were  
 24 these tribute programmes. Do you remember or not?  
 25 A. I don't remember...  
 Page 67

1 I have to do the interview now because she's flakey".  
 2 That had actually made me slightly more concerned  
 3 about her testimony. I don't recall whatever  
 4 conversation we had once the interview had been done  
 5 affecting my personal confidence either way.  
 6 Q. Just help me with your reluctance -- or on you thinking  
 7 there was a lack of wisdom in conducting the interview  
 8 at that stage. Why would that have been a bad move?  
 9 A. Well, because in the likelihood that I wasn't able to  
 10 satisfy myself that the kind of threshold of certainty  
 11 I had about the story was sufficiently high for me to  
 12 put the piece on air, as was the actual result, it means  
 13 we have put her through a lot of potentially difficult  
 14 experience and we're not going to broadcast it. So  
 15 that -- that was my concern.  
 16 Q. But had he she had already had a good deal of contact  
 17 with Liz MacKean and Meirion Jones and  
 18 Hannah Livingston, just had not put it on film.  
 19 A. Yes, but -- yes.  
 20 Q. Now, is it right that at some stage when these stories  
 21 are developing -- I'm not finished with the Vision.  
 22 Let's finish that off. Let's go back to paragraph 10  
 23 before I jump to the budget. You say in the  
 24 conversation with Mr Mitchell. You said:  
 25 "We were still trying to establish whether there had  
 Page 66

1 Q. But it wasn't -- but the point is that that wasn't  
 2 something that had been in the arena right at the  
 3 beginning, back on 31 October and the early November  
 4 dates?  
 5 A. My knowledge of those Christmas specials was delivered  
 6 to me by Meirion. So if he says he learnt of it on that  
 7 date, then I would have learnt of it after the date that  
 8 he said he learnt of it.  
 9 Q. Is it likely that it was the fact that -- this recently  
 10 discovered fact, that the BBC was planning these tribute  
 11 programmes, that would have been the catalyst for you to  
 12 go to Stephen Mitchell to have this discussion?  
 13 A. No, No. I don't think I -- no, it was because we --  
 14 I felt we'd -- because we'd done the interview, we'd  
 15 firmed up the kind of a -- we had got the anonymous  
 16 testimonies -- I think Meirion was saying seven at the  
 17 time -- and I thought that is a significant enough body  
 18 of work to make the likelihood of me putting something  
 19 on air, you know, stronger. So that's the appropriate  
 20 time at which I should go and tell my boss about what  
 21 we're doing.  
 22 Q. Then you say you told Stephen about Meirion having told  
 23 you that there were Christmas programmes planned about  
 24 Savile. I think you just said that you yourself didn't  
 25 have any knowledge, as it were, of your own as to what  
 Page 68

1 those programmes might be. Is that right?  
 2 A. Um-hm.  
 3 Q. Then you say:  
 4 "I got the impression this was the first time he  
 5 became aware of these plans".  
 6 A. Um-hm.  
 7 Q. Why did you get that impression?  
 8 A. Because --  
 9 Q. Was it something he said?  
 10 A. Because he didn't seem aware of it when I raised it with  
 11 him.  
 12 Q. How did he react when you raised it with him?  
 13 A. He said -- and this is why I can remember it quite  
 14 clearly -- he said, um, "Well that's not an issue for  
 15 you. You need to just follow the evidence on your  
 16 story", because that's one of the things -- one of the  
 17 things I think is great about the BBC and why I have  
 18 enjoyed working there for so many years, is that we in  
 19 news can make those judgments so boldly. So it stuck in  
 20 my mind because it was a reminder to me why I think the  
 21 BBC is a fantastic institution.  
 22 Q. Now, if we go back -- if you still have page 276 open in  
 23 bundle 2 and go back to the Gibbons/Beck email we looked  
 24 at earlier, the reference to Vision issues. It is  
 25 Vision with a capital V, so what that means is BBC  
 Page 69

1 evidence would have delivered to us. And I -- I can't  
 2 recall the detail of the conversations but these  
 3 conversations are normally to me, to just test of  
 4 editorial strength of what I've got with the line  
 5 manager whose editorial judgment I respect hugely.  
 6 So I can't -- I would have gone into the meeting  
 7 saying, "You need to know about this because it looks  
 8 like we might be doing it. These are the strengths and  
 9 weaknesses." I can't remember the detail of that, I'm  
 10 really sorry.  
 11 Q. Were you telling him what the strengths and weaknesses  
 12 were, or were you inviting his views as to what the  
 13 strengths and weaknesses were?  
 14 A. Both. It was both -- you are going to ask me what his  
 15 view is and I can't remember.  
 16 Q. I am, yes.  
 17 A. Yes. I can't -- I didn't get the sense from that  
 18 meeting of either of my meetings with him that he had  
 19 a particularly strong opinion about whether we -- you  
 20 know, whether the case was over what threshold it needed  
 21 to be over or not. I didn't feel from him that he had  
 22 a particular view one way or the other.  
 23 Q. You say in your statement, "I had two meetings with  
 24 Stephen".  
 25 A. Um-hm.  
 Page 71

1 television issues, yes?  
 2 A. I would assume so, yes.  
 3 Q. And that's a reference to the tributes? What other  
 4 Vision issues are there?  
 5 A. As I say, I didn't write the email. I have not seen the  
 6 email before. I have no reason to disagree with your  
 7 supposition, no.  
 8 Q. This is an email from Liz Gibbons, who knows that Peter  
 9 and Steve have talked about the Vision issues. She,  
 10 I infer, gained that knowledge from you and not from  
 11 Steve; that is more likely, isn't it?  
 12 A. Yes.  
 13 Q. So when she uses the language of Vision issues, she in  
 14 some sense, directly or somehow, has got that from you?  
 15 A. Yes.  
 16 Q. Perhaps not that language but that's her  
 17 interpretation --  
 18 A. She may have got it from Meirion, I don't know. But  
 19 yes.  
 20 Q. So what message were you communicating to  
 21 Stephen Mitchell at this stage about how likely it was  
 22 that this story was going to air?  
 23 A. I don't know how he would have received it, but I would  
 24 have intended the communication to be -- at that point  
 25 it was 50/50. Obviously it depends on what the police  
 Page 70

1 Q. How closely after the first did the second follow?  
 2 A. I think it was after -- it was certainly after the  
 3 police -- it was after the 29th, after the police thing  
 4 had been established, after I had seen the --  
 5 Q. So it is a few days away yet?  
 6 A. Yes.  
 7 Q. So we will come to it in the chronology. And that was  
 8 another face-to-face meeting?  
 9 A. Yes.  
 10 Q. Also in Stephen Mitchell's office?  
 11 A. Yes.  
 12 Q. Now at this stage, as I keep saying, ~~he~~ had been  
 13 interviewed on 14 November. You hadn't, at this stage,  
 14 seen a transcript of that interview, had you?  
 15 A. No. I would have been given a verbal account of it.  
 16 Q. Right. And you hadn't seen -- you hadn't watched any of  
 17 the rushes?  
 18 A. No.  
 19 Q. I think you didn't, in fact, as it happens, ever watch  
 20 the rushes?  
 21 A. No, I didn't.  
 22 Q. And you didn't ever have a written transcript of --  
 23 A. Not a full transcript. I had a -- what Meirion was  
 24 calling a script, which was a summary of the strongest  
 25 elements of --  
 Page 72

1 Q. Headed, "ROUGHSAVILE"?

2 A. -- the interview, yes.

3 Q. The different iterations of it. ROUGHSAVILE2 and so on.

4 We will come to that.

5 A. I should say that is perfect normal and routine in the

6 way I have done investigations, many of them award

7 winning, successfully in the years I have been the

8 editor of Newsnight. I would not normally put -- get

9 into the detail of the bits that we constructed until

10 much later on in the process.

11 Q. I understand that. You will have noticed that I have

12 not suggested that it was unusual.

13 However, you had two different roles in this story,

14 didn't you? You were the editor of the programme, which

15 is obviously a broader responsibility, but in this

16 particular story you were the executive producer, so you

17 were fulfilling the role more commonly fulfilled by

18 Liz Gibbons in putting together these films, weren't

19 you?

20 A. Yes.

21 Q. Now, what I'm asking you to do then is to forget about

22 the fact that you were the editor of the programme and

23 focus on the fact that you were the executive producer

24 of the piece. In those circumstances would it be normal

25 for the executive producer of the piece, as opposed to

Page 73

1 the editor of the whole programme, to proceed in the way

2 that you did?

3 A. In the way that I managed the story? Yes.

4 Q. By not looking at the rushes, by not viewing the full

5 transcript.

6 A. In the way that I do the story, given the context in

7 which I work and the amount of other material and

8 stories I'm dealing with at the time, that's perfectly

9 normal, yes.

10 Q. But -- well, leave aside for the moment the fact that

11 the editor of the programme has no doubt got a lot on

12 his plate. I understand that. If you had simply been

13 the executive producer of this piece, you had been, as

14 it were, flown in from wherever, landed in Newsnight,

15 and you were the executive producer of this piece and

16 you are not the editor of the whole programme as well --

17 A. Um-hm.

18 Q. -- would you have proceeded on the basis that you did,

19 without looking at the rushes, without looking at

20 a interview transcript, and on the basis of the rough

21 Savile script together by Liz MacKean and Meirion Jones?

22 A. I think it's a hypothetical question and I'm not -- I'm

23 the editor of the programme as well as execing this

24 piece. And so that means when I -- I have a particular

25 way in which I do that because of the fact that I'm the

Page 74

1 editor as well. I can't divorce --

2 Q. I understand.

3 A. -- I can't divorce the fact that I'm the editor from it.

4 Q. I understand. What I'm trying to get at, as you know,

5 is I'm trying to get at what was required of the exec

6 producer in order to do, as it were, a proper job?

7 That's what I'm trying to grasp.

8 A. The method I use in this -- it's the same one that I've

9 used very successfully. There is an ongoing

10 conversation which I'm having, and this is feeding the

11 information that I've got with the team. If they feel

12 they want me to do other specific things, I'm open to

13 those suggestions or conversations. If they want to

14 consult me in any detail at any point, they can come to

15 me to do that. That's the way it works.

16 Q. We will come to this in more detail but let me just ask

17 you this now. Let's take Liz MacKean: did Liz MacKean

18 at any stage in 2011 ever say to you, "Look, Peter, you

19 really have to view the rushes of [redacted]

20 interview"?

21 A. Not to my recall, no.

22 Q. Did Meirion Jones ever say that?

23 A. Not to my recall, no.

24 Q. Did they ever say, "You really need to look in more

25 detail at what we got from [redacted]"

Page 75

1 A. No. Not to my recall.

2 Q. And they didn't say, "Just come and spend a few minutes

3 watching this film"?

4 A. No, they didn't. I was under the impression that --

5 Q. I don't mean film in the finished sense, I mean

6 pictures, interview.

7 A. So the normal point at which I would do that would be

8 the point at which I took the thing into an edit and we

9 never got it into an edit on they -- they never

10 suggested or asked me, as I can recall, that I should do

11 that. So I concluded from that, that they were -- that

12 the knowledge that they were aware that I had had from

13 the conversations we had was sufficient for me to be

14 able to make the judgments that I needed to make as the

15 editor and the exec of the piece.

16 Q. One of the things you have been concerned about, as we

17 can see from the emails and you told us this morning,

18 was the credibility of these women.

19 A. Yes.

20 Q. When one of them had gone on camera and spent I think

21 about an hour altogether being interviewed by

22 Liz MacKean, it would seem obvious that one of the best

23 tools that one had available to make an assessment of

24 the credibility of that interview at least would be to

25 look at the tape, wouldn't it?

Page 76

1 A. I had to make fairly cold judgments based on the facts  
 2 around her that I was concerned about. If -- I'm not  
 3 sure that viewing the interview would necessarily have  
 4 changed my view or concerns about the credibility of  
 5 that testimony.  
 6 Q. That's an answer --  
 7 A. Had Liz and Meirion suggested that I should, I would  
 8 have done that. But I felt that because they didn't,  
 9 it -- it wouldn't -- you know, it wouldn't have changed  
 10 my judgment.  
 11 Q. That's an answer to a slightly different question.  
 12 It's obvious, isn't it, that one of the best tools,  
 13 perhaps the best tool, for reaching an assessment of the  
 14 credibility of [redacted] would have been either to read  
 15 a transcript of the interview or, better actually, to  
 16 view the pictures and the film?  
 17 A. I mean I don't -- I don't agree with that, no.  
 18 Q. Fine. Okay.  
 19 Did you -- in your conversation with  
 20 Stephen Mitchell, saying you were trying to establish if  
 21 there had been a police investigation and it hadn't been  
 22 pursued -- trying to find out whether it hadn't been  
 23 pursued because Savile was too old and infirm, did you  
 24 tell Mr Mitchell that the person who had been  
 25 interviewed on camera had not herself had any contact

Page 77

1 with the police?  
 2 A. I can't recall whether I would have said that or not.  
 3 Q. Did you have in mind that [redacted] adn't contacted  
 4 the police at all?  
 5 A. During the investigation, I was under the impression  
 6 that she had been part of the police investigation,  
 7 based on my conversations that I had with Meirion.  
 8 Q. Because? I assume that you can see, obviously, that if  
 9 she hadn't had any contact with the police then so far  
 10 as her story was concerned, the fact that an  
 11 investigation into something else by the police or the  
 12 CPS runs into the sand is neither here nor there so far  
 13 as her story is concerned. You obviously accept that?  
 14 A. Um-hm.  
 15 Q. Do you also accept that at some stage -- we may have to  
 16 explore when -- you appear to have consciously or  
 17 unconsciously elided what had been said to Meirion Jones  
 18 and Liz MacKean by the woman we know as [redacted] with what  
 19 had been said by the woman we know as [redacted] In  
 20 other words it was [redacted] who was the one who was most  
 21 clearly, or most vociferously referring to the letter --  
 22 A. Yes.  
 23 Q. -- and not [redacted] And those were two separate  
 24 women with separate stories?  
 25 A. I wasn't -- I hadn't elided the issue of the letter.

Page 78

1 I had elided the issue of the -- who is involved in the  
 2 police investigation.  
 3 Q. Because --  
 4 A. Because right at the beginning of the investigation  
 5 Meirion said, "Here's a blog from this woman." He then  
 6 said, "I have investigated it further, there's more than  
 7 one woman, there was a big police investigation into  
 8 [redacted] That's why I was under the impression that  
 9 [redacted] was part of that. And if you look at the  
 10 script that he sent me, I admit it's ambiguous, but it  
 11 didn't make me change my view that that was the case.  
 12 Q. Right. We will see there are emails from you later on  
 13 where you talk about, "The key woman". Once one  
 14 understands the facts, it's obvious that in fact you are  
 15 referring to more than one woman.  
 16 A. Um-hm.  
 17 Q. But your email reads as if it is one single key woman.  
 18 We will come to those.  
 19 A. Okay.  
 20 Q. Can I just ask you about a slightly different aspect  
 21 that was going to at the same time? If you go to  
 22 page 65 of bundle 2, this is -- let us see if we can get  
 23 the start of this document. We have this as being the  
 24 13th. This is a Newsnight film budget, we can see from  
 25 the top of the page.

Page 79

1 A. Um-hm.  
 2 Q. Titled, "Jimmy". So that's no doubt an accurate but not  
 3 full title perhaps to try to keep things under wraps.  
 4 That would be perfectly normal, wouldn't it?  
 5 A. Um-hm.  
 6 Q. The producer is identified, the reporter is identified  
 7 and the dates are 14th through to 7th, and the  
 8 transmission date is inked in here for 7 December, do  
 9 you see?  
 10 A. Yes.  
 11 Q. How would this kind of thing come about? Who is taking  
 12 a decision in order to come to this budget?  
 13 A. Meirion would have done that unilaterally.  
 14 Q. So given what we've seen about the wheels being in  
 15 motion, this is, is it, something that would just happen  
 16 at some point in the process without there having to be  
 17 some meeting about it?  
 18 A. Yes.  
 19 Q. How significant was this story in budgetary terms; the  
 20 hiring of a Rolls Royce and so on?  
 21 A. Er, not significant.  
 22 Q. It is a relatively cheap piece?  
 23 A. Yes.  
 24 Q. Now, in your statement we looked at paragraph 10.  
 25 I asked you about the two meetings with Stephen Mitchell

Page 80

20 (Pages 77 to 80)

<p>1 and you told me -- you did tell me -- that the second 2 meeting was a bit later, the 29th or thereabouts. Is 3 that right? 4 A. I can't remember. I thought from my statement it was -- 5 I think it was -- I have a routine meeting with Stephen 6 where I discuss all sorts of things to do with the 7 programme. 8 Q. Right. 9 A. Looking at my diary there is a routine meeting with him 10 in December. The 7th or 8th. So I'm -- it may have 11 been then. But I don't know. 12 Q. Right. 13 MR POLLARD: Can I just help with the date? If I think if 14 you look at 220 in that bundle, you will see at 15 12 o'clock something that looks like it may very well 16 have been the meeting at which you discussed -- 17 A. Is that my diary? 18 MR POLLARD: It is Stephen's diary. 19 A. Okay. So that wouldn't have been a meeting that I was 20 at. 21 MR POLLARD: The MPRI. was discussed at that stage. But you 22 wouldn't have been at that one, you think? 23 A. No, that's not a meeting I was -- 24 MR POLLARD: Okay. 25 MR MACLEAN: We will come to that. Paragraph 11, I'm Page 81</p>	<p>1 Q. You were at the awards on 2 December? 2 A. Um-hm. 3 Q. We have a seating plan, actually. I don't know if you 4 can remember who you were sitting beside, but if you 5 want to I can show you? 6 A. Do. 7 Q. All right, I can show you. If you go to bundle 3, 8 page 230 is the covering email? 9 A. Okay. 10 Q. Do you see 230, Frances Wilde -- do you pronounce that? 11 WFT that is Women in Film and Television. Seating plans 12 for George's table, Mr Entwistle is being given the 13 heads up about who he is sitting beside. If you go over 14 the page, here is the table. 15 A. Okay. 16 Q. You mentioned Janice Hadlow earlier. Can you just help 17 us with who these people are? You don't need to trouble 18 us with Mr Entwistle, Mr Mitchell or Helen Bouden, 19 obviously. 20 A. Charlotte Moore is head of factual programmes for 21 Vision. Kate Mordaunt is the assistant to Janice Hadlow 22 and scheduler for BBC2. Emma Swain is controller 23 knowledge commissioning, I think; she does Vision 24 things. And I don't know who Cheryl Taylor or 25 Christine Langan are. Page 83</p>
<p>1 just -- I want to see if we can date this. 2 Paragraph 11, you say: 3 "After this meeting I recall ..." 4 A. Sorry, the first meeting? 5 Q. The first meeting. 6 A. Yes. 7 Q. Right. So the first meeting we know is 21/22, or 8 thereabouts because we can see from 276 that it has 9 taken place, right? 10 A. Yes, that's it. 11 Q. This meeting with Helen Bouden we see was, "A few days 12 after my meeting with Stephen." 13 Was this before or after the boost that the story 14 was given on the 25th when the word came from the 15 police? Can you remember? 16 A. I can't remember. 17 Q. Just finally on the meeting with Stephen Mitchell, you 18 have explained that he essentially told you not to worry 19 about the Vision issues, you were to get on and do your 20 job as editor of Newsnight. What expectation did you 21 have, when you left that meeting, about what Mr Mitchell 22 was going to do about the Vision issues that you had 23 raised with him? 24 A. It didn't concern me. I don't -- I don't, um -- 25 I didn't contemplate it to any degree. Page 82</p>	<p>1 Q. We know that, because Mr Entwistle has told us who 2 Christine is, so we can work out -- anyway, that perhaps 3 doesn't matter. 4 You say in your statement that you -- this is 5 paragraph 19 -- you attended this lunch. You say it was 6 a noisy event. Was it a liquid event as well? 7 A. It was -- yes. There was -- yes. 8 Q. Drink was consumed, was it? 9 A. There was drink there. It was hosted by Miranda Hart. 10 Q. Yes? 11 A. And included a appearance from the cast of Priscilla, 12 Queen of the Desert. 13 Q. So it was a memorable occasion? 14 A. Yes. I very rarely get invited to these things, which 15 is why I remembered it. 16 Q. You say it was a large table and George Entwistle was 17 sitting on the other side and he, of course, was 18 director of Vision. 19 A. Yes. 20 Q. So he was in the same position, so far as Vision was 21 concerned, as Helen Bouden was so far as news was 22 concerned? 23 A. Yes. 24 Q. You say you recall Helen going round the table and 25 talking briefly to George and she came back and she told Page 84</p>

<p>1 you that she had just mentioned the Savile story to                  2 George. You say you can't remember the precise words,                  3 and you can't remember you, yourself, having any other                  4 discussion.                  5 Did you, as it were, reflect then about why she was                  6 going round to have a word with George about the Savile                  7 story?                  8 A. Um, no, I just noted it. I didn't really reflect on it.                  9 Q. It didn't strike you as odd?                  10 A. No. Because the kind of corporate -- what -- the kind                  11 of way the corporate decision-making process works is                  12 not something I engage with normally, so I didn't                  13 contemplate it. I thought I should note it in here                  14 because I was there.                  15 Q. Of course, of course. This isn't a criticism at all.                  16 But do you think that if you had reflected about it, you                  17 might have thought, "Hang on, that's a bit odd, because                  18 I had a meeting ten days ago, or so, with Steve to                  19 discuss the Vision issues around this. This man across                  20 the table is Vision, he's the head of Vision, he would                  21 have found out about it by now through whatever system                  22 there was in place, surely"? Is that fair?                  23 A. As I say, I didn't -- I didn't --                  24 Q. I know --                  25 A. -- reflect on that at the time.</p> <p style="text-align: center;">Page 85</p>	<p>1 strike you as odd?                  2 A. Well it's -- these kind of -- this is a corporate                  3 question about how they deal with things that don't --                  4 I'm just the editor of Newsnight. I don't -- it                  5 didn't -- I didn't contemplate it at the time. I just                  6 noted it.                  7 Q. But you are, if I may say so, an intelligent observer of                  8 what is going on, then and now. Doesn't it strike you                  9 as really rather curious that the director of Vision is                  10 being told by having something whispered in his ear at                  11 a award lunch when you have taken the trouble to discuss                  12 it with Mr Mitchell ten days before, precisely to put                  13 this topic on the agenda?                  14 A. As I say, I didn't contemplate that --                  15 Q. I know you didn't --                  16 A. -- at the time.                  17 Q. -- but you are resisting agreeing with me that it is                  18 odd. You are not suggesting that it is perfectly                  19 normal?                  20 A. I mean I -- as I say, I don't deal with that kind of                  21 thing in my daily job so I don't know how those                  22 processes normally work. So I don't know whether that                  23 is routine or appropriate or not.                  24 Q. All right. You quite rightly point to the Helen Boaden                  25 side of things. Your conversation. Let's just go back</p> <p style="text-align: center;">Page 87</p>
<p>1 Q. I know you didn't reflect on that at the time, and you                  2 were busy enjoying yourself at the awards dinner,                  3 I perfectly understand that. I really do. But looking                  4 at it, as it were, now, that it seems a slightly curious                  5 thing for Helen Boaden to have needed to do is my point.                  6 Do you agree?                  7 A. If she chose to do it that way, she's my boss, she can                  8 do things in whatever way she chooses. I don't think                  9 it's for me to comment on what she chooses to do and how                  10 she does it.                  11 Q. But it rather suggests that your meeting with                  12 Mr Mitchell, and raising these Vision issues with him,                  13 had been a waste of time.                  14 A. I had raised them with Helen as well prior to that.                  15 Q. Let us focus on the Stephen Mitchell meeting. One of                  16 the points of that meeting was to raise with him the                  17 Vision issues.                  18 A. Um-hm.                  19 Q. Presumably so that --                  20 A. That was definitely raised in that meeting, yes.                  21 Q. These were issues for Vision. The whole point was that                  22 news had an issue which was an issue for Vision.                  23 A. Yes.                  24 Q. Yet here is the head of Vision, ten days later, having                  25 it mentioned to him by the head of news. Doesn't that</p> <p style="text-align: center;">Page 86</p>	<p>1 to paragraph 11 then. So you recall a conversation with                  2 Helen Boaden a few days later, an ad hoc meeting, part                  3 of a wider discussion. So this was a small part of                  4 a wider discussion.                  5 A. Yes, I mean she will -- she works on the fifth floor of                  6 Television Centre, I work on the ground floor. She will                  7 often come down on her way home and just ask me what's                  8 going on and we talk about anything. And it was that --                  9 it was one of those kind of meetings.                  10 Q. A walk by rather than a meeting?                  11 A. Yes.                  12 Q. You say you had a discussion about Savile's funeral, and                  13 you discussed the need to make sure anything we put on                  14 air would stand up to the intense scrutiny it would get                  15 because of the huge numbers of our audience who revered                  16 him and were still mourning.                  17 A. Yes.                  18 Q. Then you say:                  19 "It has been reported that Helen said in this                  20 meeting that the evidence threshold needed to be as high                  21 as if he were alive and able to sue."                  22 You say she didn't say that.                  23 A. I'm confident that if she had said that, I would have                  24 remembered it, because I wouldn't have thought -- I                  25 don't think that was -- I wouldn't have agreed with it.</p> <p style="text-align: center;">Page 88</p>

1 So I'm confident she didn't say that.  
 2 Q. If she had said that, there are two aspects aren't  
 3 there? First of all if she had said that there is  
 4 a question of if that is correct as a matter of  
 5 editorial judgment, whether the bar should be lower for  
 6 someone who is dead. That's one aspect of it. The  
 7 second thing is whether she had, as it were, any  
 8 business saying that to you in the first place. Right?  
 9 I want to separate those two out.  
 10 Your position is, I think, that you would not agree  
 11 that it was correct that the evidence threshold needed  
 12 to be as high for Jimmy Savile as it would be if you  
 13 were doing a piece about a living celebrity?  
 14 A. The reason I don't think that is a very clever metric to  
 15 make the judgment about the threshold on is because if  
 16 the person is alive it becomes about defamation. You  
 17 have to then judge it on a kind of defamation metric  
 18 about what you can and what you can't say. I just  
 19 didn't think that was relevant, that wasn't the kind of  
 20 judgment -- that wasn't a useful way of judging where  
 21 the threshold would be.  
 22 Q. Obviously the dead man cannot sue for defamation.  
 23 A. Yes.  
 24 Q. I follow that. But that's not quite the same thing as  
 25 whether, before you identify the dead man as

Page 89

1 a paedophile you are, as it were -- you should be  
 2 applying a lesser test than you would be if you were  
 3 making what is almost the most serious allegation you  
 4 can possibly make about anybody against a living person,  
 5 where a defamation action would no doubt follow. So  
 6 I understand that the dead man cannot sue, but do you  
 7 think that the bar, the evidential bar, should be lower  
 8 for a dead man than a living man?  
 9 A. The problem with using the dead man and the living man  
 10 thing is that the living man thing implies a defamation  
 11 judgment and I don't think a defamation judgment is  
 12 a sensible way for -- to make that judgment on.  
 13 You see what I mean? I don't really think that  
 14 whether he's dead or alive is a kind of useful way of  
 15 making the threshold judgment. The fact that he's dead  
 16 certainly -- the fact that you cannot sue is certainly  
 17 not a reason -- doesn't mean that you do not have an  
 18 obligation to be comfortable enough about -- that  
 19 doesn't mean that the threshold doesn't have to be high  
 20 still. It doesn't -- I'm sorry, I don't quite accept  
 21 the premise of your question, sorry.  
 22 Q. One might think if the question of whether there was  
 23 enough evidence -- leave aside this story -- some story  
 24 or other was on the border, a marginal call, the fact  
 25 that the one thing that you are not going to get if you

Page 90

1 run the story is a defamation action, might make you  
 2 more rather than less keen to run the story. That's  
 3 a possibility, isn't it?  
 4 A. Yes.  
 5 Q. But that is a slightly different question from whether  
 6 you actually shift the evidential bar in the first  
 7 place.  
 8 A. I'm sorry I don't actually know what you are asking.  
 9 Q. Maybe it is too metaphysical.  
 10 Now, Helen Boaden and you had a discussion about the  
 11 Vision issues in the course of this meeting.  
 12 A. Yes.  
 13 Q. You can't recall who raised the topic?  
 14 A. No.  
 15 Q. Can you remember what the substance of the discussion  
 16 was about the Vision issues?  
 17 A. Again, as with Stephen Mitchell, what I can remember is  
 18 us -- I don't know what the appropriate word is, but  
 19 I can remember the conversation because it reinforced to  
 20 me the fact that BBC News does not have to -- because  
 21 she -- sorry --  
 22 Q. I'm listening.  
 23 A. Can you just ask the question again, I got thrown.  
 24 Q. I showed you the bit in the statement where you said  
 25 that --

Page 91

1 A. Sorry.  
 2 Q. -- and my question was: what was the substance of the  
 3 discussion about the Vision issues?  
 4 A. All I can remember again, is, as Stephen had, is her  
 5 saying very, very firmly, "Don't worry about anything to  
 6 do with Vision, follow the evidence and make the  
 7 judgment on the evidence." And the reason I remember  
 8 that clearly is because it's a -- it's a -- for me it  
 9 kind of encapsulates the strength of the BBC as an  
 10 organisation that we -- (that that's how we work and  
 11 that's what those judgments are. That's why  
 12 I remembered it.  
 13 Q. Was she -- did you get the message that she was, as it  
 14 were, firing a warning shot across your bows about this  
 15 story: You make, as it were, damn sure you can stand  
 16 this up?  
 17 A. I didn't feel that at all. As I say, in terms of the  
 18 substance of the story all I can remember her talking  
 19 about is the fact -- we talked about the funeral and the  
 20 fact -- and the climate in which we were making --  
 21 I would be making the judgment. And I agreed with her  
 22 assessment that it did mean that there needed to be  
 23 a reasonable threshold of certainty around, you know, if  
 24 we were to put it on air, because of the timing and the  
 25 climate. But I agreed with her, so it didn't feel like

Page 92

<p>1 a --</p> <p>2 Q. You said earlier that Stephen Mitchell was someone whose</p> <p>3 editorial judgment, I think was the expression you used,</p> <p>4 you valued very highly?</p> <p>5 A. Um-hm.</p> <p>6 Q. What about Helen Boaden?</p> <p>7 A. Equally highly. I mean, she's the head of news.</p> <p>8 Q. Well, you are associating there her job -- yes, she's</p> <p>9 the head of news, but my question is not so much do you</p> <p>10 value her editorial judgment because of where she sits,</p> <p>11 but do you value her editorial judgment because you</p> <p>12 value her editorial judgment?</p> <p>13 A. Yes, because I know the experience she has had in doing</p> <p>14 investigations for Radio 4. I have worked with Helen</p> <p>15 for quite a number of years and I have the highest</p> <p>16 regard of her editorial judgment, yes.</p> <p>17 Q. And you had worked with Stephen Mitchell for a number of</p> <p>18 years as well by this stage?</p> <p>19 A. Yes.</p> <p>20 Q. Had you worked with either of them in your radio time?</p> <p>21 A. Yes, Helen was controller of Radio 4 when I was -- for</p> <p>22 some of the period that I was editing Radio 4</p> <p>23 programmes.</p> <p>24 Q. That's the time when you were across these -- World at</p> <p>25 One and these other various programmes?</p> <p style="text-align: center;">Page 93</p>	<p>1 Q. Same question for the discussion with Stephen Mitchell.</p> <p>2 You discussed these Vision issues at the meeting with</p> <p>3 Helen Boaden. Your evidence is essentially she told you</p> <p>4 not to worry about that, go on and do your job. What</p> <p>5 did you expect her, or think she would do about the</p> <p>6 Vision issues, if anything?</p> <p>7 It is clearly a concern, you are being told not to</p> <p>8 concern yourself with it, you must have at least</p> <p>9 wondered who was going to solve it?</p> <p>10 A. I mean I didn't concern myself with it, as she said,</p> <p>11 I didn't.</p> <p>12 Q. So we come then to the lunch ten days later.</p> <p>13 A. Yes.</p> <p>14 Q. Or a few days later, and you note but don't really think</p> <p>15 any more of --</p> <p>16 A. No.</p> <p>17 Q. -- the short discussion --</p> <p>18 A. Because I don't -- sorry I interrupted.</p> <p>19 Q. I am sure I have interrupted you a lot more than you</p> <p>20 have me.</p> <p>21 So we got to the lunch and you didn't really think</p> <p>22 about it any further? You just noted the fact that</p> <p>23 there had been a short discussion?</p> <p>24 A. Yes, because the way the BBC operates is as the editor</p> <p>25 was making the editorial judgment it's not -- you know,</p> <p style="text-align: center;">Page 95</p>
<p>1 A. Yes. And Stephen was head of radio news at that point.</p> <p>2 So he was my line manager for most of the time I was at</p> <p>3 Radio 4.</p> <p>4 Q. In fact the three of you were now, vis-a-vis each other,</p> <p>5 in the same positions in terms of hierarchy as you had</p> <p>6 been at radio, is that right?</p> <p>7 A. That's not quite right.</p> <p>8 Q. That's not quite right because she was the controller of</p> <p>9 radio4?</p> <p>10 A. Because she was controller of Radio 4.</p> <p>11 Q. As opposed to controller of --</p> <p>12 A. Yes, my controller of news when I was at Radio 4 was</p> <p>13 Richard Sambrook --</p> <p>14 Q. Yes, I see.</p> <p>15 A. -- until Helen became controller of news.</p> <p>16 Q. So when you were at Radio 4 the line was from you to</p> <p>17 Stephen Mitchell to ... ?</p> <p>18 A. There were a lot more managers in those days. Um, yes,</p> <p>19 to ultimately to Richard Sambrook, yes.</p> <p>20 Q. Where was Helen Boaden in that?</p> <p>21 A. She was controller of Radio 4, so not responsible, in</p> <p>22 managerial terms, for the news content of Radio 4.</p> <p>23 Q. I see. So she was not in the news aspect, she was, as</p> <p>24 it were, on the channel side?</p> <p>25 A. Um-hm.</p> <p style="text-align: center;">Page 94</p>	<p>1 I can't think of the adjective -- I can celebrate the</p> <p>2 fact that I don't have to concern myself with it.</p> <p>3 Q. Did Helen Boaden tell George Entwistle on the 2 December</p> <p>4 that the story was a dead duck in any event?</p> <p>5 A. I don't know what she said.</p> <p>6 Q. And reassure him that it wasn't going to run. You don't</p> <p>7 know?</p> <p>8 A. I didn't hear what she said to him, so I don't know what</p> <p>9 she said to him. Sorry this is the ... ?</p> <p>10 Q. The lunch, the awards.</p> <p>11 A. This was on 2 December?</p> <p>12 Q. She had just mentioned the Savile story to George.</p> <p>13 A. So the story was still active -- was still active at</p> <p>14 that point.</p> <p>15 Q. Did you have a view at that point as to whether</p> <p>16 Helen Boaden thought that the story was alive or dead at</p> <p>17 this stage?</p> <p>18 A. Well, she would have been aware that it was still</p> <p>19 ongoing at that stage.</p> <p>20 Q. This was a Friday, I think, wasn't it? I think that's</p> <p>21 right, the 2nd --</p> <p>22 A. The 2nd, yes.</p> <p>23 Q. I think that's a Friday. The edit was booked for Monday</p> <p>24 5th and there was some filming was planned for the 5th</p> <p>25 and transmission was for the following Wednesday, the</p> <p style="text-align: center;">Page 96</p>



1 7th. That was the plan or had been the plan?  
 2 A. That was -- that was the plan that Meirion was keen to  
 3 pursue. But I was slightly more -- you know, as you  
 4 will talk about, I was more concerned that I still  
 5 hadn't reached a final judgment on where we had got to  
 6 with the story and whether I wanted to put it on air.  
 7 Q. Right. Can I ask you to look in bundle 2 at page 138?  
 8 This looks a bit odd, but we have been told that this  
 9 is, as it were, not so much an email as automatically  
 10 accepting a diarised meeting, is that right?  
 11 A. Yes.  
 12 Q. So it's not that there was something missing from this  
 13 page. This is another of these diarised routine  
 14 investigations meetings that I showed you examples from  
 15 your diary already, you remember?  
 16 So was the Jimmy Savile story, as it were, on the  
 17 agenda for the investigation's routine meeting or was it  
 18 just done more informally with discussions with Meirion  
 19 Jones as things went on?  
 20 A. It could have been either.  
 21 Q. If you go on a few pages to 194, Helen Weaver is  
 22 described as a producer in BBC News. I think she is  
 23 involved with the Impact team?  
 24 A. Yes.  
 25 Q. Is that right? We discussed earlier they are the people

Page 97

1 who run the story out across the BBC. That's the 18th.  
 2 If you go to 21st, page 244, somebody called Jo Mathys  
 3 is emailing Meirion Jones, and she gets quite excited  
 4 about the impact the story is going to have, doesn't  
 5 she?  
 6 A. Yes, yes.  
 7 Q. So on the day -- it looks as if it is probably the day  
 8 that you had the discussion with Mr Mitchell because we  
 9 know from the 22nd November email that Peter and Steve  
 10 talked about the Vision issues, which was either that  
 11 morning or possibly the day before this day.  
 12 By the time you went to speak to  
 13 Stephen Mitchell, did you know that this noise, I think  
 14 as you described it earlier, was beginning to get louder  
 15 across the BBC?  
 16 A. I can't recall whether those two events coincided and  
 17 how they coincided, no.  
 18 Q. But that might have been a further reason to go and have  
 19 a discussion with Stephen Mitchell?  
 20 A. No, that would not have been a reason to have  
 21 a discussion with Stephen Mitchell. The discussion is  
 22 purely to discuss the editorial strength of the story  
 23 when I had it.  
 24 Q. Now this --  
 25 A. Sorry.

Page 98

1 Q. Yes, go on.  
 2 A. These two people are both in the Impact unit and it is  
 3 unusual for us to be discussing a story with them at  
 4 this point, given we haven't got the story to a stage  
 5 where -- and Meirion was aware of this -- where I was  
 6 decided about whether I wanted to put it on air or not.  
 7 So it is unusual that this noise is being created at  
 8 this point.  
 9 Q. You mentioned that point earlier. I should have  
 10 followed it up then. Only a very small number of people  
 11 are working on this story. You are not really working  
 12 on it in any real sense. The people who are working  
 13 on it are Hannah Livingston -- who I think by this time  
 14 is back in Glasgow -- Liz MacKean and Meirion Jones.  
 15 And if things are working properly those are the only  
 16 three people, plus you and, I suppose, your deputies,  
 17 who know anything about this story at all?  
 18 A. Yes.  
 19 Q. [REDACTED]  
 20 A. [REDACTED]  
 21 Q. [REDACTED]  
 22 [REDACTED]  
 23 A. [REDACTED]  
 24 Q. [REDACTED]

Page 99

1 A. [REDACTED]  
 2 Q. [REDACTED]  
 3 A. [REDACTED]  
 4 Q. [REDACTED]  
 5 A. [REDACTED]  
 6 Q. [REDACTED]  
 7 A. [REDACTED]  
 8 [REDACTED]  
 9 [REDACTED]  
 10 Q. [REDACTED]  
 11 [REDACTED]  
 12 [REDACTED]  
 13 A. [REDACTED]  
 14 Q. [REDACTED]  
 15 [REDACTED]  
 16 A. [REDACTED]  
 17 Q. [REDACTED]  
 18 [REDACTED]  
 19 A. [REDACTED]  
 20 Q. [REDACTED]  
 21 [REDACTED]  
 22 [REDACTED]  
 23 [REDACTED]  
 24 A. I can't recall whether we had a conversation on those  
 25 terms, no. There are points I am sure you will come to

Page 100

1 where it is clear I'm saying, you know, that I'm not  
 2 comfortable. I start having to indicate more firmly  
 3 that I'm -- that I'm not comfortable with where we are  
 4 and we need to establish these other things first.  
 5 Q. Did you consider Meirion Jones to be a trustworthy man?  
 6 MR PRICE: I'm sorry to interject. You are very clear that  
 7 there is no indemnity being given in respect of anything  
 8 that's being said here. And the transcript is  
 9 circulating around the BBC. We have asked the BBC --  
 10 MR MACLEAN: It is not circulating round the BBC.  
 11 MR PRICE: Who knows? I have asked the BBC, given that  
 12 Peter is an employee, to confirm that their indemnify in  
 13 relation to him --  
 14 MR MACLEAN: Our transcripts are not being circulated  
 15 anywhere.  
 16 MR SPAFFORD: They are going to be provided at the end of  
 17 the process to the BBC.  
 18 MR PRICE: Okay, well, it's not like someone is in a witness  
 19 box where they can say whatever they want with absolute  
 20 privilege. I just make the comment.  
 21 MR MACLEAN: I can show you an email -- I was going to show  
 22 you it later -- where you expressed the view in a later  
 23 part of the story -- you may remember the email -- in  
 24 relation to having cost hundreds of thousands of pounds.  
 25 Do you remember the one?

Page 101

1 Q. Yes. Right. Now did you know at the stage when the  
 2 decision was finally taken, whenever that was, we will  
 3 come to that, but by the time the story was definitively  
 4 off the agenda, did you know that Hannah Livingston  
 5 thought she had tracked down the identity of the victim  
 6 of the [REDACTED] allegation?  
 7 A. No.  
 8 Q. So the details about [REDACTED] having identified  
 9 another girl in a photograph, and then Hannah Livingston  
 10 having looked at old Klunk Clicks and found those two  
 11 girls in the studio with Savile and others, that was  
 12 a level of detail that you had not picked up; is that  
 13 right?  
 14 A. That's right.  
 15 Q. Was that something you were aware of before I mentioned  
 16 it a moment ago?  
 17 A. No.  
 18 Q. So -- right, okay. We will come back to that.  
 19 A. My understanding -- Meirion told me that [REDACTED]  
 20 could not identify the woman who -- the woman who is  
 21 part of that alleged incident with [REDACTED] That  
 22 was my understanding.  
 23 Q. What was your understanding about whether the police had  
 24 ever known about or looked at the [REDACTED]  
 25 allegation?

Page 103

1 A. No.  
 2 Q. We will find it. It is in my notebook we will come  
 3 to it and we will come back to that question as well,  
 4 okay, later.  
 5 Would it be fair to say that the working  
 6 relationship between you and Meirion Jones was  
 7 difficult?  
 8 A. Um, I have to manage a range of people with different  
 9 skills and abilities, and sometimes there are moments  
 10 where things are difficult, sometimes there are moments  
 11 where you work very successfully together. Meirion has  
 12 produced some very good journalism for me in the years  
 13 that he has worked for me. But, you know, there has  
 14 been difficult moments as well.  
 15 Q. He liked to do things his way, did he?  
 16 A. I felt he worked best if I gave him a lot of licence to  
 17 chase what he wanted to do in the way that he wanted to  
 18 do it. That was the way to get him to produce the best  
 19 results, but that meant obviously that I had to -- I had  
 20 to manage that at the same time.  
 21 Q. Right. Did you know in this period that Liz MacKean and  
 22 Hannah Livingston were going to quite a lot of trouble  
 23 to try to track down this elusive letter?  
 24 A. Yes. I knew that the team were, I didn't know --  
 25 I assumed it was Meirion, I didn't know it was --

Page 102

1 A. Meirion had told me that he believed that one of the  
 2 other anonymous people that they had spoken to had made  
 3 that allegation clear to the police.  
 4 Q. You are sure you remember him telling you that?  
 5 A. Er, I'm fairly confident that -- yes, he told me that,  
 6 yes.  
 7 Q. If he said that, you wouldn't have probed further, would  
 8 you? You wouldn't have -- would it have been important  
 9 to know who that source was?  
 10 A. In the context of me making a judgment about whether we  
 11 had discovered anything that the police would have been  
 12 interested in, I was happy to accept his judgment --  
 13 because he's very experienced -- and explanation that we  
 14 didn't have that evidence that would have been useful to  
 15 them. So -- sorry --  
 16 Q. There are two different things going on. Either the  
 17 police have already looked [REDACTED] in which  
 18 case it is -- whatever you have is more of the same --  
 19 A. Um-hm.  
 20 Q. -- or they haven't looked at [REDACTED] before and  
 21 what you have is of no use, no real use, or no likely  
 22 use --  
 23 A. Yes.  
 24 Q. -- whatever qualification you want to put on it.  
 25 A. And from memory, Meirion was telling me that actually

Page 104

1 both those things are true.  
 2 Q. So they both looked at it and whatever you had was not  
 3 going to help?  
 4 A. That was his judgment, yes.  
 5 Q. And that was what he told you and you proceeded on that  
 6 basis?  
 7 A. Yes.  
 8 Q. Now let us look at -- I have rather lost track of  
 9 bundles, do you have 3 in front of you?  
 10 A. Can I just volunteer something which has occurred to me  
 11 while we were talking, when you were pushing me on  
 12 whether I contemplated Helen -- the issue why they  
 13 hadn't told Vision --  
 14 Q. Yes, of course.  
 15 A. I do think people in this -- what I didn't understand  
 16 when this story started leaking was the idea -- the idea  
 17 that a -- creating an issue for -- a scheduling issue  
 18 for Vision would have been a big deal. I mean, it just  
 19 wasn't -- it didn't seem to me to be a kind of major --  
 20 even if it created a problem for them, it wasn't  
 21 a significant problem. So I -- so it was not -- it was  
 22 never -- I never saw it as a big issue.  
 23 Maybe naively, but, you know, it's not difficult for  
 24 them to change the schedule. So I didn't think it was  
 25 a big deal at the time.

Page 105

1 Q. In other words: there is a Vision issue, but what's the  
 2 problem? As it were.  
 3 A. But it's not a significant issue, so I didn't need to  
 4 worry about it.  
 5 Q. If the story had run, which by 2 December, as we will  
 6 see, I think it is, in your mind --  
 7 A. Yes.  
 8 Q. -- not going to happen or unlikely. We will come to  
 9 that, as to exactly what your mindset was, but you were  
 10 certainly on the freezing cold side of lukewarm by  
 11 2 December. We will come to that, maybe that is unfair,  
 12 if the story had run, the resolution of the Vision issue  
 13 would have been what, did you think?  
 14 A. That they would have had to make a judgment -- no, they  
 15 would have had to change the schedule.  
 16 Q. They would have to pull the tributes?  
 17 A. Yes. But that's -- and that won't have been a major --  
 18 Q. So you say, "So what"?  
 19 A. -- thing for them to have to do. We change the schedule  
 20 all the time. It didn't seem to me like it was a big  
 21 thing.  
 22 Q. It wasn't just changing the schedule. It wasn't like  
 23 moving the snooker to later in the evening. It would  
 24 have been dropping these tributes.  
 25 A. Yes.

Page 106

1 Q. Did you know that, at least in some part of the BBC,  
 2 they'd got developed not only the idea of the  
 3 Jim'll Fix It that eventually was produced by Shane  
 4 Ritchie at Christmas time, but there was a notion that  
 5 that might be worked up into a series; in other words in  
 6 effect bringing back Jim'll Fix It with somebody else  
 7 presenting it?  
 8 A. I was not aware of that.  
 9 Q. You were aware of that before ten seconds ago?  
 10 A. Er, I'm not -- yes, possibly, as a -- it doesn't -- it  
 11 rings a bell, but I --  
 12 Q. Right. Okay.  
 13 Let's look --  
 14 A. But even that -- sorry, I must stop interrupting you.  
 15 Q. No, no.  
 16 A. Even that's not a major -- there are hundreds of  
 17 programme ideas in development all the time.  
 18 Q. They come and go?  
 19 A. Yes. Sorry, I distracted you.  
 20 Q. No, no. So you thought that the Vision issue, if it had  
 21 to be grappled with, was more of a molehill than  
 22 a mountain?  
 23 A. I did, yes.  
 24 Q. We were about to turn in bundle 3 to page 11. If these  
 25 thoughts occur to you as we go along, Mr Rippon this is

Page 107

1 not are a trial, I'm not -- I don't have any case to  
 2 prove, we are trying to find out, you know, what the  
 3 facts are. So it is not only okay but positively  
 4 welcomed for you to give us your thoughts. That's  
 5 rather the point. So don't be bashful about saying,  
 6 "Can I say something"? Absolutely, you can say  
 7 something.  
 8 A. Okay. And I want to be as helpful as I can.  
 9 Q. Right. Page 11, this was quite an important email --  
 10 A. Yes.  
 11 Q. -- in the story, wasn't it? Meirion Jones emails you  
 12 and Liz Gibbons -- but not Shaminder Nahal I note, but  
 13 presumably we don't read anything into that -- that the  
 14 Surrey Police had confirmed that they had investigated  
 15 Jimmy Savile about the sexual abuse of minors and that  
 16 they had interviewed, "The girls from Duncroft", as part  
 17 of that inquiry. [REDACTED] now  
 18 going to dig out the files and hopefully tell us more on  
 19 Monday.  
 20 Did you understand that the reference to, "Off the  
 21 record", was that what had happened was that  
 22 Mark Williams-Thomas had done some digging and [REDACTED]  
 23 [REDACTED]  
 24 Williams-Thomas had told Jones?  
 25 A. Yes.

Page 108

27 (Pages 105 to 108)

1 Q. So you understood the reference to, "Off the record  
 2 Surrey Police", and I think later on there is an email  
 3 from you, the one about the women and the secondhand --  
 4 A. Yes.  
 5 Q. -- we will come to it. The secondhand source or --  
 6 A. Yes, that is what --  
 7 Q. Secondhand briefing, thank you. That refers to this  
 8 doesn't it?  
 9 A. -- secondhand refers to. Yes, the secondhand is because  
 10 it is Mark that had briefed it rather than the police  
 11 had told us.  
 12 Q. Exactly. Yes. He sends that to you at 14.47 and you  
 13 consider this to be a very welcome development, if you  
 14 look over the page.  
 15 A. Yes.  
 16 Q. So it is all systems go?  
 17 A. Yes. I mean the thing I would like you to note from  
 18 that email is the time between -- is this the Friday?  
 19 Q. Pass.  
 20 A. It's a -- is the time between -- it's a Friday.  
 21 Q. The 25th is a Friday.  
 22 A. Yes. So I was -- so the speed with which I respond,  
 23 I am obviously on my phone so I don't where I -- I'm not  
 24 in the office, I don't know where I am, but --  
 25 Q. We can see that because it is sent from your iPhone,  
 Page 109

1 yes?  
 2 A. Yes. So I know that Meirion has made a lot of this  
 3 email and I -- for me, because it corroborated the fact  
 4 that the police had investigated it, it made it much  
 5 more likely that the story that he had outlined to me  
 6 much earlier was going to come together. That's why  
 7 I responded in that spirit. Because also it is very  
 8 difficult to get the police to engage with you or  
 9 establish investigations that they have done in the  
 10 past. So the fact that Mark had stood this up was  
 11 a good piece of work. That's why I respond in that way.  
 12 Q. Right. Then over the page, please, page 13, Meirion  
 13 Jones responds and he says:  
 14 "We are hoping to interview second victim on Monday  
 15 afternoon, but we won't know for sure until midday."  
 16 And then he suggests:  
 17 "Transmission early week of 5 December easily  
 18 possible. 'Talk Monday'.  
 19 Which would be the 28th, I think.  
 20 A. Um-hm.  
 21 Q. At that stage did you -- perhaps not -- know who the  
 22 second victim, as it is said there, inaccurately as it  
 23 turns out, was?  
 24 A. No.  
 25 Q. You now know that the second person was  
 Page 110

1 [REDACTED]  
 2 A. I don't -- well you are telling me that.  
 3 Q. I'm telling you that.  
 4 A. Yes, okay.  
 5 Q. Is that news to you?  
 6 A. I didn't know for sure that this person he's referring  
 7 to was [REDACTED] till you just told me that,  
 8 no.  
 9 Q. Right.  
 10 Did you -- in the same bundle if you go to  
 11 page 36 -- I don't know whether we provided you with  
 12 this email, perhaps not, I don't know. It is not one  
 13 that you are copied into. It is from Meirion Jones to  
 14 Roger Law. Your know what his function is at the BBC?  
 15 A. Yes.  
 16 Q. He's one of the lawyers.  
 17 A. Yes.  
 18 Q. Did you have any contact with Roger Law in particular,  
 19 or BBC Legal in general about the Savile story?  
 20 A. I can't recall whether I spoke to Roger about it  
 21 specifically. Because I wasn't aware that -- because he  
 22 was dead that there were any significant, er, legal  
 23 issues that I would need to discuss with him at the  
 24 stage we had got it to. I obviously would have spoken  
 25 to him if we had got into the edit.  
 Page 111

1 Q. Right?  
 2 A. But I cannot recall whether I had a major -- I can't  
 3 recall.  
 4 Q. I don't want to spend time on this if it doesn't matter,  
 5 which it might not. But Meirion Jones said that --  
 6 I think, this is the burden of it, he had had  
 7 a discussion with Roger Law and they agreed that there  
 8 was no problem vis-a-vis Jimmy Savile, because he was  
 9 dead.  
 10 A. Yes.  
 11 Q. There was a third character who had been named who was  
 12 [REDACTED]  
 13 A. Yes.  
 14 Q. Who they were not going to refer to or name.  
 15 A. Yes.  
 16 Q. Well refer to at all, I think. So you could forget  
 17 about him?  
 18 A. Well, yes.  
 19 Q. So far as [REDACTED] was concerned, there was, as it  
 20 were, no problem with naming him in the piece.  
 21 A. Yes, no major, so no significant legal concerns.  
 22 Q. He was an unlikely defamation claimant, shall we say?  
 23 A. Yes.  
 24 Q. Is that -- and therefore there were no defamation  
 25 problems with the piece as Meirion Jones was working it  
 Page 112

<p>1 up, and --</p> <p>2 A. My judgment would have been, without talking to Roger,</p> <p>3 that there were no significant defamation issues that we</p> <p>4 couldn't have written around.</p> <p>5 Q. Yes.</p> <p>6 A. No.</p> <p>7 Q. And that, as you see from the end of the email:</p> <p>8 "Obviously Savile has one great advantage over some</p> <p>9 of the other targets we have gone for in the past (which</p> <p>10 is obviously that he's dead), but there may be other</p> <p>11 legal issues."</p> <p>12 Now, so far as you are aware on this Jimmy Savile</p> <p>13 story, is this right; there in fact were no legal</p> <p>14 impediments to running this story?</p> <p>15 A. Well, apart from the potential</p> <p>16 <del>one</del> one, which I didn't feel that</p> <p>17 they would -- they would be surmountable quite easily,</p> <p>18 I would have thought, depending on -- because the</p> <p>19 substance of the story is about Savile, we could either</p> <p>20 refer to them or not. The core of the story wasn't --</p> <p>21 there were no legal -- I couldn't see any major legal</p> <p>22 issues at the core of this story.</p> <p>23 Q. Yes. So then if you go to 121, this is now the 28th,</p> <p>24 which is the Monday. From Liz MacKean to Liz Gibbons.</p> <p>25 She is sending this to Liz Gibbons because these sort of</p> <p style="text-align: center;">Page 113</p>	<p>1 A. Um-hm.</p> <p>2 Q. Then he sent them to Liz MacKean and then she uses some</p> <p>3 of those and drops them into the embryonic script?</p> <p>4 A. Um-hm.</p> <p>5 Q. We can see that for example in the piece at 126, "We</p> <p>6 were all 14 to 15 years old", is lifted from page 119.</p> <p>7 Now, at this stage, you didn't get that sync pull at</p> <p>8 all, is that right?</p> <p>9 A. No.</p> <p>10 Q. And you didn't get this version of the script. What you</p> <p>11 did get, if you go to 143 is the start of it. I think</p> <p>12 this is the first time you got sent the script?</p> <p>13 A. Yes.</p> <p>14 Q. It is very rough. To give you an idea what we're</p> <p>15 saying, not finely written:</p> <p>16 "Could put a defence in there or leave it as</p> <p>17 prosecution case and have a defender off the back in a</p> <p>18 disco. Very '70s."</p> <p>19 A. Where are we looking?</p> <p>20 Q. 143, the covering email.</p> <p>21 A. Yes.</p> <p>22 Q. That is a slightly opaque half sentence. Did you read</p> <p>23 it and come to some view as to what that was a reference</p> <p>24 to?</p> <p>25 A. Er, what I -- I assume that would have been a reference</p> <p style="text-align: center;">Page 115</p>
<p>1 procedural arrangements would be Liz Gibbons', as it</p> <p>2 were, department?</p> <p>3 A. Yes.</p> <p>4 Q. Organising editing and so on?</p> <p>5 A. Um --</p> <p>6 Q. Filming and --</p> <p>7 A. Yes. Any film that we are doing, she needs to be across</p> <p>8 the logistics of it because we are running different</p> <p>9 films on different dates so she has to be across the</p> <p>10 kind of wider jigsaw puzzle of films.</p> <p>11 Q. Yes. At the same time this is going on the script is</p> <p>12 being worked up. Just let me show you. If you look at</p> <p>13 page 125, and then go over the page to 126 --</p> <p>14 A. Yes.</p> <p>15 Q. -- you might not have seen this particular one at the</p> <p>16 time?</p> <p>17 A. I haven't, no.</p> <p>18 Q. Here is Liz MacKean communicating with Meirion Jones.</p> <p>19 If you just keep a finger in 126 and go back to 118,</p> <p>20 earlier that same day Meirion Jones has emailed</p> <p>21 Liz MacKean and Hannah Livingston what he calls the</p> <p>22 <del>pull</del> pull". Right?</p> <p>23 It is fairly obvious what he has done. He has been</p> <p>24 through the rushes, hasn't he, and he has pulled out the</p> <p>25 plums?</p> <p style="text-align: center;">Page 114</p>	<p>1 to relatives of Savile who may -- I presume it is -- may</p> <p>2 want to defend his reputation.</p> <p>3 Q. So somebody defending his reputation?</p> <p>4 A. Yes.</p> <p>5 Q. So you had in mind that this was going to be some family</p> <p>6 or --</p> <p>7 A. Yes.</p> <p>8 Q. -- friend or whatever. We're looking, as it were, at</p> <p>9 the Jimmy Savile aspect rather than the police or the</p> <p>10 CPS. It was Jimmy Savile who would be, as it were,</p> <p>11 being defended, not anybody else?</p> <p>12 A. That's what I inferred from that, yes.</p> <p>13 Q. Right. Tell me -- if you keep a finger at 144 and go to</p> <p>14 159 -- that same morning, but an hour and 40-minutes</p> <p>15 later there is another email from Meirion Jones. To</p> <p>16 you, amongst others. What he's saying at 159 is:</p> <p>17 "If you haven't looked at the one I sent an hour and</p> <p>18 40 minutes ago [because you have been busy doing</p> <p>19 something else] use this one."</p> <p>20 So I don't know whether you did look at the first</p> <p>21 one, and it might not matter. Unless you tell me it's</p> <p>22 important I was going to forget about the first version</p> <p>23 and go to 160.</p> <p>24 A. Yes, I'm not -- I'm not sure how they are significantly</p> <p>25 different.</p> <p style="text-align: center;">Page 116</p>

<p>1 Q. They are not very different. We could obviously go 2 through and see how they are different, but do I assume 3 correctly that you didn't spend that intervening hour 4 and 40 minutes subjecting this rough script to close 5 scrutiny? 6 A. I can't recall. 7 Q. No. So we have got to the ROUGHSAVILE 2 at page 160. 8 We need to stop for lunch in just a second, but 9 we're going to come back to that script. Can I just ask 10 you to turn on to page 171, just to deal with this point 11 before we break. Do you recognise this type of 12 document? 13 A. No. 14 Q. BBC Editorial Policy Enquiry Log Report? What Meirion 15 Jones tells us is he went to see somebody called 16 Phil Abrahams. You can see his name in there. Is he 17 someone you are familiar with? 18 A. Yes. 19 Q. There is a reference later on who we understand is 20 a reference to Roger Mahony. It might be a reference to 21 Roger Law, but Roger Mahony, we understand, also worked 22 in the editorial policy part of the BBC which is also 23 where Phil Abrahams works; is that right? 24 A. Yes. 25 Q. We can see what this log is about. It is actually about Page 117</p>	<p>1 helpline; that if you have a particular ethical problem 2 you can phone up and say, "Can you give me some advice 3 about this?" 4 A. Yes. 5 Q. It's that sort of thing? 6 A. Yes. 7 Q. So it is reactive, not proactive; it is there if you 8 want it? 9 A. Yes. 10 Q. In the development of the Savile story, was there any -- 11 at any time did you detect any need for anybody, 12 including you, to go to editorial policy? 13 A. I mean I -- again, I probably would have called them 14 during the edit, if I had wanted to. But you know, the 15 main editorial expertise in this is, you know, is mine 16 and Meirion's and I -- I was comfortable that the 17 judgment I was making about what the threshold -- 18 evidence threshold would need to be was -- I mean, 19 I could have discussed it with EdPol or not, I didn't, 20 as far as I remember, but I would have been fairly 21 confident that their assessment would have been the same 22 as mine. 23 Q. Right. 24 A. Actually, in one of the emails you sent me before, in 25 the bundle, I noticed that Roger Mahony does give an Page 119</p>
<p>1 Mr Williams-Thomas, as opposed to anything else, and 2 whether he should be paid £500 for doing what he's 3 doing. To the extent that editorial policy was 4 approached in the development of this story, is that 5 something that you had any knowledge of? 6 A. Er, I -- no, I didn't. 7 Q. We understand there is a producer and a reporter and 8 a deputy editor and the editor and we know who 9 Stephen Mitchell and Helen Boaden are; how does 10 editorial policy impact on the Savile story up to the 11 point when the story is definitively dead? 12 I have not made that very clear, but to what extent 13 did editorial policy have any legitimate reason to be 14 involved in the developing Savile story? 15 A. Well, I mean, editorial policy is there to guide and 16 advise, should you seek it -- 17 Q. Right? 18 A. -- from me or from Meirion, and so if either of us chose 19 to talk to them, they would have talked to us. But they 20 only guide and advise. The, you know, the 21 responsibility and judgment lies with me and not with 22 them. So there is no -- there is no kind of, um, 23 compliance obligation to talk to them. 24 Q. So it is a bit like -- you wouldn't know this but it is 25 a bit like the bar counsel which has an ethical Page 118</p>	<p>1 account of his assessment, which was the same as -- 2 which was the same as mine. I don't know if you have 3 seen it? 4 Q. I have seen it. I wasn't going to show it to you, I 5 don't think I need to. 6 Mr Rippon, from my point of view that is 7 a convenient moment to break. 8 Richard, how long is lunch? 9 MR SPAFFORD: 35 minutes, until a quarter to 2. If you need 10 a bit longer that is fine. Do you need a bit longer? 11 (1.10 pm) 12 (The short adjournment) 13 (1.30 pm) 14 (Proceedings delayed) 15 (1.53 pm) 16 MR MACLEAN: We were just at A3/159 -- 17 A. Yes. 18 Q. -- and ROUGHSAVILE 2. Just before we get into the 19 detail of that, if you go to 174, so at almost exactly 20 the same time within the hour, here's an email in 21 Jo Mathys to Mr Jones "predicting what we will need from 22 Liz". This is more detail of the Impact side of things. 23 So as we discussed earlier, Impact is really beginning 24 to, on the face of it, tool itself up for this story 25 being broadcast in about a week's time. Yes? Page 120</p>

1 There is an email from you later about carts and  
 2 horses which we will come to, but before that one, had  
 3 you got involved in these discussions?  
 4 A. No, I mean -- with hindsight, I'm guessing -- as I say,  
 5 normally if Liz is execing one of these she manages all  
 6 the Impact and it is unusual that a producer who is  
 7 doing the piece to liaise on the Impact elements of the  
 8 story. So I was slightly surprised that Meirion was  
 9 pushing to establish this process at that point because  
 10 it wouldn't normally be the producer who did that. It  
 11 would be Liz who did that.  
 12 Q. So if it was a matter for the executive producer, we  
 13 know that you were the executive producer --  
 14 A. Go on.  
 15 Q. -- in your mind, you hadn't got to this stage yet?  
 16 A. I had not, no.  
 17 Q. So what did you do with ROUGHSAVILLE 2, the text of which  
 18 starts at page 160? Presumably you read it.  
 19 A. Yes.  
 20 Q. Then what?  
 21 A. Well, I think as I make clear in the witness statement  
 22 this is the point at which you -- this document allowed  
 23 me to visualise for the first time what we would be  
 24 putting on screen. I was concerned by it, because it  
 25 crystallised the extent to which [REDACTED] /

Page 121

1 was going to be the face of our story and primarily the  
 2 one person in vision who we would -- whose testimony we  
 3 would be hanging our judgment on.  
 4 I also felt that in the context of, you know,  
 5 Meirion talking to the Impact unit and sending me  
 6 something like this which I didn't consider this  
 7 a script, because you normally send a script once you --  
 8 you are much more advanced in the story than he had got  
 9 to here, which is -- you know, I found him quoting from  
 10 Mark Williams-Thomas when Mark Williams-Thomas had not  
 11 actually been interviewed just made me -- that's really  
 12 strange, I don't think I have ever seen a script where  
 13 somebody is guessing what a guest will say in it.  
 14 Q. He wasn't -- that's not quite fair, is it? He wasn't  
 15 simply a guest or an expert offering a view, he had  
 16 actually been, as Meirion Jones knew and as you knew,  
 17 part of the excavation process for the story for several  
 18 weeks?  
 19 A. My judgment was that he had been used to establish the  
 20 fact of the police investigation, yes, but not more than  
 21 that.  
 22 Q. When you use the word "guest", do you accept my response  
 23 that he was just more -- he was more than simply a guest  
 24 in the piece?  
 25 A. He was the person who we had used to establish the fact

Page 122

1 of the police investigation and he is an expert in child  
 2 protection issues who would naturally be the kind of  
 3 person you would want to include in the piece, yes.  
 4 Q. But the position, if this had been a story about,  
 5 I don't know, health or something, and you had hoped to  
 6 have as a guest the chairman of a health trust or  
 7 something, then it might be a bit odd to see a script  
 8 which is -- this is what the guest will say, that might  
 9 look -- I can see that might look strange.  
 10 But in the context of this story, it was not at all  
 11 sinister or unusual, is it, that Meirion Jones was able  
 12 to put down some details of what he could confidently  
 13 expect Mark Williams-Thomas to say?  
 14 A. If you are calling it a script, I think that is unusual.  
 15 I don't think I have ever seen anybody's words guessed  
 16 at in something that you are then going to take into  
 17 an edit to make into a piece. You wouldn't -- you would  
 18 have just written "Mark clip", or something, you  
 19 wouldn't have -- it just added to my perception, given  
 20 the Impact noise that was being created as well -- that  
 21 he was trying to kind of push quite hard to make this  
 22 happen, knowing that I still was not 100 per cent sure  
 23 where we wanted to be with it.  
 24 Q. So the first point then to make is that you noted that  
 25 words were being put in here for Mr Williams-Thomas to

Page 123

1 say, which on any view he had not yet said.  
 2 A. Um-hm.  
 3 Q. Can we look at what those words are, because there may  
 4 be some importance from your point of view about them?  
 5 On page 160, the words which are put in for  
 6 Mr Williams-Thomas as an approximation of what he was  
 7 expected to say are --  
 8 A. Yes.  
 9 Q. -- "In the last five years Surrey Police had been  
 10 investigating allegations of sexual assault on minors by  
 11 Jimmy Savile in the 1970s. They passed the file to the  
 12 Crown Prosecution Service but in 2009 the CPS decided  
 13 that Savile was too old and infirm to face a trial and  
 14 dropped the case. I have to say I don't think that is  
 15 acceptable and why it was all hushed up?"  
 16 A. Yes.  
 17 Q. Now --  
 18 A. He wouldn't have said that, would he? Because it wasn't  
 19 true.  
 20 Q. Well --  
 21 A. We had not established that fact at the time which was  
 22 another reason why I thought this is not -- we didn't  
 23 know that that was true.  
 24 Q. If he had said that, if those had been the facts and he  
 25 had said that, this story would have been stronger, as

Page 124

1 we discussed earlier.  
 2 A. Yes.  
 3 Q. But what would that have done to the focus of the story  
 4 as well as the strength?  
 5 A. Um --  
 6 Q. What I have in mind is -- I'm not trying to -- it's not  
 7 a puzzle. If you go to 167, the end of the script --  
 8 I know you don't accept it is a script, but if I call it  
 9 script I'm not suggesting I'm disagreeing with you, this  
 10 is just my shorthand.  
 11 At the end of this document, 165:  
 12 "PTC [piece to camera], Duncroft or TVC [that is  
 13 Television Centre] not sure yet. With any statement  
 14 from police or CPS and line about girls not believing it  
 15 just happened at Duncroft. Others will now come and  
 16 tell what happened to them."  
 17 Did you make any connection between that end of the  
 18 piece and the anticipated words of Mr Williams-Thomas at  
 19 the beginning?  
 20 A. No, I didn't. I felt that this -- that what was -- the  
 21 words that were being put into Mark Williams-Thomas'  
 22 mouth were -- were facts that we had yet to establish.  
 23 That was the as much as I -- I didn't make a connection  
 24 between the two --  
 25 Q. You see it might be said -- might be said -- that if he  
 Page 125

1 had said that, if those had been the facts and he had  
 2 said it, and then at the end of the piece you are  
 3 anticipating having a statement from the police or the  
 4 CPS, it begins, it might be said, to be a piece where of  
 5 course Jimmy Savile is the target, in a sense, because  
 6 he's the paedophile, but it's actually a piece which is  
 7 directed at criticism -- criticising the police and the  
 8 CPS?  
 9 A. Yes.  
 10 Q. That's really the force of it?  
 11 A. Yes, and it was the -- yes, I agree with you.  
 12 Q. It might be said -- you might say -- that that looked  
 13 more like -- begins to like a Newsnight story?  
 14 A. Yes, and the fact that we weren't able to establish that  
 15 undermined my confidence in the threshold and where we  
 16 had got the story to, yes.  
 17 Q. Do you say, or don't you, that doing a story that  
 18 somebody was a paedophile on an apparently fairly broad  
 19 scale over a period of years is the sort -- on its own,  
 20 just that --  
 21 A. Yes.  
 22 Q. -- is not a story that Newsnight would ever run?  
 23 A. No, we would have run it if we were satisfied that the  
 24 testimony we had -- the strength of the testimony we  
 25 had -- had got over the threshold that I felt it needed  
 Page 126

1 to get over in terms of the degree of certainty we could  
 2 have about it to put it on air in the climate that it  
 3 would have been put on air.  
 4 So I may well have -- on reading this script, and  
 5 looking at the extent to which, [redacted] was basically  
 6 the spine of it, I formed the judgment that I would not  
 7 be happy -- that that threshold hadn't -- I wasn't  
 8 comfortable that we had got to that threshold just by  
 9 relying on the testimony from her and from the anonymous  
 10 women, which is why as a result of this I say:  
 11 "Can we just bottom out the CPS/police element  
 12 because it will make me feel more comfortable about what  
 13 we've got."  
 14 Q. So is this right: your concern about these words being  
 15 put into Mr Williams-Thomas' mouth was that the reason  
 16 they were being put into his mouth, without having come  
 17 out of his mouth, was that these facts had not yet been  
 18 established and that caused you some concern. In other  
 19 words, the story was not ready.  
 20 A. It caused me concern that if Meirion is thinking that  
 21 this is the script that we can take into the edit in  
 22 order to transmit something it is a long way from that  
 23 because we haven't established this fact yet. So it  
 24 caused me concern in that sense.  
 25 Q. We saw earlier that, right from the beginning, there are  
 Page 127

1 some email references to you, the one about the  
 2 Liz MacKean/Liz Gibbons, meeting that you were involved  
 3 in, the one about taste, do you remember --  
 4 A. Yes.  
 5 Q. -- Liz Gibbons and taste. Then Liz MacKean says in her  
 6 email that they -- that is you and Liz Gibbons -- had  
 7 concerns about the credibility of the witnesses --  
 8 A. Yes, yes.  
 9 Q. -- the so-called girls.  
 10 When you saw this, what was your view of the  
 11 credibility of the girls generally and [redacted]  
 12 particular?  
 13 A. Well my view was that we were having to rely so heavily  
 14 on [redacted] at we would be exposing her testimony to  
 15 a very, very bright light in the -- Liz used the word  
 16 "taste" -- in the context of him, Savile, having only  
 17 been buried weeks ago, a few weeks -- I don't know the  
 18 actually -- a few weeks after he was buried and I was  
 19 uncomfortable with doing that, because if her testimony  
 20 for some reason fell away, then we were relying on the  
 21 anonymous testimony collected in a way that I think if  
 22 that had been scrutinised too much could have been  
 23 picked apart as well.  
 24 So these are the concerns I had. I still had -- you  
 25 know, these weren't "Therefore I definitely don't want  
 Page 128



1 to do it", they are just worries that you have as  
 2 an editor about whether what you are going to put on air  
 3 is going to stand up, and I was sufficiently worried to  
 4 want to put -- to want to establish the rest of the  
 5 facts that I tried to establish, having read this.  
 6 Q. The fact that Jimmy Savile wasn't long buried, that  
 7 might be a reason for not running the story now. It  
 8 might be a run to wait until he has been a bit longer  
 9 buried, might it not?  
 10 A. Yes.  
 11 Q. But it wouldn't be a reason for killing the story stone  
 12 dead, if that was the concern, the climate, as you put  
 13 it. Once the climate had changed, climate ceases to be  
 14 an issue, doesn't it?  
 15 A. Yes.  
 16 Q. So -- and if Mark Williams-Thomas had not yet bottomed  
 17 out these facts, again, that would be a reason to say  
 18 "Well, go and bottom out those facts".  
 19 A. Which is what I did.  
 20 Q. Right. What you are referring to there, then,  
 21 I think -- tell me if I'm wrong -- if you go to 179,  
 22 this is the 29th, so same day, from Jo Mathys to you,  
 23 copied to some others. She says:  
 24 "There is going to be a huge amount of interest in  
 25 the story."  
 Page 129

1 Q. -- that's what I confess I find a slightly curious email  
 2 from Liz Gibbons to you, asking if you are going to exec  
 3 this?  
 4 A. Yes.  
 5 Q. Hadn't that die been cast a good while before?  
 6 A. It's, um -- yes. Yes, it had. But we do pass exec  
 7 responsibility back and forth depending on workload, on  
 8 stories. It's not unusual. She's saying that at this  
 9 date because this is clearly now point at which we're  
 10 going to make a judgment as to whether we want to move  
 11 it to phase -- you know, from the kind of investigative  
 12 phase to the delivery phase, so that is an obvious  
 13 opportunity where you might want to -- normally I would  
 14 get Liz to exec nearly all the films I do because I just  
 15 have too much else to do. So that's why she's re-asking  
 16 the question at that point.  
 17 Q. It may be -- I don't know what Liz Gibbons says about  
 18 this yet -- but it may be that she's trying to help you  
 19 here by saying, you know, "I'll take this off your plate  
 20 if you want, Peter".  
 21 A. I don't know. I can't recall what -- what she meant by  
 22 that. She may have -- that may have been the case,  
 23 I don't know.  
 24 Q. You didn't, as it were, try to pass the exec  
 25 responsibility to her or perhaps back to her?  
 Page 131

1 Do you see --  
 2 A. Um-hm.  
 3 Q. -- and she would expect all domestic outlets to want  
 4 versions.  
 5 A. Yes.  
 6 Q. So that was right, wasn't it? It was obvious that if  
 7 this story was broadcast by its very nature there would  
 8 be a huge amount of interest?  
 9 A. Yes.  
 10 Q. Was that a concern to you?  
 11 A. Well, when I'm making the judgment about -- you want  
 12 your stories to generate as much interest as they can.  
 13 Q. Of course?  
 14 A. So I'm not sure "concern" is the right word. But you  
 15 have to be comfortable with them, so if you are going to  
 16 put them into that light you have to be comfortable that  
 17 what you are saying is going to stand up to the scrutiny  
 18 it is going to get.  
 19 Q. What you don't want is for this story to collapse and to  
 20 have to broadcast an apology seven days later, for  
 21 example?  
 22 A. Precisely.  
 23 Q. So you were the recipient of that email. Just before we  
 24 get to the next bit, responding to that, at 181 --  
 25 A. Yes.  
 Page 130

1 A. I don't recall doing that. I mean, it's a slightly  
 2 academic question in that, because I'm the editor --  
 3 I mean, in practice I'm the -- I'm in charge of  
 4 everything so --  
 5 Q. Yes, but again that's the distinction between your role  
 6 and responsibility as editor for everything in the  
 7 programme on the one hand, and the things that actually  
 8 need doing for the story by the executive producer on  
 9 the other?  
 10 A. Yes.  
 11 Q. That's an important distinction, isn't it?  
 12 A. Er, it would have been more -- it would have been more  
 13 important at this point were we to have taken it into  
 14 the edit, yes.  
 15 Q. Just looking at your witness statement for a moment,  
 16 paragraph 13 starts with the word -- with the sentence  
 17 saying:  
 18 "The first draft script of the story ..."  
 19 You put that in inverted commas for reasons you  
 20 explained.  
 21 A. Yes.  
 22 Q. "... was sent me on 29 November."  
 23 We've seen that, yes? In fact there were two  
 24 emails, the one that catches up with the other one an  
 25 hour and 40 minutes later?  
 Page 132

1 A. Yes.  
 2 Q. That's a minor fiddling detail:  
 3 "As well as being far from a complete document with  
 4 interviews we had not done, facts we had not established  
 5 and things we had not filmed, this script crystallised  
 6 some key concerns I had about our investigation."  
 7 Then you say:  
 8 "The extent to which we had to rely on the testimony  
 9 from [redacted] was stark. She was the only victim in  
 10 vision we had and would be the face of our allegations  
 11 and I remained concerned about how well her testimony  
 12 would stand up to the scrutiny it would get."  
 13 Pausing there, the script does say that there is  
 14 going to be another girl on camera, doesn't it?  
 15 A. Where is the script?  
 16 Q. Various places: 160, right at the top.  
 17 A. "Hopefully ..."  
 18 Q. Well, the anticipation was that there was going to be  
 19 another interview and I think arrangements were in  
 20 train. But anyway my question is: did you enquire of  
 21 Meirion Jones or Liz MacKean about what the other  
 22 woman -- who the other woman was and what she was going  
 23 to say?  
 24 A. I can't recall whether I did or not. But I -- but I can  
 25 say I was not aware that the [redacted] interview

Page 133

1 happen, and were it to have happened, they would have  
 2 come to me and said "We've done this extra interview,  
 3 she says this, this and this, so it strengthens the  
 4 story in this way, this way and this way".  
 5 That never happened. I think that the word  
 6 "hopefully" made me judge that obviously this  
 7 interview -- I assume that this interview never happened  
 8 because it was never discussed with me after, and that's  
 9 perfectly normal when you are dealing with these kinds  
 10 of interviews. People change their mind quite often  
 11 about whether they do or don't want to take part.  
 12 Q. These are not your words, I appreciate. We can construe  
 13 this paragraph until we are blue in the face but the  
 14 word "hopefully" might qualify the girl being on camera  
 15 at all. It might qualify the day in which she is going  
 16 to be on camera, and it might actually qualify  
 17 whether -- it might be referring to the next bit about  
 18 an ex-staff member -- [redacted] or somebody else --  
 19 to come along and say "We always knew this fellow was  
 20 a paedophile", just as a matter of English.  
 21 A. It may well have done. I think if the word "hopefully"  
 22 hadn't been there and if he had said what this woman was  
 23 going to say, I would have paid more attention to it.  
 24 But in the way it is written here I would have felt, if  
 25 that happens and it is significant, he will bring that

Page 135

1 had happened, because it hadn't appeared in the -- in  
 2 any iteration of the script that I was -- that was sent  
 3 to me.  
 4 Q. Right, but whether or not she had been interviewed on  
 5 camera, you would have realised, would you, that there  
 6 must have been, at the very least, a note of  
 7 a conversation between Liz MacKean, Meirion Jones or  
 8 Hannah Livingston or somebody on the one hand and this  
 9 other girl on the other?  
 10 A. Yes, I presume so, yes.  
 11 Q. Because you only film the interview --  
 12 A. You have to speak to somebody before you --  
 13 Q. -- once you are pretty sure what they are going to say.  
 14 You don't just turn up with a camera crew and say "Tell  
 15 me all about it", do you? You set these things up.  
 16 A. Yes.  
 17 Q. So my point is that an obvious thing to do with this  
 18 script would have been to say, perhaps not "Who is this  
 19 girl?" Maybe that, in that sense, in your position  
 20 doesn't matter, but more importantly "What is this other  
 21 girl going to say?".  
 22 A. Yes.  
 23 Q. So my question is: did you ask that question?  
 24 A. Probably not. Because, reading this, I would have  
 25 assumed that that may or may not have been likely to

Page 134

1 to my attention.  
 2 Q. As it happens, the second "one more girl" aspect of it,  
 3 would appear to get basically sidelined. It doesn't  
 4 really feature in the drama anymore because the focus is  
 5 then on the CPS and the old and infirm, and when that  
 6 doesn't get stood up, the story gets canned?  
 7 A. Yes, and had it helped or assisted the strength of the  
 8 story we had to tell, which Meirion and Liz were very  
 9 aware of what issues I had with it, I could -- I would  
 10 reasonably have assumed that they would have brought  
 11 that to my attention, had they felt it would help  
 12 satisfy my concerns.  
 13 Q. Do you accept that it does show some lack of curiosity  
 14 not to have gone to Meirion or to Liz and said "I see  
 15 you have -- or you are hoping to have, perhaps, or are  
 16 you -- you have one more woman coming to be interviewed,  
 17 what do you anticipate she's going to say? Is she going  
 18 to corroborate [redacted]?"  
 19 A. Er, I don't -- no, I don't accept that. I think if --  
 20 I would reasonably have expected, had that eventually  
 21 occurred, that they would have brought that to my  
 22 attention, because, you know, I trusted -- trust them to  
 23 present the story that they were trying to get on air to  
 24 me in the strongest form possible.  
 25 Q. Thank you.

Page 136

<p>1 A. I do think -- I just want to say, you need to understand                  2 the context of the role I have and the job that I do.                  3 I won't make this point too often, but it is easy to                  4 isolate one story, one paragraph of one story. The                  5 context here is that I'm dealing with an awful lot of                  6 other things at the same time, so, as I said in the                  7 witness statement, I trust my team, if they find things                  8 that they think help or strengthen the story that they                  9 will bring them to me. That's how -- that's how                  10 I would -- that's how I work.                  11 Q. Right. We were in your statement. I moved into the                  12 bundles again, I think, from paragraph 14 -- I think                  13 that's where we were, isn't it, I think I read that                  14 paragraph out. Then you go on to say:                  15 "I was also concerned with the way we had collected                  16 the additional evidence from other victims and                  17 witnesses. The women were to remain anonymous, the                  18 interviews had all been done on the telephone, some of                  19 them were done by a junior researcher who was with us on                  20 work experience, who I had never worked with."                  21 Just pausing there, did you ascertain how many of                  22 the women had in fact been spoken to by Liz MacKean as                  23 well as or instead of Hannah Livingston?                  24 A. Not the precise number, but I understood it was a mix.                  25 Q. So would it be news to you if I suggested to you that</p> <p style="text-align: center;">Page 137</p>	<p>1 I would be more concerned at Hannah doing it than Liz,                  2 because I think, you know, she's a very experienced                  3 reporter, but I still think that that made me concerned                  4 about a degree of what I would call contamination with                  5 the strength of the evidence.                  6 What I don't -- you know, this doesn't mean that                  7 I felt this evidence was -- that we should dismiss this                  8 evidence, that it didn't have any evidential value at                  9 all, it just meant that the judgment about -- it's to do                  10 with my judgments about the threshold. It's not that                  11 I felt therefore this evidence was not valuable in any                  12 sense and we couldn't believe anything that these people                  13 were saying. It was just, again, if it is going to be                  14 tested, and particularly if the [redacted] evidence is                  15 tested and falls away, we're then back to this.                  16 I started thinking "Hang on, that is going to get tested                  17 in that way as well", that's what I mean. That's the                  18 meaning of what I'm trying to --                  19 Q. But the most obvious thing in the world, if you were                  20 concerned that these -- that some of the interviews had                  21 been done by a junior researcher who did or might not                  22 know what she was doing -- or might not be experienced                  23 enough to do it very well -- the most natural thing in                  24 the world would have been to have asked Meirion Jones or                  25 Liz MacKean "Tell me, Liz, did you speak to all these</p> <p style="text-align: center;">Page 139</p>
<p>1 Liz MacKean had spoken to all but one of the women?                  2 A. Initially, or -- or eventually, are you talking about?                  3 Q. Well --                  4 A. Are you saying that Hannah only spoke to one person?                  5 Q. No, no, I'm not saying that. No, no. I'm saying that                  6 Liz MacKean spoke to --                  7 A. The same --                  8 Q. -- all the women, save for one.                  9 A. Yes.                  10 Q. That one was spoken to by Hannah Livingston.                  11 Hannah Livingston had also, I think, spoken to some or                  12 all of the ones that Liz MacKean had spoken to.                  13 A. And made an initial contact with, as far as I was aware.                  14 Q. All I'm asking you is whether you ascertained how many                  15 of the women Liz MacKean had spoken to? Because                  16 paragraph 15, the burden of those couple of sentences is                  17 that "Well, it was a junior researcher who had done                  18 these interviews, so I infer I gave them less weight."                  19 If the facts were that Liz MacKean had spoken to all but                  20 one of them, that point would disappear, wouldn't it,                  21 because she was an extremely experienced reporter?                  22 A. Not necessarily, because it depends on how -- how the                  23 interviews and the initial approaches had been done, and                  24 whether the victims could easily have been led in the                  25 way they were questioned, by either Hannah or Liz.</p> <p style="text-align: center;">Page 138</p>	<p>1 women?" or "I'm a bit concerned the work experience                  2 researcher might not be up to it, do you have confidence                  3 in her?" to which Liz MacKean would have inevitably                  4 replied -- she would have said yes, no, or whatever, but                  5 she would also have said "You needn't worry about that,                  6 because I have spoken to all of them bar one".                  7 A. I assumed that Liz had spoken to them as well as Hannah,                  8 not that Hannah had only spoken to them exclusively, but                  9 the fact that Hannah had spoken to them, in some cases                  10 as I understood it, initially, then the danger of                  11 contamination from asking leading questions or -- was                  12 established as part of that evidence gathering process                  13 and that could be contested.                  14 Q. You see it might be suggested that you are really                  15 scrabbling around for reasons to doubt the viability of                  16 this story.                  17 A. What I'm doing is I'm testing the evidence. I'm                  18 anticipating if we put this on air where it is going to                  19 be challenged, I'm using my experience as an editor of                  20 which bits of it will and in what context. So I know,                  21 if I'm to put it on air, what the -- um -- you know,                  22 that I'm satisfied that in my gut that it's going to                  23 stand up. That's what an editor does.                  24 Q. Let's just finish off paragraph 15. You say you were:                  25 "... also concerned that the evidence could</p> <p style="text-align: center;">Page 140</p>

1 potentially be undermined because some of the women had  
 2 already discussed the claims amongst themselves via  
 3 a social networking site."  
 4 We know it is true that they had been in contact  
 5 with each other:  
 6 "In my personal experience, the strongest testimony  
 7 from victims of alleged child sexual abuse has to be  
 8 collected individually, face to face, on neutral  
 9 territory with trained interviewers used to not asking  
 10 leading questions."  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18 Q. Right. So if you were concerned that the strongest  
 19 testimony comes from that situation, individually, face  
 20 to face, on neutral territory, would somebody's home --  
 21 would that be appropriate territory?  
 22 A. I wouldn't -- um, I wouldn't judge a home neutral  
 23 territory. I wasn't -- I'm not saying here that we had  
 24 to have collected it in this way to get it over the  
 25 evidential threshold. I'm just contrasting the two

Page 141

1 different ways in which did the kind of A1 --  
 2 Q. You say that's the ideal, that this would be the best?  
 3 A. That would be the ideal --  
 4 Q. Yes, I understand.  
 5 A. -- and the distance between what we had and what the  
 6 ideal was, so if it is going to be tested, how  
 7 comfortable am I with that.  
 8 Q. Yes. But the [redacted] interview, at least, which was  
 9 the only piece on camera at the time, the only interview  
 10 on tape at the time, had been done -- that one --  
 11 individually face to face, I think, at her home --  
 12 A. It was at her home, yes.  
 13 Q. -- by Liz MacKean --  
 14 A. Yes.  
 15 Q. -- who is an experienced interviewer --  
 16 A. Yes.  
 17 Q. -- reporter. So that sentence -- those elements -- were  
 18 present substantially vis-a-vis [redacted] but not the  
 19 others, is that fair?  
 20 A. Yes, they were. But the other facts about [redacted]  
 21 were also present. The other concerns weren't  
 22 materially affected by that evidence gathering process.  
 23 Q. Those other concerns were, what, [redacted]  
 24 [redacted]  
 25 A. [redacted] Her mental health

Page 142

1 issues, which were apparent from -- in the original  
 2 testimony, she said the fact that she couldn't remember  
 3 the main incident as well as she thought she could --  
 4 Q. You are speaking very quietly.  
 5 DAME JANET SMITH: It would be better if you could speak up  
 6 a little more --  
 7 MR MACLEAN: We have suddenly started to have a very private  
 8 conversation, I think, conference down here.  
 9 A. Sorry, I was a little thrown by --  
 10 Q. You were saying mental health issues which were apparent  
 11 from the original testimony, she couldn't remember the  
 12 main incident -- that's a reference to her incident with  
 13 Jimmy Savile in the car --  
 14 A. Yes.  
 15 Q. -- where she said she was on some drug or other.  
 16 A. Which is a drug for [redacted]  
 17 Q. Yes. The drug she thought she was on -- whether she was  
 18 on it or not is another matter -- [redacted]  
 19 [redacted]  
 20 A. Yes. Plus the fact that she was in the home because she  
 21 was -- as unfortunately is often the case with victims  
 22 of sex abuse, they are there because they have issues  
 23 with -- they have had issues with the police and with --  
 24 so you know, that her -- that her testimony could be  
 25 challenged if those things all stood still.

Page 143

1 Q. So we were going through your concerns about [redacted]  
 2 which, as you say, were not affected by the individual  
 3 face to face stuff, so [redacted] the fact that she was  
 4 on drugs and hazy memory or the relevant incident; what  
 5 else?  
 6 A. The -- the fact that she was from an institution that  
 7 was for women who -- who had a history of lying to the  
 8 police, of antisocial behaviour, of, you know,  
 9 difficulties, in which case -- that Meirion had  
 10 described to me as flaky, as -- all these things just  
 11 kind of contributed to my concerns about relying on her  
 12 so heavily.  
 13 Q. Right. So in paragraph 16 then, we then get to  
 14 30 November. So we have moved in three or four  
 15 paragraphs from 29 November, which was paragraph 13,  
 16 through to 30 November in paragraph 16, yes --  
 17 A. Yes.  
 18 Q. -- as a matter of your chronology and your statement?  
 19 A. Sorry, can you just repeat?  
 20 Q. All I'm establishing with you is that your statement in  
 21 paragraph 13 --  
 22 A. 13?  
 23 Q. Starts with you getting the script on the 29th?  
 24 A. Yes.  
 25 Q. Then by paragraph 16 we're into emailing Meirion on

Page 144

1 the 30th.  
 2 A. Yes.  
 3 Q. But that was not all that happened on the 29th is it?  
 4 You had some contact with Mr Mitchell on the 29th?  
 5 A. Did I?  
 6 Q. Do you remember?  
 7 A. I don't --  
 8 Q. You don't remember?  
 9 A. -- recall the chronology of the thing.  
 10 Q. Right, let me show you. Do you have bundle A3 still  
 11 there? You should have.  
 12 A. Yes.  
 13 Q. If you go to 187, first of all, which is the last page  
 14 of another version of the script, we don't need to worry  
 15 about that.  
 16 A. Oh right, so this email I have not seen before.  
 17 Q. Hang on, just to make sure we're on the same page, are  
 18 you looking at 187.001?  
 19 A. Yes.  
 20 Q. An email from you to Stephen Mitchell and Sara Beek on  
 21 29 November last year at 1.20 in the afternoon. You say  
 22 you haven't seen this before?  
 23 A. It has not been disclosed to me, no.  
 24 Q. Has it not? Have a read of it and I will ask you some  
 25 questions.

Page 145

1 A. Okay.  
 2 Q. Do you remember sending that email to Steve Mitchell?  
 3 A. No, I don't recall writing it or sending it, no, but  
 4 I obviously did.  
 5 Q. Before we look at the detail of it, if you go to  
 6 197.001 -- in other words, after 197 -- and go to look  
 7 at the bottom, the very bottom first of all, do you see  
 8 the single word "Steve" and then over the page that's  
 9 the same email that we have just looked at. This is the  
 10 end of the chain. Do you follow?  
 11 A. No.  
 12 Q. Keep your finger in 187.001 --  
 13 A. Yes.  
 14 Q. -- and then go to 197.001. The very last word on the  
 15 page is "Steve".  
 16 A. Um-hm.  
 17 Q. Then go over the page to 197.002, that's the same email.  
 18 A. Okay.  
 19 Q. Right. You can see that?  
 20 A. Um-hm.  
 21 Q. Then go to 197.001. Mr Mitchell, it would appear,  
 22 replies to you at 13.37, do you see?  
 23 A. Um-hm.  
 24 Q. He's travelling to Belfast but can call you later:  
 25 "You mentioned the woman who ran this place, found

Page 146

1 her?"  
 2 That is a reference to Mr Jones' aunt, yes?  
 3 A. Um-hm.  
 4 Q. "Do any of the victims say they approached staff?"  
 5 So there are two specific questions that Mr Mitchell  
 6 raises with you?  
 7 A. Um-hm.  
 8 Q. Then you reply and Sara Beek is copied into this chain  
 9 and has been from the very beginning of it. You reply:  
 10 "We have not approached her yet [that's the aunt]  
 11 but we will. We are not making any accusations against  
 12 her and we have no reason to think that she knew what  
 13 was going on. One victim says that she did eventually  
 14 raise it with her and the visits then stopped. On why  
 15 they did not raise it, the relevant section of the  
 16 script currently says."  
 17 Then this has been extracted from, I think, the  
 18 script, if you go back to the script we can see that?  
 19 A. Um-hm.  
 20 Q. Do you have any recollection of this further email to  
 21 Mr Mitchell?  
 22 A. Er, no. But I mean, I'm not disputing I wrote it.  
 23 Q. Probably -- this is my inference -- what happened is  
 24 that you had taken the script and presumably you have  
 25 cut and pasted those relevant bits --

Page 147

1 A. Yes.  
 2 Q. -- and dropped them into your email. We can see the  
 3 font's difference, for example, which rather suggests  
 4 that?  
 5 A. Yes.  
 6 Q. If you go to the first email in the chain -- we can take  
 7 it from 197.002 if you like, rather than turning back.  
 8 You say to Mr Mitchell:  
 9 "We have made progress on the Savile story and now  
 10 propose to transmit on Wednesday, 7 December. We have  
 11 spoken to seven victims, two on tape who say he molested  
 12 and sexually assaulted them when they were under 14 and  
 13 15, including groping and oral sex."  
 14 The women, I think that should be:  
 15 "... were all at the Duneroft School for troubled  
 16 kids."  
 17 So you appear to be proceeding on the basis in that  
 18 email that, as it were, the second taped interview has  
 19 been actually made and that the victims say Savile  
 20 molested and sexually assaulted them. You then go on to  
 21 say:  
 22 "We have also confirmed that Surrey Police carried  
 23 out an extensive investigation into the allegations but  
 24 in 2009 the CPS decided not to prosecute on the grounds  
 25 that he was too old."

Page 148

1 A. Yes.  
 2 Q. Now, that wasn't right, was it?  
 3 A. No, it wasn't, no, nor was two on tape.  
 4 Q. Nor was two on tape. No, quite right:  
 5 "So whilst the offences were a long time ago in the  
 6 70s, the police investigation was very recent."  
 7 That was true?  
 8 A. Um-hm.  
 9 Q. "The women are credible and have no motive for speaking  
 10 to us other than they want the truth to be known."  
 11 Now, pausing there, there is obviously no mention,  
 12 for example, of [REDACTED]  
 13 A. No.  
 14 Q. -- [REDACTED] to [REDACTED]  
 15 A. No.  
 16 Q. You are telling Steve Mitchell, as it were, as fact --  
 17 or opinion perhaps more accurately --  
 18 A. Yes.  
 19 Q. -- that the women are credible. It appears that you had  
 20 reached a judgment by this stage that the women are  
 21 credible.  
 22 A. Yes.  
 23 Q. Had you?  
 24 A. Well, I would say this is me sending an email to him  
 25 trying to get his attention about -- and expressing the  
 Page 149

1 story in the strongest terms I could to tee up  
 2 a conversation about whether we should go ahead with it  
 3 or not. This is me trying to get his attention.  
 4 Q. Then you say:  
 5 "The girls would be rewarded with trips to  
 6 [Television Centre] TVC to watch and be in the audience.  
 7 We have archive of when they appeared on shows with  
 8 Gary Glitter and Jonathan King, both convicted  
 9 paedophiles, sometimes as well."  
 10 A. Yes. So this is me sending an email to him, I'm  
 11 guessing, after I have had read the script and had  
 12 a conversation with Meirion about the script.  
 13 Q. By the time we get to the next one you send at 197.001,  
 14 you have obviously read the script because you have cut  
 15 and pasted chunks into the email, but I infer -- and  
 16 I think you infer -- that you have read the script  
 17 before you sent the first one, that would be natural,  
 18 yes?  
 19 A. Yes. So is this me making the strongest iteration as  
 20 I can of the script to my -- to Stephen, to tee up  
 21 a conversation about the strengths and weaknesses of the  
 22 story.  
 23 Q. Right, and then you say:  
 24 "We also think Sky are chasing the story as well so  
 25 we do not want to sit on it."  
 Page 150

1 A. Yes.  
 2 Q. That's what Mr Jones certainly believed.  
 3 A. Yes.  
 4 Q. He was able to identify at the time, I think,  
 5 a particular individual at Sky who was sniffing around  
 6 the story.  
 7 A. Yes, he did that, yes.  
 8 Q. A woman whose name I'm afraid I can't remember off the  
 9 top of my head.  
 10 MR POLLARD: Liza Dowd.  
 11 MR MACLEAN: Liza Dowd.  
 12 "Are you around to talk through in more detail? I'm  
 13 also wanting to press ahead with the tax avoidance story  
 14 I mentioned but would not mind a chat with you on that  
 15 first too."  
 16 There is no mention of this exchange with  
 17 Mr Mitchell in your statement.  
 18 A. No, because I was not aware -- I didn't recall it.  
 19 Q. You very helpfully provided documents to this review  
 20 process which we have in these bundles. You notice the  
 21 lettering in the top right-hand corner of some of the  
 22 documents, MJ1, LMI and so on, and we have a number  
 23 which are PR1 -- PR this and PR the next thing, but we  
 24 didn't get these ones, I don't think --  
 25 A. Yes.  
 Page 151

1 Q. -- at the start of that process. Can you account for  
 2 that?  
 3 A. I have no idea. I asked my PA to search. I mean,  
 4 obviously if I had seen these emails, I would have  
 5 factored them into my attempts to recall the processes  
 6 as it happened. Because I had not seen them until you  
 7 show them to me now.  
 8 Q. Because on the face of it, it is headed "Savile" -- it  
 9 misspells his name, as I think everyone almost does, but  
 10 on the face of it there is no reason to think they would  
 11 be hard to find.  
 12 A. No.  
 13 Q. As I say, this one, the first one, is teeing up  
 14 a conversation. You say "Are you around to talk?" to  
 15 which you get the answer "Not really, because I'm going  
 16 to Belfast".  
 17 You did have -- do you remember did you speak to  
 18 Steve Mitchell that day?  
 19 A. I'm guessing I would have done on the -- I would have  
 20 had a telephone conversation with him, I'm guessing, but  
 21 I cannot recall it.  
 22 Q. The email we have just been looking at, for all the  
 23 world, proceeds on the basis that you are content -- and  
 24 perhaps even happy -- to run the story, doesn't it?  
 25 That's the flavour of it.  
 Page 152

<p>1 A. Yes, I mean it's more -- to be honest, the way this 2 works is it is me pushing him to help me reach 3 a decision by expressing the story in its strongest 4 form. That's -- that would be a more accurate 5 interpretation. 6 Q. If one, as it were, for the moment imagined that 7 Stephen Mitchell didn't exist, it looks as if you, the 8 editor of the programme, are on an all systems go basis? 9 A. Yes, which is why I have written it as strongly as 10 I can. 11 Q. So in some way you are, as it were, bigging this story 12 up -- 13 A. Yes. 14 Q. -- putting it at its highest, is that right -- 15 A. Yes. 16 Q. -- to Mr Mitchell? 17 A. Yes. 18 Q. Why? 19 A. To facilitate a discussion about whether this is -- 20 about what we -- how we -- to help me make an editorial 21 judgment about what is the strength of the story. 22 Q. There is nothing lukewarm about this email, is there? 23 A. No. 24 Q. You were not lukewarm anymore, were you? 25 A. No, he knew that I was lukewarm from the earlier</p> <p style="text-align: center;">Page 153</p>	<p>1 Q. If you go to page -- let me just get the right reference 2 for you -- page 220, have you seen this email before? 3 I think you probably have. Have you seen this one, you 4 have probably heard about it anyway recently: "Long 5 political chain"? 6 A. Yes. 7 Q. You seen this before? 8 A. You sent it to me on Monday. 9 Q. Just to give you the context it is Jackie Long who, we 10 can see, works for Channel 4 News -- 11 A. Yes. 12 Q. -- I think is ex-BBC and a friend of Liz MacKean. 13 A. Yes. 14 Q. Her email doesn't matter, what matters is Liz MacKean's 15 reply: 16 "PR's (that is obviously you), latest panic attack. 17 Liz, internally this is a very long political chain." 18 This is the following day, the 30th. 19 A. Yes. 20 Q. I'm going to show you a number of emails, but take this 21 one first. You had a number of conversations, I think, 22 on 30 November with Mr Jones and Liz MacKean. They were 23 not happy, to put it mildly, with the way that the 24 prospects of this story had by then developed; is that 25 fair?</p> <p style="text-align: center;">Page 155</p>
<p>1 conversation that I had had with him. This is my 2 attempt to say this is the strongest iteration of the 3 story that we've got. Shall we have a discussion to see 4 whether -- to see what you think about it? 5 Q. Because what was decisive in the end was what he thought 6 about it, wasn't it? 7 A. I can't remember -- I mean, I -- I honestly cannot 8 remember that conversation, so I don't know. It would 9 have been about -- we would have been testing the 10 strengths and weaknesses of the story among ourselves -- 11 Q. Who is we: you and Stephen Mitchell? 12 A. Me and Stephen Mitchell, as we often do with stories. 13 In the original meeting you kind of explore and roam 14 around what -- the stronger bits and the weaker bits. 15 That's what that -- that's what -- that strong iteration 16 would have been the starting point of that discussion. 17 Q. If he was in Belfast or going to Belfast in the 18 afternoon -- he presumably got there, it's not very far 19 away, some time later that day, and you emailed him 20 again at 13.50, do you remember when you spoke to 21 Stephen Mitchell? 22 A. No idea. 23 Q. You can't remember why he was going to Belfast? 24 A. I can't remember having this phone call, essentially, so 25 I don't know.</p> <p style="text-align: center;">Page 154</p>	<p>1 A. Er -- 2 Q. They thought you were trying to kill it? 3 A. I can't remember the conversations I had with them on 4 that -- 5 Q. Can you remember -- 6 A. -- day, but -- 7 Q. Can you remember referring to there being a "very long 8 political chain" in the conversation with Liz MacKean? 9 A. No, as I say in my witness statement, I can't remember 10 using those words. But that would but -- as I say, 11 I can imagine myself discussing an editorial chain. 12 I don't know whether I would use the word "political", 13 because that's what there is between Liz and Meirion and 14 me, Stephen and Helen. 15 Q. But this story, as a matter of chains -- whether they 16 are political chains or not, leave political out of 17 it -- the chain on this story was no longer or shorter 18 than the chain on any other story, was it -- 19 A. No. 20 Q. -- you agree with me -- 21 A. Yes. 22 Q. -- to the extent that it might be said that this story 23 was sensitive. Well, so were all the stories on the 24 Managed Programmes Risk List? 25 A. Yes.</p> <p style="text-align: center;">Page 156</p>

1 Q. That's the point of it. So that wasn't desperately  
 2 unusual either. Is that fair?  
 3 A. Yes.  
 4 Q. What was different about this story was that it was  
 5 concerned with an apparent paedophile whose whole career  
 6 had been made by the BBC. He was a BBC star, wasn't he?  
 7 A. Yes.  
 8 Q. Might that have lengthened the chain?  
 9 A. No. That was -- I mean, as you can see from the script  
 10 that we wrote -- I mean, maybe with hindsight we should  
 11 have pointed that up more, but the BBC element of the  
 12 story was not a significant element in the -- the kind  
 13 of iteration of this story that Meirion and Liz were  
 14 pushing to me and I was thinking in terms of at the  
 15 time. So absolutely not, no.  
 16 Q. In fact, we have all read the newspapers in the last few  
 17 weeks, but in terms of potential institutional  
 18 failures -- CPS or police or whoever else it might be --  
 19 it doesn't, would you agree that it is fair that, at the  
 20 time, none of you involved in this story really seem at  
 21 all to have focused on the idea that there might have  
 22 been a historic failure at the BBC; is that fair?  
 23 A. I think that is -- that is fair, given the iteration of  
 24 the story that was presented to me by Meirion and Liz,  
 25 yes.

Page 157

1 Q. The fact that, as it were, everybody has gone big on the  
 2 BBC allowing -- well, the fact that some of the alleged  
 3 assaults took place on BBC premises and therefore, it  
 4 might be said -- might be said -- is a problem for the  
 5 BBC, just wasn't the focus of any of it?  
 6 A. Meirion and I did discuss needing to go to the BBC for  
 7 a comment at some point, because some of these incidents  
 8 had been on their property. But the focus of the work  
 9 that we had done was around Duncroft.  
 10 Q. To the extent that it might be suggested that the script  
 11 shows that it wasn't really about Duncroft, there is  
 12 mention of Stoke Mandeville, by the time we get to one  
 13 of the scripts there is mention of this place in Jersey  
 14 as well, and that part of the story at least was that  
 15 Jimmy Savile was a paedophile in lots of places as it  
 16 were. That was part of it.  
 17 A. Those were elements that we were mentioning in the  
 18 script, but fundamentally most of the testimony we had  
 19 gathered had been around Duncroft and that was my  
 20 understanding of where we had been looking at it.  
 21 Q. Just to be clear about long political chain, you don't  
 22 remember this?  
 23 A. I really don't remember saying that, I really don't. As  
 24 I said, the judgment and all the discussions I had were  
 25 always about editorial thresholds. It really wasn't

Page 158

1 anything else other than that.  
 2 Q. Mr Mitchell, he presumably was not in favour of this  
 3 story running, is that right?  
 4 A. I honestly can't remember him feeling that -- that  
 5 strongly. I can't -- I can't recall him having a firm  
 6 opinion either way and I can't recall the telephone  
 7 conversation which would probably have happened as  
 8 a result of this --  
 9 Q. When he's in Belfast?  
 10 A. -- when he's in Belfast. I mean, he and I -- you know,  
 11 in order to test the strength of the story you adopt  
 12 positions and then discuss -- then challenge each other  
 13 on what is the strength from this perspective, what is  
 14 the strength from that perspective. But I at no point  
 15 got a firm sense of his overall feeling about the story,  
 16 because he's always keen -- you know, because I'm the  
 17 editor of Newsnight, if I'm going to put it on my  
 18 programme it's up to me to make the judgment in the  
 19 final analysis.  
 20 Q. Is that right? You, as editor of Newsnight, bear  
 21 responsibility for what Newsnight broadcasts, but he can  
 22 have a decisive influence on whether the story runs.  
 23 A. Yes, I mean he would -- we have never got to a situation  
 24 where he has -- he and I have not agreed on what -- on  
 25 whether or not we're going to proceed or not proceed

Page 159

1 with the story. I can't -- in this case, I genuinely  
 2 can't recall him pushing me in one way or the other.  
 3 Q. That was -- you have answered one of the questions that  
 4 I was coming to, which is, of course, if you have  
 5 a discussion with Mr Mitchell -- and you told us earlier  
 6 you valued his editorial judgment very highly -- of  
 7 course if ultimately you are of the same view on  
 8 a particular story then at least in one sense that is  
 9 fine. But I was going to ask you whether there had been  
 10 a situation where you had taken opposing views. Then  
 11 I was going to ask you what had happened in the shake  
 12 out.  
 13 But I think you are telling me that you have never  
 14 encountered such a circumstance.  
 15 A. You normally keep discussing it until you find --  
 16 I can't think -- can I think of an example where we have  
 17 disagreed? I can't, sorry. I can't think of a useful  
 18 illustration.  
 19 Q. It follows, I think -- and it does follow -- from the  
 20 fact that you can't remember what conversation you  
 21 probably had with Mr Mitchell on 29 November that you  
 22 obviously can't remember -- obviously it follows you  
 23 can't remember whether there was discussion about the  
 24 tribute programmes at that stage, since you can't  
 25 remember at all?

Page 160



1 A. I can't, I am afraid, no. But I really doubt there  
 2 would have been, because it was not a significant  
 3 element in our judgment.  
 4 Q. Because there would be no real reason, would there, to  
 5 come back to that, having had the initial discussion  
 6 about Vision issues, is that right?  
 7 A. Exactly.  
 8 Q. So that, as far as you are concerned, that had come and  
 9 gone, hadn't it?  
 10 A. Yes.  
 11 Q. If you go to 215, this is another email. In fact  
 12 chronologically it comes before the one we have just  
 13 looked at. We probably sent this to you, did we? It is  
 14 Liz MacKean to Jackie Long again.  
 15 A. Um-hm.  
 16 Q. "Must tell you story when we next speak: PR in  
 17 an absolute spin. He's already done the surrender  
 18 gesture ..."  
 19 Which is this, I think (indicates).  
 20 A. You may minimum.  
 21 Q. "... and told me and Mei if the bosses aren't happy  
 22 (they won't be) ..."  
 23 Let's assume those are Liz MacKean's words in  
 24 brackets:  
 25 "... I can't go to the wall on this one."  
 Page 161

1 Stephen Mitchell, I think I infer that "bosses",  
 2 therefore -- so far as you are concerned the expression  
 3 "bosses" is a reference to Helen Boarden and  
 4 Stephen Mitchell.  
 5 A. Um-hm.  
 6 Q. It's not a reference to anybody higher.  
 7 A. Yes.  
 8 Q. For example, it is not a reference to the Director  
 9 General?  
 10 A. No.  
 11 Q. Still less is it a reference to anybody in Vision  
 12 because in no sense were they your bosses?  
 13 A. Yes.  
 14 Q. Is that right?  
 15 A. Yes.  
 16 Q. To the extent that Liz MacKean's email suggests that you  
 17 say the bosses aren't happy, I just want to be  
 18 completely clear about what your evidence is about what  
 19 the attitude of those two bosses was on 30 November,  
 20 about the story.  
 21 A. It was the same as mine, which was whether we -- as  
 22 I say, I cannot recall that phone conversation at all  
 23 with Stephen Mitchell, but that email I'm sending to him  
 24 would have triggered -- it's me saying to him "This is  
 25 where the story has got to, this is the strongest  
 Page 163

1 Is that what you said to Liz MacKean?  
 2 A. I can't recall -- I can't recall that conversation so  
 3 I don't know -- I don't know whether I did or I didn't  
 4 say that but, as I say in the statement, if there was  
 5 an unhappiness, it would have been about whether they  
 6 felt that we had got over the editorial threshold that  
 7 we needed to get over. You know, so I may have said  
 8 something in that context, but that would have been the  
 9 context I would have said it in.  
 10 Q. You say in your statement, paragraph --  
 11 A. Sorry, I genuinely cannot -- I have no sense at all  
 12 of -- of that. I can't recall feeling that there was  
 13 any significant disagreement or pressure from my bosses  
 14 to feel significantly differently about the story than  
 15 I had. So I don't -- I was just aware that they would  
 16 have the concerns that I would have, you know.  
 17 Q. As I say in, I think, your statement -- tell me if I'm  
 18 wrong -- paragraph 27, which is where you deal with  
 19 these emails we have just been looking at, if you want  
 20 to take that up at page 7, you see you mention the two  
 21 emails I have just shown you. You can't recall the  
 22 conversation:  
 23 "The only criteria my bosses were interested in were  
 24 editorial."  
 25 Then in the next sentence about Helen Boarden and  
 Page 162

1 iteration of it, let's have a conversation about  
 2 strengths and weaknesses and what we might need to  
 3 pursue or establish, or those kinds of things", and, as  
 4 I say, I can't recall -- I can't recall the conversation  
 5 or what the outcome of that was, but it obviously -- it  
 6 obviously crystallised for me some of the -- sorry,  
 7 I can't. I can't recall where that went so it is  
 8 difficult for me to talk about it.  
 9 Q. Do you think it's likely that one of the products of  
 10 your conversation with Mr Mitchell on the 29th was the  
 11 notion that pressing for the CPS reasons for proceeding  
 12 or not proceeding was actually critical?  
 13 A. Um, it would help us make a -- yes, I think that's fair.  
 14 I think that it would help us make a firmer judgment as  
 15 to the fullness of the story that we had, yes. But  
 16 whether he suggested it or whether I suggested it,  
 17 I can't recall.  
 18 Q. You can't recall. Well, I used the word "critical" and  
 19 you said that was fair. But then you went on to say  
 20 "That would help us make a firmer judgment". My  
 21 suggestion to you is we can see from your pondered  
 22 overnight email, which is on page 214, which actually  
 23 comes a little bit before either of the two  
 24 Jackie Long/Liz MacKean emails we have just been looking  
 25 at -- do you see that, three lines from you --  
 Page 164

1 A. Um-hm.  
 2 Q. -- it's:  
 3 "The key is whether we can establish the CPS dropped  
 4 the case for the reasons the women said."  
 5 My suggestion is that it is very likely that the  
 6 identification of that key was a product of your  
 7 discussion with Mr Mitchell.  
 8 A. I think that's probably correct, yes. Although not --  
 9 although -- yes, I think that's correct.  
 10 Q. Right. But you can't remember the course of that  
 11 conversation?  
 12 A. I can't remember the course of conversation, so I can't  
 13 remember whether that was his judgment or mine or  
 14 whether -- I can't, I'm sorry.  
 15 Q. At all events, what you are saying is you and  
 16 Stephen Mitchell ended that -- well, by the morning of  
 17 30 November, you and Stephen Mitchell were on the same  
 18 page, is that right --  
 19 A. We -- yes.  
 20 Q. -- and so far as you are concerned, had you ever been on  
 21 a different page, as it were, from Stephen Mitchell?  
 22 A. No. Because his attitude in these is often kind of  
 23 neutral. He's like a person I kind of test and explore  
 24 the decisions that I'm having to make with. So, as  
 25 I say, I can quite -- you know, I really don't think  
 Page 165

1 I can -- I really can't recall him being particularly  
 2 strongly in favour or not at any point.  
 3 Q. Did you wrestle with this particular decision more, much  
 4 more, than usual or not?  
 5 A. You mean the overall judgment about whether to run the  
 6 Savile story?  
 7 Q. Yes. Did you find you had to really wrestle with this  
 8 one and therefore use Mitchell as an sounding board more  
 9 often than normal, or not?  
 10 A. It is one of the more significant judgments that I have  
 11 probably had to make in that period, yes. It really  
 12 was, yes.  
 13 Q. You felt the weight of that, if you like? Did you find  
 14 it a burdensome task?  
 15 A. No. It was my job.  
 16 Q. I appreciate that but I know from personal experience  
 17 one can find one's job burdensome from time to time.  
 18 A. It was a very narrow -- as you can see from the other  
 19 email, I could see the story from both sides, so it was  
 20 a fine -- it was a fine judgment, around which --  
 21 particularly because you are conscious of the kind of  
 22 obligation and duty of care to the women that they are  
 23 doing, that it makes it quite a big judgment to make, so  
 24 yes.  
 25 Q. So is it fair, then if I ask you a couple of questions  
 Page 166

1 about that other girl on interview, the "hopefully" and  
 2 so on, we discussed that. But by now you have  
 3 identified -- after the discussion with  
 4 Stephen Mitchell -- you have identified the key and that  
 5 is now the key going forward, and that key will either,  
 6 as it were, open the door to this story going out, or it  
 7 won't.  
 8 A. It was more -- well, it was the fact -- it was a very  
 9 important fact and part of the story that we had yet to  
 10 bottom out, that I had made a judgment that we needed to  
 11 bottom out before making the final decision.  
 12 Q. It's the key, isn't it? It's the deal breaker?  
 13 A. I use that phrase there. Other things may have  
 14 occurred, but, yes -- okay, yes. I would say that  
 15 I decided that all things -- everything else maintaining  
 16 the same, this -- this would be -- yes, this would be  
 17 quite important that we could establish this.  
 18 Q. Yes. Now, as you know, there has been some discussion.  
 19 Some of these emails have found their way into  
 20 newspapers, as you know, and there has been some  
 21 discussion, I think, in some of them about your  
 22 reference to the words "just the women".  
 23 Now, I know what you said in your witness statement,  
 24 I have read that, but that doesn't go into this  
 25 transcript. What do you want to say about those words,  
 Page 167

1 what did you mean?  
 2 A. Have you got the email?  
 3 Q. Well, it's this email we're looking at, 214, second  
 4 line. It's the same one.  
 5 A. Yes. What -- what I'm -- as I explained in the witness  
 6 statement, what I mean by that is ~~that if we've got~~  
 7 three prongs to the story, we have ~~testimony~~  
 8 testimony, we have the anonymous testimony, we have  
 9 a police/possible CPS investigation, and what I mean by  
 10 that is if we can't establish the CPS element we are  
 11 left with this other element of the story. Just this  
 12 other element of the story, it's not -- as I say in my  
 13 witness statement, it is a long way from a judgment on  
 14 the character or anything like that of the women.  
 15 I think it is very -- I mean, I was deeply hurt by  
 16 the Select Committee appearance when that was implied,  
 17 I thought, terribly unfairly.  
 18 Q. Right, I won't ask you any more about that.  
 19 I'm going to ask you to go to 222. Still the same  
 20 day, lunch time -- well, 12.17 anyway -- Liz Gibbons to  
 21 Jo Mathys and Hannah MacInnes. Remind me who  
 22 Hannah MacInnes is, if you can?  
 23 A. She's a producer who works on Newsnight.  
 24 Q. Jennifer?  
 25 "I'm not going to mention the Jimmy Savile  
 Page 168

1 investigation in next week's prospects for Jennifer ..."

2 A. No idea.

3 Q. Nobody seems to know who poor Jennifer is:

4 "... because it is still sensitive and legally

5 complicated and may not run."

6 A. Yes.

7 Q. This is Liz Gibbons?

8 A. Yes.

9 Q. I don't know where she got this information from, but it

10 must have been secondhand from somebody. It might have

11 been -- was it you? I don't know. It might have been

12 you.

13 A. I don't know what they means by "legally complicated"

14 either.

15 Q. I was going to ask about that.

16 A. I don't know what she means by that.

17 Q. "still [very] sensitive", sensitive for --

18 A. Well, because it's a fine judgment that I'm having to

19 weigh and, you know, Meirion is of one particular view,

20 I'm not convinced, and that's why it's sensitive.

21 Q. I would --

22 A. I would guess, as I say, I don't know. You would need

23 to ask her.

24 Q. It's not very fruitful to ask you what she thought by

25 sensitive. You are quite right to upbraid me about

Page 169

1 that.

2 I'm told that it is time to stop again, if that is

3 all right, for a few minutes?

4 A. Okay.

5 MR MACLEAN: Five to ten minutes.

6 (3.06 pm)

7 (A short break)

8 (3.37 pm)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Page 170

2

3

4

5

6

7 A. Can I also say something about evidence disclosure?

8 MR MACLEAN: Yes.

9 A. So I was asked to produce all my emails. This is with

10 reference to this email which I was not aware of. So my

11 PA searches through my inbox and my sent box for all the

12 emails. She printed a copy for me and a copy for you.

13 I was then aware that, during the period that we're

14 talking about, my sent email box is erratic, to say the

15 least, and there are some whole days and weeks that

16 aren't -- that don't seem to have any emails, which is

17 clearly wrong. I don't know why the archiving has done

18 that.

19 So I approached computer support and asked them to

20 do a kind of recovery process. They initially said they

21 would do that and then they said they couldn't do it

22 because they were doing it all for your guys and your

23 process. But I really want you to understand that that

24 is how that has occurred. It is certainly not to do

25 with me trying to -- I have tried to disclose as much

Page 171

1 as -- everything I was aware that I had. I also think

2 you need to understand that what emails did emerge

3 helped me, as best I could recall, remember the process

4 that took place over those six weeks and I constructed

5 this narrative around what that email evidence helped me

6 remember.

7 I think you should bear that in mind because, as

8 I say, I was not aware of that email at all.

9 Q. Right. Thank you.

10 I think the last document we looked at was 222. Is

11 that the last one you have open?

12 A. Yes.

13 Q. We touched on "legally complicated" and we agreed there

14 was no point in asking you about "very sensitive",

15 because it was not your email.

16 Can we then go to 232? This is an email from

17 Liz MacKean to herself and to Meirion Jones, that same

18 day, still on the 30th. If you go over the page you see

19 ROUGHSAVILLE 5.

20 A. Um-hm.

21 Q. I'm not sure that you were sent ROUGHSAVILLE 5. Is that

22 right?

23 A. I don't know.

24 Q. Obviously, we can now look at ROUGHSAVILLE 5 and the

25 version that we were looking at earlier, and we can see

Page 172

<p>1 what differences there were, but take it from me, they 2 are relatively minor, okay? 3 So -- 4 MR POLLARD: Can I just raise the point: this may have 5 occurred to you already but there are some bits taken 6 out of our copies of that. I don't know whether they 7 are -- they are just blank paragraphs, which I think 8 were taken out by BBC legal department, I think to 9 protect some sources. Now, in fact I think somewhere we 10 have a full copy of that. They are the same paragraphs, 11 I think, that were taken out in ROUGHSAVILLE 2 and the 12 first ROUGHSAVILLE. 13 I don't think they are absolutely essential but just 14 in case you wondered why there were gaps there. 15 A. Okay. 16 MR POLLARD: In the versions that were circulated at the 17 time those paragraphs would have been there. 18 MR MACLEAN: We have had this with others, but I assume that 19 insofar as documents that have been supplied to us, as 20 part of this process, which may have originated with you 21 or with others, you haven't made any redactions or 22 blanking out of anything, to the extent that any PR 23 documents that have redactions, that has been done by 24 somebody else, is that correct? 25 A. That's correct, yes.</p> <p style="text-align: center;">Page 173</p>	<p>1 far as you are concerned, at page 274, the next day, 2 which is an email from you to Mr Jones. 3 A. Um-hm. 4 Q. Now, if I can ask you this: in your mind, how dead is 5 this story at this point? 6 A. It's not dead at all if we can establish if the letter 7 from the women emerges and can be corroborated or the 8 CPS can get back to us and confirm what the women were 9 alleging. 10 Q. You mean on "aged and infirm"? 11 A. Yes, if we could establish that it's still ongoing. 12 What I'm doing here is I want -- I'm not convinced that 13 the script is in a position that I want to broadcast. 14 I'm aware that Meirion is pushing by talking to all 15 sorts of different aspects of the BBC about how we are 16 going to roll the thing out, before I have even got to 17 a position where I think we might want to put the thing 18 on air. 19 So I'm trying to -- as I say, Meirion is very good 20 in lots of ways but he's tricky to manage and I'm trying 21 to send a signal to him here that he needs to just 22 calm -- 23 Q. Was he trying to -- "bully" would be too strong 24 a word -- pressurise or manoeuvre you, did you think, by 25 pressing buttons in other parts of the BBC?</p> <p style="text-align: center;">Page 175</p>
<p>1 Q. You simply supplied the documents you supplied, I think 2 to the BBC, and you, as it were, didn't see them again, 3 those ones? 4 A. Yes. 5 Q. Then they came to us in whatever form they came to us. 6 A. Yes. 7 Q. Right, that is very helpful, thanks. 8 So this is ROUGHSAVILLE 5. We can see from page 233 9 that we still have Mark Williams-Thomas being expected 10 to say those sort of things, ending with the words 11 "hushed up", do you see at 233 near the bottom? 12 A. Yes. 13 Q. Then if you go to the end, we have -- sorry, the 14 penultimate page, 238 at the bottom we have 15 [REDACTED], the bit from [REDACTED] mentioning seeing 16 him in the dressing room. 17 "... packed with lots of people, Jimmy Savile was 18 there laughing and thinking it was funny." 19 Over the page, piece to camera at the end, it's 20 still the same notion: 21 "Any statement from police or CPS and line about 22 girls not believing it just happened at Duncroft." 23 That's the same as before? 24 A. Yes. 25 Q. The next thing that was important, wasn't it, was, so</p> <p style="text-align: center;">Page 174</p>	<p>1 A. I felt that he was trying to establish a kind of facts 2 on the ground for another date in order to, um, push me 3 into making a judgment that I still felt was very finely 4 balanced, and I felt slightly uncomfortable about that, 5 so I was trying to make that point. 6 Q. He was, whether legitimately or otherwise, pressuring 7 you -- 8 A. Yes. 9 Q. -- and this is you saying stop? 10 A. Yes. 11 Q. Was that something you had encountered before from him, 12 or was it particular to this case? 13 A. He -- I mean, Meirion and I have found what can be 14 a very effective way of working. He's rather like 15 a salesman, he gets elements of a story together, he 16 presents it to me in the most strongest and possible 17 form, for example in the way that I obviously described 18 his account of it to Steve in that other email and he 19 expects me to kind of see the -- to be the kind of -- 20 apply the kind of BBC filter to it and to see the kind 21 of weaknesses in it and say "No, you can't say that", 22 and knock these things out. So he can be very pushy but 23 often -- you know, often legitimately pushy, so yes. 24 Q. But you felt you were, as it were, able to withstand his 25 pushiness?</p> <p style="text-align: center;">Page 176</p>

<p>1 A. Yes.</p> <p>2 Q. In a sense, that was part of your job?</p> <p>3 A. Yes, it is.</p> <p>4 Q. So he didn't agree with this pulling of the editing, did</p> <p>5 he, and he emailed you at 275 saying he didn't think</p> <p>6 that's a good idea "Let's chat"?</p> <p>7 A. Um-hm.</p> <p>8 Q. 276, you couldn't find him but you did find each other</p> <p>9 and you did have a chat, didn't you?</p> <p>10 A. Yes.</p> <p>11 Q. There were a number of discussions, I think, in the</p> <p>12 course of the day, is that right, with Mr Jones and --</p> <p>13 A. I can't recall who, what and when with Meirion and Liz,</p> <p>14 because I had so many discussions with them. I can't</p> <p>15 recall precisely the days.</p> <p>16 Q. At 268 -- this is the same day, the 1st, but before your</p> <p>17 email of pulling the editing. Now, you see the</p> <p>18 attachment. It's not properly headed for some reason:</p> <p>19 "I think we should run this story next Wednesday as</p> <p>20 planned for straightforward journalistic reasons."</p> <p>21 If you go over the page, that is all a long title to</p> <p>22 from a Word document, do you see, 268? ".docx" is</p> <p>23 a Word document, and then the Word document starts at</p> <p>24 269.</p> <p>25 A. Um-hm.</p> <p style="text-align: center;">Page 177</p>	<p>1 he refers to here, I mean, I -- I don't actually recall</p> <p>2 us having that many discussions about it, particularly,</p> <p>3 because it wasn't -- to me it was irrelevant, and I made</p> <p>4 that clear to him. I remember telling him that.</p> <p>5 Q. So when it says at 269:</p> <p>6 "I do however thing think we should notify our</p> <p>7 colleagues in Vision or wherever else (I'm always a bit</p> <p>8 hazy about how the BBC management structure works) ..."</p> <p>9 He may not be alone on that;</p> <p>10 "... so that whoever is making the Jim'll Fix It</p> <p>11 Christmas special is aware."</p> <p>12 Apart from the discussion we looked at about the</p> <p>13 Vision issues with Stephen Mitchell on 21 or</p> <p>14 22 November -- we have been over that -- after that</p> <p>15 discussion, did Mr Jones or Ms MacKean ever raise with</p> <p>16 you the point that you should be doing something</p> <p>17 vis-a-vis Vision?</p> <p>18 A. I can't -- I can't recall -- I can't recall that, but</p> <p>19 I had done what I -- because I would have dispatched my</p> <p>20 obligations in that regard anyway --</p> <p>21 Q. By having gone to --</p> <p>22 A. -- by having the conversation with Stephen Mitchell.</p> <p>23 I wouldn't have, kind of logged that.</p> <p>24 Q. These -- what's said here about high chance the story</p> <p>25 will emerge and the story would be "BBC covered up paedo</p> <p style="text-align: center;">Page 179</p>
<p>1 Q. This is what Mr Jones refers to as his red flag email.</p> <p>2 A. Um-hm.</p> <p>3 Q. When did you first see that email?</p> <p>4 A. I don't recall it. Was it sent to me?</p> <p>5 Q. It wasn't sent to you then. It certainly wasn't sent to</p> <p>6 you that day, and I don't think it was sent to you at</p> <p>7 all during this time period.</p> <p>8 Mr Jones doesn't say he sent it to you then. Have</p> <p>9 you read it in the last couple of days?</p> <p>10 A. I saw it when you disclosed it on Monday.</p> <p>11 Q. That's what I'm getting at. That was the first time you</p> <p>12 had seen it?</p> <p>13 A. Yes.</p> <p>14 Q. Having read it, as you presumably did in the last day or</p> <p>15 two -- look at, for example, 269 -- he makes a number of</p> <p>16 points in this document which I emphasise he didn't send</p> <p>17 to you at the time. Do you recognise these as points</p> <p>18 that Mr Jones was making in discussions with you? For</p> <p>19 example --</p> <p>20 A. I have not read this in detail. I was aware that he</p> <p>21 felt that the, um -- I tried my best to make very clear</p> <p>22 to him throughout the period that my concerns were</p> <p>23 editorial and that the judgment that I had to make about</p> <p>24 whether I put it on air or not was entirely editorial.</p> <p>25 The whole thing about this Christmas special thing</p> <p style="text-align: center;">Page 178</p>	<p>1 Sir Jimmy Savile" or it emerges after Christmas, "BBC</p> <p>2 covered up paedo Sir Jimmy Savile to fix Christmas</p> <p>3 ratings", were those the kind of points that Mr Jones</p> <p>4 was making to you?</p> <p>5 A. I can't recall, sorry. I can't recall having a detailed</p> <p>6 conversation with him about the kind of things he's</p> <p>7 written here. I tried to make it -- every time we</p> <p>8 discussed the story, I tried to -- I made sure that it's</p> <p>9 about the editorial.</p> <p>10 Q. It is fair to point out -- and you might, as it were,</p> <p>11 want to point to the fact -- if we go to page 270 under</p> <p>12 the heading "Victims":</p> <p>13 "We know that the victims believe that the police</p> <p>14 and CPS covered up for Savile."</p> <p>15 A. Yes.</p> <p>16 Q. "All they know is that they were interviewed, told what</p> <p>17 happened, and then a year later they were told that he</p> <p>18 was too old to press charges."</p> <p>19 A. Yes.</p> <p>20 Q. To the extent that that is a reference to all of them,</p> <p>21 that's not entirely accurate.</p> <p>22 A. No, it's not. I think there are a number of emails from</p> <p>23 Meirion you will have been aware of that refer to them</p> <p>24 collectively in that context.</p> <p>25 Q. There is a reference to News International at the</p> <p style="text-align: center;">Page 180</p>

<p>1 bottom. Was that something on your radar? We have 2 heard about Sky News. 3 A. He kept -- no, I mean he kept referring to various other 4 journalists, who he was -- but that is just -- that is 5 the salesman side of him to trying to pressure me to 6 make a judgment that he wanted me to make, and actually 7 the more he does that the more slightly suspicious I get 8 and the more I kind of think "Well, that is not going to 9 influence my judgment on whether I'm going to run 10 a story or not", because I have to be happy with the 11 editorial. 12 It's not -- as a BBC editor, you can't be bounced 13 into running a story because you think somebody else is 14 going to run it if you are not happy with the story. 15 Q. So your attitude was the story either stands up or it 16 doesn't on its merits, but telling me that the Sun or 17 the Mail or somebody else is or might be on it doesn't 18 make any difference? 19 A. Yes. 20 Q. That was your attitude? 21 A. That is my attitude, yes. 22 Q. You might also want to point out to us, if we hadn't 23 already spotted it, which we have at page 271: 24 "Are there any other journalists? 25 "I can't be the only journalist with evidence of Page 181</p>	<p>1 Q. -- did you know that, notwithstanding that, 2 Hannah Livingston, for example, was still digging around 3 in blogs? 4 A. Er, I wasn't aware of that, but I wouldn't be -- that 5 doesn't surprise me because the story was still active, 6 and, you know -- 7 Q. If we go to page 285.001, which should be in green, 8 which means that it's -- it is green in my version -- 9 one that has come in fairly recently. Two-thirds of the 10 way down that page do you see there is a email from 11 Shaminder Nahal to Liz Gibbons on 1 December at 19.50, 12 headed "Euro(?) coverage"? 13 A. Um-hm. 14 Q. "Great, we have editing, when is it?" 15 The one to which that is a response, Liz Gibbons: 16 "I think it would work really well in a boardroom." 17 This is a reference to some other story? 18 A. Yes. 19 Q. "Maybe it is double in short turnaround. We have spare 20 editing now because of Jimmy." 21 That's a reflection of the fact that you have pulled 22 the editing. 23 A. Yes. 24 Q. On the next day, the 2nd, the Friday, if you go to 25 page 295.001, we come back again to this question of the Page 183</p>
<p>1 Savile's activities who was waiting for him to die 2 because the victims were vulnerable and would not stand 3 up well in a libel hearing." 4 So that reflects about the vulnerability, and not 5 standing up well in the libel hearing. Is this fair, 6 that reflects your initial reaction -- going back to 7 lukewarm right at the beginning, tell me if this is 8 fair -- because you saw there was not going to be 9 a libel case brought by Jimmy Savile, but the 10 vulnerability and not standing up well to public 11 scrutiny, that aspect still remained? 12 A. Yes. I mean this -- that -- that absolutely -- that 13 was -- yes, that was the way he framed his motivation 14 for doing this story when he originally pitched it, 15 which is why we had that to and fro, me saying "Just 16 because you can, doesn't mean you should". 17 Q. So these aspects about vulnerable and not standing up, 18 it doesn't take a libel hearing for those problems to 19 become manifest as one may have observed from events in 20 the last couple of weeks? 21 A. Yes. 22 Q. So let me just get it this way. Having sent that email 23 "It's not strong enough", unless the CPS comes up with 24 something, the 274 email -- 25 A. Um-hm. Page 182</p>	<p>1 Managed Programmes Risk List, which is misspelt there, 2 actually. Do you see Sara Beck on the 2nd, and that is 3 to Liz Gibbons, I think: 4 "The team are back from Egypt, aren't they?" 5 That was a Newsnight team. 6 A. It would have been, yes. 7 Q. "Any update on Savile? If it is happening next week 8 I will put back on the MPRL on Monday." 9 Then the answer: 10 "Yes, they are back." 11 That is the team who had been in Egypt: 12 "Savile almost certainly not happening next week 13 now." 14 A. Um-hm. 15 Q. Is this right: that doesn't mean it is almost certainly 16 not happening at all, it means it is almost certainly 17 not happening next week because the bit that is 18 necessary to make it happen has not turned up yet? 19 A. And that we have pulled the editing. 20 Q. It is because it hadn't turned up yet that you had 21 pulled the editing? 22 A. Yes. 23 Q. We had a fairly long discussion about the Managed 24 Programmes Risk List earlier. To what extent, if at 25 all, did that come back on to your radar at this stage Page 184</p>

<p>1 of the process? Did you give any thought to the Managed 2 Programmes Risk List position? 3 A. My honest assumption throughout this whole process: that 4 it would have just been on there the whole time. 5 Q. Yes. Right. 6 You can put bundle 3 away, please, and take out 7 bundle 4. Go to page 13. You should be looking at 8 an email from Meirion Jones that I think you will seen 9 before. So the burden of this is that the police have 10 now confirmed that they had done an investigation in 11 2007, or that's when they got the allegation. 12 A. Um-hm. 13 Q. No further action was taken. Mr Jones was taking it up 14 with the CPS to find out a bit more, that's the thrust 15 of it? 16 A. Yes. 17 Q. So it doesn't say why the investigation has run into the 18 sand. So it doesn't answer the point that you had made 19 on 30 November? 20 A. No, and Meirion discussed that and said he wanted -- it 21 was the CPS that they needed to talk to as a result of 22 this email. 23 Q. If I was to say to you that it has been suggested to us 24 that by 5 December there was an ongoing argument between 25 you and Mr Jones and Liz MacKean about whether to run Page 185</p>	<p>1 justify the decision, on the basis that the victims 2 weren't that young and the abuse was not really at the 3 top end of the scale -- 4 A. That I -- that, again, it's offensive and absurd. I was 5 trying to do the story. So if I felt that why would 6 I be trying to get the story on air? That's -- I mean, 7 it doesn't -- it doesn't -- it doesn't make sense. It 8 is illogical that that would have been my view if I was 9 trying to get the story on air. 10 Q. Well, others seem to have got the impression that you 11 simply wanted this investigation to stop by 5 December. 12 A. But that's not true. I still think -- I still thought 13 there was every reasonable chance that, if we had 14 established the police element or the CPS element of the 15 story, or if this letter had arrived, that we could -- 16 that we could do this story. 17 Q. On that precise point, let's go to page 19 in bundle 4. 18 Do you know who Michael Hughes is? 19 A. No. 20 Q. We understand that he's a friend of Liz MacKean's. 21 I don't know if you have seen this email in the last 22 couple of days. You obviously wouldn't have seen it at 23 the time. Is it one of the ones we sent you? 24 A. Yes, it is. 25 Q. So he refers to quite a perfect storm: Page 187</p>
<p>1 this story, would that be right? Not shouting at each 2 other but -- 3 A. No, I -- I mean, I was aware that he felt that we had -- 4 what we had was sufficient to run as it was, and he was 5 aware that I wanted to explore this to its full end and 6 that I was not comfortable with the testimony standing 7 up on its own. 8 Q. If I was to say to you that it had been suggested that 9 you were hinting -- seemed to be hinting -- that 10 Steve Mitchell and Helen Boaden were behind the decision 11 not to proceed with this story unless this item turned 12 up, that in any event didn't turn up, what would you say 13 to that? Did you hint? Did you hint? 14 A. No, not, um -- not that I recall, because it was my 15 judgment. 16 Q. So it comes back to: did you make the surrender gesture, 17 the reference to the bosses not being happy? 18 A. Well, as I say, I cannot recall that conversation or 19 that gesture or what context and what -- what was the 20 date of that? That's the -- 21 Q. This is the 5th. The email about the surrender gesture 22 was the 30th. 23 A. Yes. 24 Q. What about the notion that if I were to say to you that 25 it had been suggested that you seem to be trying to Page 186</p>	<p>1 "My story with Meirion is terrifying the bosses. 2 Basically BBC1 is preparing a Jim'll Fix It special for 3 Christmas. Having commissioned the story, Peter Rippon 4 keeps saying he's lukewarm about it and is trying to 5 kill it by making impossible editorial demands. When we 6 rebut his points he resorts to saying, 'Well, it was 7 40 years ago, the girls were teenagers, not too young, 8 they weren't the worst kind of sexual offences', 9 et cetera." 10 Just pause there for a moment. That is quite 11 a strong suggestion -- 12 A. Yes, it is a very strong suggestion. 13 Q. It might be thought, so what do you say about that? 14 A. I think it is outrageous. I can't recall this 15 conversation and I'm trying to put the story on air. 16 I think what Liz may misunderstand is that often you -- 17 so in the same way that I write an email to 18 Stephen Mitchell presenting the strength of the story in 19 order to provoke a conversation with him, with them 20 I challenged the story, in order to provoke 21 a conversation with them. You know, ultimately I absorb 22 both views and then I make a judgment. 23 But I -- that particular allegation about 24 "teenagers, not too young", I -- I can't -- I wanted to 25 do the story, you know, I was pursuing the story. So it Page 188</p>

47 (Pages 185 to 188)

<p>1 is illogical that I would have -- I would have said 2 that. 3 You know, as I say, I can't recall the conversation, 4 so it is quite difficult for me to kind of rebut it if 5 I can't recall the detail of it. We were having 6 conversations, so, I mean -- 7 Q. What about the suggestion that you showed a conspicuous 8 lack of interest in actually going back to the evidence 9 that had been gathered at this stage and looking at the 10 [REDACTED] and the interview with 11 [REDACTED] and at least reading the transcripts? 12 A. Well, I -- as I say, in the way -- the way I work, 13 because of the context in which my responsibilities are, 14 if -- if Liz or Meirion had felt that -- you know, given 15 I wasn't comfortable that we had got it to a place where 16 we could put it into the edit -- which is the normal 17 environment in which I would assess and review and 18 copper bottom and go back to those source documents -- 19 in order for me to do that before that process I would 20 need -- the normal way in which I would do that would be 21 for them to say "Look, we think you should do this", and 22 I don't recall them ever suggesting that and certainly 23 if they had, I would have. 24 If they felt that me doing that would strengthen 25 my -- their case or make me, you know, understand Page 189</p>	<p>1 put it to me, that that conversation took place at the 2 awards dinner: the gap between me saying "We're doing 3 this" and that conversation happening, I'm surprised at 4 that. 5 Q. The Boaden/Entwistle discussion -- 6 A. Yes, yes. 7 Q. -- and the gap between that and -- 8 A. Yes, and when I had flagged this. If that was -- 9 I don't know whether there may have been other channels, 10 I don't know, but if that was the only moment, the 11 gap -- the fact that it took that long does surprise me. 12 Q. Also you don't know -- it's not a criticism but it's 13 a fact -- precisely what was said by Helen Boaden to 14 George Entwistle -- 15 A. No idea. 16 Q. -- other she, I think, as you say in your statement -- 17 A. She had she had mentioned the Savile story, so as far as 18 I can remember -- 19 Q. -- when she sat down she said she had mentioned the 20 Savile story. 21 A. Yes. 22 Q. That is all you remember her saying? You don't remember 23 her saying "I mentioned the story, I told him it was 24 about sexual abuse" or -- 25 A. I'm sorry, I don't. I knew you would be interested in Page 191</p>
<p>1 their -- the strength of their argument any more, 2 I would have -- of course I would have done it, but they 3 didn't do that, so it never kind of occurred, and that's 4 perfectly consistent with the way I have run 5 investigations. 6 Q. Look at the next couple of sentences: 7 "He [that's you] hasn't warned BBC1 about the story, 8 so they are beavering away on the special oblivious." 9 Take the first part, first of all. It is true that 10 you hadn't warned BBC1 about the story, as far as it 11 goes, but you would say that you had done your bit by 12 the discussion with Steve Mitchell about the Vision 13 issue; is that right? 14 A. Yes. 15 Q. "... so they are beavering away on the special 16 oblivious." 17 Obviously, we can ask Liz MacKean about what her 18 basis for that was, but your evidence, I think, is that 19 you didn't -- apart from the awards thing that had 20 happened a couple of days before, you didn't know 21 whether Vision was oblivious, or BBC1 was oblivious or 22 not, did you? 23 A. My assumption was they weren't because I had told my 24 bosses what we were doing. I have to say, I reflected 25 on -- I was reluctant -- I mean, I am surprised now you Page 190</p>	<p>1 that but I really can't remember. 2 Q. Okay. Then: 3 "Liz G has said to Meirion 'I'm having nothing to do 4 with this, I don't want to piss off Danny Cohen, it is 5 down to Peter." 6 It sounds as if Liz Gibbons is more than happy for 7 you to be carrying this particular ball, is that fair? 8 That's what it says. 9 A. Liz was always, from the beginning, concerned about the 10 context of the -- you know, the climate, given it was so 11 soon after his death, and she was not as interested in 12 the story as I was, I think that's fair to say. 13 Q. This is slightly different now, isn't it? 14 A. Yes. 15 Q. Liz Gibbons and taste is because Jimmy Savile is not 16 long buried. This is not pissing off Danny Cohen. It is 17 slightly different? 18 A. It is. As I say, this is an email that Liz has sent to 19 a friend of hers and she's obviously not very happy 20 about various things, and I don't know -- I can't 21 comment on -- 22 Q. But the importance of it is, or might be if it is true, 23 that at least one of your deputies was taking the view 24 that it was important, or at least desirable, not to 25 "piss off" Danny Cohen? Page 192</p>



<p>1 A. Yes, but I have -- she never gave me that impression                  2 that was -- Liz Gibbons.                  3 Q. Sorry --                  4 A. I was not aware that that was Liz Gibbons' -- I'm not                  5 sure it is.                  6 Q. I'm sorry, I keep trying to interrupt you. That is all                  7 you want to say on that?                  8 Did you have a desire not to piss off Danny Cohen?                  9 Is that part of --                  10 A. No. As I said, I didn't consider the issues that this                  11 might create for Vision's schedule a significant, um --                  12 a big thing. I didn't consider it -- as I said earlier,                  13 I didn't consider the fact that they might have to move                  14 the programme was -- would be particularly problematic                  15 for them.                  16 Q. But that would be what would -- to use a more useful                  17 term, it's the moving or the cancelling of the programme                  18 that would irritate Danny Cohen?                  19 A. Yes. I don't think it would have irritated him at                  20 all --                  21 MR POLLARD: Can I just ask you a question about this                  22 relationship between the Newsnight story and the                  23 tributes, if you like?                  24 It seems to me there is two ways of looking at it.                  25 One is in a purely sort of binary way: if the Newsnight                  Page 193</p>	<p>1 coming to that point -- that actually in practice what                  2 was happening is, if you like, a consensus was emerging                  3 that if the story doesn't run corporately there is no                  4 problem with the Jimmy Savile stuff?                  5 What I was suggesting is that it may well be -- it                  6 may well have been -- not that simple, and that you                  7 perhaps should have flagged it up again?                  8 A. Well, I mean, I had outlined the story in -- in detail                  9 to my boss to make those kind of judgments for himself.                  10 So it's -- you know, I have enough on my plate to make                  11 my own programme and so it wasn't something that I --                  12 because I didn't need to -- I didn't feel it was my                  13 responsibility to weigh those things I didn't weigh                  14 them.                  15 MR MACLEAN: Okay. I'm not finished with those emails but                  16 just on the point that Nick has raised with you: you did                  17 get one further what might be described as prod about                  18 this. If you go to page 42, we looked at Mr Jones' red                  19 flag email which, as I say, he didn't send to you. I                  20 don't think he sent it to anybody apart from himself,                  21 but he did send you this email on the 7th:                  22 "Peter, still waiting for CPS. Files are not                  23 electronic and we have had to physically send out for                  24 them. Hope to have them tomorrow. As you know, I                  25 already think the story is strong enough and danger of                  Page 195</p>
<p>1 story was to go out, the tributes would clearly have to                  2 be dropped, I would have thought. Was it the case, in                  3 your mind, that if you weren't running the story for                  4 what you considered editorial reasons, it would be fine                  5 to run the tribute programmes? In other words, it just                  6 wasn't an issue? Whereas wasn't there a case for at                  7 least thinking "I may not be running the story, but                  8 actually there is still something very alarming about                  9 this, and the idea of having had all this material,                  10 albeit I have decided not to go ahead with it, doesn't                  11 sit well with the idea of a Christmas celebrating a guy                  12 I now have pretty serious questions about"?                  13 A. Yes, but those are not issues for me. They are issues                  14 for my superiors who I had dispatched my obligations in                  15 that regard to in the conversations that I had had with                  16 them.                  17 Q. You were pretty sure that it had gone off up the chain?                  18 A. It had. Because I had told Stephen Mitchell and I had                  19 mentioned it to Helen Boaden as well. So far as I was                  20 concerned, it was known.                  21 MR POLLARD: Yes.                  22 A. Whilst I may have kind of contemplated those kind of                  23 judgments that you refer to, they were not issues for me                  24 because it's not my responsibility.                  25 MR POLLARD: But didn't you get a sense -- maybe we are                  Page 194</p>	<p>1 not running it is substantial damage to BBC reputation.                  2 But no point having that discussion until our final word                  3 from CPS."                  4 A. Yes.                  5 Q. We know that you got the final word from CPS -- if we                  6 just keep a finger there and go to page 60 -- two days                  7 later. Subject to the slight false start that there was                  8 a reference to Kent Police instead of Surrey Police,                  9 which gets corrected, that's the final word from CPS for                  10 all intents and purposes?                  11 A. Yes.                  12 Q. So the point then that Mr Jones raises at page 42 on the                  13 7th -- as I say it might be thought to be                  14 a further reminder that he considers that there's                  15 a problem for the BBC's reputation --                  16 A. Yes.                  17 Q. -- but he's, as it were, inviting you to postpone that                  18 discussion until the final word from the CPS?                  19 A. Um-hm.                  20 Q. That comes two days later. So my question is: did that                  21 point then get picked up again?                  22 A. No, it didn't. It -- I mean, what I said, I took all                  23 his warnings about damage to BBC reputation as another                  24 attempt to push me, to sell his story to me in                  25 a positive -- in as strong a way as he could. But again                  Page 196</p>

<p>1 that is not a factor that I have to judge in terms of                  2 what story I want to put on air. I can see why he wants                  3 to put that in my mind as a reason for why I might want                  4 to do it, but I have to make the judgment based on what                  5 editorially I'm comfortable putting on air.                  6 So, no. And so I remember when this email came                  7 through he came into my office and we -- he just said                  8 "this email has arrived, I can't imagine this" -- I'm                  9 paraphrasing but he kind of said we've got this thing                  10 from the CPS, I can't establish that fact so I'm going                  11 to have to not do this story. I can't even remember.                  12 We had a long -- he didn't push back.                  13 Q. So the point that Nick raised with you a moment ago,                  14 which is that once the Newsnight story, once that has                  15 gone, there is still this potential problem for the BBC.                  16 That maybe this story is not quite strong enough, but                  17 you presumably didn't have any doubt, did you, that                  18 Jimmy Savile probably was a paedophile? Did you? Had                  19 you formed a view about that?                  20 A. That's a good question. Um, you know, I -- I was -- and                  21 this is just you use your gut, I was kind of 60/70 plus                  22 per cent confident that the testimony we had gathered                  23 was likely to be true. So to that extent I was                  24 confident that he was -- that he had been guilty of the                  25 incidents that we had -- or at least, you know, to an                  Page 197</p>	<p>1 point he makes in his email of the 7th, at page 42,                  2 where he's raising the damage to reputation and saying                  3 "no point having the discussion until we have final word                  4 from CPS", that particular ball wasn't picked up again                  5 by either of you?                  6 A. No.                  7 Q. What he does say that he did is that he didn't send the                  8 red flag email or memo, but he rang Editorial Policy to                  9 ask about a whistleblower system to warn the BBC about                  10 what was likely to happen if they pulled the film.                  11 Is that anything you --                  12 A. I was not aware that he'd done that and that slightly                  13 surprises me.                  14 Q. Did anyone from Editorial Policy ring you or contact you                  15 to say "I have had one of your producers on raising                  16 a query about one of your stories"?                  17 A. No.                  18 Q. If he had contacted Editorial Policy, how does it work?                  19 Is it like a kind of confidential helpline or would you                  20 expect editorial policy to raise it with the programme                  21 editor in your position?                  22 A. I have never come across that circumstance in the past.                  23 Had he -- I mean the normal process if he felt really                  24 strongly that it was -- it was -- the story was there                  25 and, you know, if he and I differ on things then the                  Page 199</p>
<p>1 extent of the incidents that the women had described --                  2 Q. Right.                  3 A. -- to us. I had no idea of course with all the                  4 hindsight we have now about the scale and extent of what                  5 has now been alleged.                  6 Q. Of course. But the point I think that Nick was putting                  7 to you was that you can decide to put the Newsnight                  8 story down and that story can go away because it's not                  9 strong enough to run, and yet still be persuaded that                  10 certainly probably Jimmy Savile was a rather nasty                  11 paedophile. And if that was the position, and that                  12 was -- certainly Meirion Jones had absolutely no doubt                  13 that that was the position -- the BBC still has this                  14 potential problem that it is going to laud this fellow                  15 at Christmas when the chances are somebody, somewhere,                  16 perhaps with, as you might put it, less fastidious                  17 editorial standards, runs a story, it turns out to be                  18 true and the BBC looks, well, foolish, to put it mildly?                  19 A. Yes. But as I said to Nick, my responsibilities in this                  20 regard are about what I'm doing for Newsnight and                  21 whether I'm going to do the story or not on Newsnight.                  22 And if there are any kind of corporate issues that need                  23 to be picked up as a result of it, I need to flag them                  24 and I flagged them.                  25 Q. Well, just before we get to what Mr Jones says, the                  Page 198</p>	<p>1 right of appeal would be to Stephen Mitchell but he                  2 never asked for that.                  3 I mean normally he would say "Look, can we talk                  4 about it collectively with Steve?", or can you, you                  5 know, as I say, "Can you sit down with me? I know you                  6 don't want to take it into the edit, but let's do the                  7 unusual thing of reviewing it before the edit." That                  8 would be normally what would happen and the fact that                  9 that didn't happen made me judge that he -- although he                  10 obviously disagreed with my decision he accepted it.                  11 Q. He accepted --                  12 A. He said very strongly in that final meeting where he                  13 didn't raise the issues, he just said -- he said he                  14 accepted my decision.                  15 Q. He accepted, as it were, the referee's decision?                  16 A. Yes, that's what he told me.                  17 MR POLLARD: Can I just pick you up on both of those points,                  18 which sound on the face of it incredibly reasonable and                  19 sensible things to do.                  20 Either, "Look, let's go and have a look at some of                  21 the evidence. Just take a few minutes to pursue that";                  22 or one of you, either you or Meirion say "Why don't we                  23 just sit down in an office with Stephen Mitchell and                  24 talk this through".                  25 A. Yes.                  Page 200</p>

1 MR POLLARD: Some people would say that it is remarkable  
 2 that having had so many conversations about this and  
 3 exchanged memos that neither you nor he suggested either  
 4 of those things which do sound straightforward and  
 5 sensible editorial moves.  
 6 A. My response to that would be that given I was the one  
 7 whose decision was being implemented, I was comfortable  
 8 with that. I didn't request it but had he -- again I  
 9 can't think of examples but we'd certainly done that in  
 10 the past.  
 11 (Pause due to technical fault)  
 12 MR MACLEAN: Do you want to see what you said?  
 13 MR POLLARD: I think you were just making the point that  
 14 what I suggested was a couple of, if you like,  
 15 potentially sensible moves, because you were the one  
 16 making the decision, and if there was a sort of, like,  
 17 a challenge or an alternative to it, you would have  
 18 expected the initiative for that to come from somebody  
 19 else, from the other side?  
 20 A. Yes, who wanted a different outcome would have been the  
 21 logical way for that to proceed, and it didn't happen.  
 22 I'm trying to think of cases and I can't off the top  
 23 of my head but I do think that has happened in the past.  
 24 It's not uncommon for me to pull a producer I'm working  
 25 on a story with into Stephen Mitchell's office to  
 Page 201

1 discuss it. That's not uncommon.  
 2 MR MACLEAN: But if Mr Jones had formed the view that either  
 3 you and Mr Mitchell always formed the same view about  
 4 these decisions or that Mr Mitchell was the one who  
 5 really called the shots so the decision that had been  
 6 made was in effect his decision, though in form your  
 7 decision, then going to what you described as a Court of  
 8 Appeal of Mr Mitchell would be a pointless exercise  
 9 because he was in fact the judge.  
 10 What would you say to that?  
 11 A. That he's wrong to make that assumption. As I say, we  
 12 have done it before. I can't recall particular stories  
 13 but it is not unusual for us to do that.  
 14 Q. It was your expression, the Court of Appeal. He wasn't  
 15 like an appellate tribunal in that sense who would come  
 16 to it afresh, because he had been heavily involved in  
 17 discussions with you in the lead up to the decision that  
 18 was taken not to pursue the story?  
 19 A. I mean, from my perspective and from my memory, he had  
 20 been, as I say, kind of noncommittal either way on the  
 21 story, but had helped me through discussion and probing  
 22 get to the -- the judgment that I had made.  
 23 Q. I mean, it --  
 24 A. I think he was comfortable with my judgment, but I don't  
 25 think he felt -- I certainly got -- I certainly didn't  
 Page 202

1 feel that he was pushing me to that judgment.  
 2 Q. It might be thought that with the exception of, I think,  
 3 a fairly passing reference on perhaps on her way home  
 4 one evening, the obvious appellate tribunal, if I can  
 5 put it like that, given the circumstances of discussions  
 6 you had had with Mr Mitchell and Mr Jones if he was  
 7 still dissatisfied, would have been to go and see  
 8 Helen Boaden?  
 9 A. That is absolutely possible, yes.  
 10 Q. Well, I don't think that did happen, did it?  
 11 A. No, I know -- I don't think -- no, I didn't have any  
 12 more conversations with Helen about the story apart from  
 13 the one that I referred to.  
 14 Q. And so far as you are aware neither did Mr Jones?  
 15 A. Not that I am aware of.  
 16 Q. What about Mr Mitchell and Helen Boaden?  
 17 A. I have no idea. I mean, they work in offices next to  
 18 each other so I presume they talk about a lot of things  
 19 all the time, but I don't know what conversations they  
 20 had.  
 21 Q. In your experience as editor of Newsnight has there ever  
 22 been any call to invoke such an appellate process to  
 23 Helen Boaden?  
 24 A. There are examples. I mean, the most common examples  
 25 are when I want to send a reporter somewhere where they  
 Page 203

1 can get killed. That's the most usual environment in  
 2 which I will get her involved in decisions that I'm  
 3 taking.  
 4 Q. In a sense that's a journalistic decision, but it's also  
 5 a managerial decision, "Are we are going to put one of  
 6 our employees in harm's way?"  
 7 Would that be right? As you would say, this was an  
 8 editorial decision.  
 9 A. No, it's a very strong -- well, that scenario is about  
 10 what -- a judgment as to whether the editorial gain is  
 11 worth the risk.  
 12 Q. Right, I see. So what we get from that is that there  
 13 are certain circumstances in which decisions will be  
 14 referred to Helen Boaden, whose decision so far as news  
 15 is concerned is final because she's the boss,  
 16 ultimately?  
 17 A. Er, yes.  
 18 Q. But this story, you say --  
 19 A. No.  
 20 Q. -- wasn't one of them?  
 21 A. No. Because it was my judgment.  
 22 Q. Can we just go back in bundle 4 to page 26.001? It's  
 23 a continuation of the email thread we looked at a little  
 24 earlier in the bundle, Liz MacKean and Mr Hughes. Do  
 25 you remember we looked at that? The one we looked at  
 Page 204

<p>1 was at page 002 at the bottom. That was the start of 2 it. 3 At the bottom of 26.001 there is an email from 4 Liz MacKean to Michael Hughes, which begins "That 5 special does indeed sound special". Do you see? 6 A. Um-hm. 7 Q. That's a reference to the RTE budget special. You can 8 forget all about that and turn over the page. The 9 second paragraph: 10 "Re JS, I think Rippon is such a political operator 11 he'll be sure to be referring up all the time. At this 12 rate someone higher up might get taken out. I will keep 13 you posted. Naturally I'm expecting things to backfire 14 at any time." 15 A. Is that Liz saying that? 16 Q. Yes, that is Liz saying that. How do you react to that? 17 Are you a political operator? 18 A. I'm disappointed that she's -- that that attitude that 19 she clearly has to this person is not an attitude that 20 she reflects in the conversations she has with me. 21 Um, I'm -- no, I'm not a political operator. I'm 22 the editor of Newsnight who just tries to make the best 23 programme he can every night managing the team he's got 24 to do it. I'm really not a political operator would be 25 my view.</p> <p style="text-align: center;">Page 205</p>	<p>1 complaints that the BBC allowed Jimmy Savile to get away 2 with things -- or other people to get away with things 3 in his dressing room 40 years ago, the complaint she's 4 anticipating are people complaining about running the 5 story about this recently dead figure? 6 A. Yes. 7 Q. So those were the kind of complaints that you have been 8 concerned about from the beginning? 9 A. Yes. Although I have not discussed -- from memory 10 I hadn't discussed this with Helen Deller because I was 11 not, in my mind, had got -- I had not got the story to 12 a position where I thought it was going to -- so I -- 13 this was -- I don't -- how she got wind of this story, 14 I don't know. 15 Q. My point is that -- in your favour -- one might say that 16 this is -- 17 A. Yes. 18 Q. -- this is grist to your mill? 19 A. Yes. Yes. You can take that from it, yes. 20 Q. Your response is in the middle of page 38, which is to 21 say that this is -- I mentioned carts and horses 22 earlier: 23 "You are putting the cart way before the horse." 24 You were not satisfied it was strong enough, so 25 essentially you don't have to worry in the meanwhile?</p> <p style="text-align: center;">Page 207</p>
<p>1 Q. Right, then go to page 38, please. At the bottom of the 2 page -- the original version of the email is at page 31 3 but it is convenient to look at the whole thread here. 4 A. Yes. 5 Q. 38, do you remember getting this one from Helen Deller? 6 A. Yes. 7 Q. So Helen Deller, in her neck of the woods, is still 8 getting ready for the story to run, right? 9 A. Yes. 10 Q. She's in the press office? 11 A. Yes. 12 Q. Yes. So she's getting ready to manage the story. 13 Interestingly, perhaps, one of the points she's making 14 is about the BBC complaints team. 15 Do you see the reference to complaints? The 16 penultimate paragraph? Do you see: 17 "In addition to any press interest we should bear in 18 mind how BBC complaints team respond". 19 And then there are some questions and answers, that 20 she's developing over the page, which you might say 21 reflect some of the concerns that you'd had, I think? 22 A. Yes. 23 Q. Would that be fair? 24 A. Yes. 25 Q. So the complaints that she's anticipating are not</p> <p style="text-align: center;">Page 206</p>	<p>1 A. Yes. 2 Q. You see Liz MacKean's rather pithy response at the top 3 of page 38, which you wouldn't have seen at the time. 4 A. No. 5 Q. There is another email. I can show you it if I can find 6 it again. There is an email the same day from 7 Liz MacKean when she said to one of her friends that you 8 were "trying everything to kill it". How do you react 9 to that, to kill the story? 10 A. A lot of the emails that I have seen that Liz has been 11 sending that weren't sent to me, I will be honest, have 12 surprised me, and -- so, I don't -- you know, how do 13 I respond to that -- which one? 14 Q. One of the updates, can I give you the reference later? 15 I promise you it says "PR trying everything to kill it". 16 A. Okay. 17 Q. I think it is on the same day, the 7th? 18 A. I wasn't trying to kill it, I would respond to that by 19 saying, and had the CPS confirmed the element of the 20 story that Meirion said stood up within the early stages 21 of us investigating it, or had the letter that the women 22 had been promising that would have confirmed it arrived, 23 I would have -- I would have been satisfied, you know, 24 about doing the story. 25 Q. Nick, who is more familiar with these bundles than I am,</p> <p style="text-align: center;">Page 208</p>

1 has found it. It is 29.001 of the same bundle. It is  
 2 similar to the others:  
 3 "JS is a gathering storm. PR trying everything to  
 4 kill it: 'I no longer think it's a Newsnight story, the  
 5 girls were 14 and 15, it's not the worth kind of abuse',  
 6 et cetera, et cetera."  
 7 Similar to the one --  
 8 A. These are all things that I can't recall saying from  
 9 somebody who is obviously much more disappointed with  
 10 the way things are evolving than I was aware at the  
 11 time. I would say that one of the great things about  
 12 being a reporter is if you get your story on air you get  
 13 great kudos for it, if you get your story on air and it  
 14 is wrong it is the editor's fault. I carry that burden  
 15 and Liz doesn't. I think it's -- as I say, I'm  
 16 disappointed to read those emails.  
 17 Q. The reference to the "worst kind of abuse", did you have  
 18 in mind at this stage on 5, 6, 7 December that right  
 19 from the very beginning, from the web memoir, there was  
 20 an allegation of what I think is referred to as "full  
 21 sex" in the dressing room, not committed by  
 22 Jimmy Savile, but witnessed by Jimmy Savile, [REDACTED]  
 23 There were other allegations of what I suppose might  
 24 be described as lesser forms of abuse than that  
 25 committed by Jimmy Savile in the environs of Duncroft.  
 Page 209

1 But would you accept that if there were reference to  
 2 "not the worst kind of abuse", that would be necessarily  
 3 leaving out of account or forgetting about the  
 4 Television Centre allegations, which on any view were  
 5 the worst kind of abuse. Would that be fair?  
 6 A. Sorry, can you ask that question again? Sorry, just ask  
 7 the question.  
 8 Q. There is a reference to the "worst kind of abuse" --  
 9 A. Yes.  
 10 Q. -- in this email.  
 11 A. Yes.  
 12 Q. What I'm exploring with you is that right from the very  
 13 beginning in the web memoir, [REDACTED] web memoir,  
 14 there has always been there one of her allegations was  
 15 that [REDACTED] not Jimmy Savile, had "full sex"  
 16 with somebody who was or was probably underage in front  
 17 of a whole host of people in the BBC Television Centre?  
 18 A. Um-hm.  
 19 Q. You would accept, would you, that that on any view is  
 20 among the worst kind of abuse?  
 21 A. Yes.  
 22 Q. I'm asking you then, was there in your mind at this  
 23 time -- did you have that aspect of the allegations  
 24 still in mind by this stage, or had that rather faded  
 25 into the background?  
 Page 210

1 A. That was still a part of it, but primarily the  
 2 allegation that we were -- because that was somebody's  
 3 account of something involving somebody that we didn't  
 4 know who they -- it was a secondhand account, rather  
 5 than a first hand testimony of "what he did to me",  
 6 which is why that's -- whilst the nature of the  
 7 allegation is more serious, the power with which you can  
 8 tell that story is -- is different because it's  
 9 a third -- you know, it's third hand.  
 10 Q. It was first hand evidence because [REDACTED] had been  
 11 there, in the room. So that -- in that sense, it was  
 12 first hand. She wasn't herself the victim of it, but it  
 13 was first hand in that sense, wasn't it: eye witness  
 14 account?  
 15 A. Of what somebody else did to somebody else.  
 16 Q. Yes, she saw it, it was an eye witness account?  
 17 A. Yes. Allegedly, yes.  
 18 Q. That had always been the allegation --  
 19 A. Yes.  
 20 Q. -- right from the beginning.  
 21 A. Yes.  
 22 Q. I think we touched on this earlier, but do the extent  
 23 that Hannah Livingston or Liz MacKean or Meirion Jones  
 24 had or thought they had, or thought they might well have  
 25 or probably had in the course of their investigations  
 Page 211

1 identified who that victim of that might have been,  
 2 probably was, was, whatever, that wasn't a detail that  
 3 you had been made aware of?  
 4 A. No, Meirion always maintained to me that [REDACTED] was  
 5 unable to identify who that person was. So I wasn't  
 6 aware that that had been established. Are you telling  
 7 me it has been established?  
 8 Q. I can -- I can show you but you weren't shown at the  
 9 time so, in a sense, it doesn't help from your point of  
 10 view that there certainly was a name circulating among  
 11 the team of the likely, possible, whatever, victim of  
 12 that allegation --  
 13 A. Okay.  
 14 Q. -- which had been pieced together -- I mentioned this  
 15 earlier but maybe it didn't --  
 16 A. You did, but from my memory Meirion has maintained even  
 17 in the conversations I have had with him subsequently  
 18 when I have asked him about whether we had any evidence  
 19 that we should be disclosing to the police --  
 20 Q. That's what this goes to.  
 21 A. -- that -- that [REDACTED] was unable to identify that  
 22 person. That's -- that was -- so I don't understand  
 23 that.  
 24 Q. As we understand it, what had happened was that, first  
 25 of all -- I think I mentioned this earlier -- first of  
 Page 212

1 all there was a photograph of [redacted] and a couple of  
 2 other girls, first of all, and that subsequently  
 3 Hannah Livingston discovered the Klunk Clicks. They  
 4 thought it was Jim'll Fix It to start with, it turns out  
 5 it was Klunk Click.  
 6 She went back into the files of the BBC, whatever it  
 7 was, threaded up these Klunk Clicks and sat down and  
 8 watched them and found [redacted] and the same girl, as  
 9 she then was, on the programme with Savile and the other  
 10 two alleged abusers and that led them to form some sort  
 11 of view that there was at least a likelihood or  
 12 a possibility that they had in fact identified the  
 13 [redacted] victim.  
 14 They had a name, they tried to contact that person,  
 15 but never managed to do so. Is that all news to you?  
 16 A. Yes.  
 17 Q. Right. How are we doing for time?  
 18 I'm trying to find, Mr Rippon, a convenient moment  
 19 to stop, because it has been a long day. We have --  
 20 I know you have not -- we are not going to get to the  
 21 blog anyway, but I know you haven't prepared today for  
 22 that. Obviously, there are some things that happened in  
 23 the early part of 2012, bits in the press. I think it  
 24 might be convenient if we get to the -- try to get to  
 25 the end of 2011?

1 was broadly happy to talk but pretty neutral. It seems  
 2 odd, on the face of it, that by the following morning  
 3 you had done what might be described as a 180-degree  
 4 turn from that note that you sent?  
 5 A. As I say, obviously because something has gone wrong  
 6 with the disclosure process, I have not seen that email  
 7 before. Often what you do as an editor when you are  
 8 testing your own view of a story is that you will look  
 9 at it from a different -- you will look at it from this  
 10 person's view, that person's view and that person's view  
 11 and often what I will do is I will express -- it is  
 12 almost like Meirion's account of the story --  
 13 MR POLLARD: It doesn't say that? It reads as your view.  
 14 A. No, that is like his account of the story to challenge  
 15 my boss to say, "Okay if it is this good, let's have  
 16 a conversation, how does that effect the previous  
 17 concerns that we had had about it?" In the same way  
 18 that I obviously had conversations with Liz MacKean,  
 19 which she interpreted the other way round as me being,  
 20 you know, lukewarm on the story.  
 21 I was very conscious in going through the paperwork  
 22 that, because I reached a final judgment that was no,  
 23 it -- I'm slightly nervous that this comes across that  
 24 I was always -- I was always never really that  
 25 interested in it because that was the conclusion I got

1 MR POLLARD: Yes.  
 2 MR MACLEAN: I don't know, I'm -- it has been a long day and  
 3 this would be a convenient place to stop.  
 4 Questions by MR POLLARD  
 5 MR POLLARD: I have a couple of questions which might sort  
 6 of round off this particular bit of it, if everybody  
 7 else is happy? It is really just a couple of general  
 8 questions about the ground that we have covered.  
 9 First of all, really just sort of an observation  
 10 that I wouldn't mind your view on. It could be said, as  
 11 I'm always advised to say in these circumstances, that  
 12 having heard your account of the way you judged this  
 13 story all the way through, it could be said that for  
 14 nearly all that course you are pretty consistent in your  
 15 view of how you judge the story and what you wanted it  
 16 to get to if it was going to be transmitted, with one  
 17 exception.  
 18 That exception is the email that you wrote in a very  
 19 positive spirit, by the sound of it, to Steve Mitchell  
 20 which was I think on second half of 29 November. It  
 21 sort of sticks out like a sore thumb in that otherwise  
 22 consistently logical flow. I just wonder if you can  
 23 tell us again why that happened?  
 24 The second half of that is when you say that your  
 25 recollection is, having talked to Stephen Mitchell, he

1 to at the end. But the truth was I was conflicted. You  
 2 know, it was -- it was -- there were days -- so when  
 3 I send that email to Meirion saying "Let's prepare for  
 4 transmission", at that point I'm thinking, you know, it  
 5 is strong and -- and then another point I'm thinking  
 6 "Actually the testimony is not that ..." and you kind  
 7 of, you know, you do this the whole time and that -- so  
 8 I think that -- so that email that I sent to Stephen is  
 9 me trying to say "Let's look at this like this today"  
 10 and often when I'm having a discussion with him he will  
 11 articulate a fairly absurd position on a story in order  
 12 to test the evidence in order to -- that's sort of --  
 13 MR POLLARD: A sort of playing devil's advocate sort of  
 14 approach?  
 15 A. You have to explore and prod and poke it from as many  
 16 different angles as you can to make sure you have not  
 17 missed anything. Obviously, my inclination, as  
 18 an editor, to do that is with the team who were selling  
 19 you the story is to push back in all the negative ways  
 20 to them and, as the boss, kind of put their case and say  
 21 "but my worries are this, what do you think?" That is  
 22 part of the process.  
 23 MR POLLARD: That is fine.  
 24 Another thing which has been mentioned, I think,  
 25 quite widely which it would be useful to get your view

<p>1 on is why it had to come to such a complete halt.                  2 Obviously, later on in the turn of the year and beyond                  3 ITV picked up largely the same material same contacts                  4 and turned it into a story they felt ready to go with                  5 and obviously had an impact.                  6 Why weren't you of a mind to say "We are absolutely                  7 not ready to go, that's my decision, but either before                  8 Christmas -- or let's take a breath and after Christmas,                  9 let's have another go at it, one more interviewee that                  10 looks credible might crack it?"                  11 A. Okay, I -- there are lots of different reasons for that.                  12 One is there is a kind of natural -- given the resources                  13 we have and the number of investigations we can do and                  14 the amount of time I can have two people working on one                  15 story, six weeks is at the long end of what we would                  16 normally do for an investigation, so that's a kind of                  17 natural journey and I kind of set -- at the end                  18 I thought, well, if this is what I need in order to make                  19 this judgment -- so that was one reason why we didn't                  20 take it further.                  21 The other reason is, obviously, because we come off                  22 air at Christmas for two weeks, there's a -- it's kind                  23 of a punctuation point in the year, so we just kind                  24 of -- that -- it was also partly because my final                  25 conversation with Meirion he said "Fine, I accept your                  Page 217</p>	<p>1 A. Yes.                  2 MR POLLARD: -- today, and in the last few days?                  3 A. Yes, and when I'm discussing a story with Stephen that's                  4 on the list, we never discussed whether it is or it                  5 isn't -- it's not really an issue it's just a                  6 bureaucratic -- for me the list is just a kind of                  7 bureaucratic nicety that I get somebody else to deal                  8 with.                  9 MR POLLARD: But you accept that it would be, I imagine,                  10 very rare for a story to be taken off the list for                  11 reasons other than the story had just been transmitted                  12 or had it been cancelled or it just was not being                  13 pursued, but to take it off in the circumstances which                  14 are illustrated by those emails would be pretty unusual?                  15 A. I'm not familiar with how they manage it to know -- that                  16 sounds a reasonable analysis but I'm not familiar with                  17 how they manage it to know whether that is or not. I'm                  18 slightly surprised that there seems to be two separate                  19 lists as well, which I don't really understand.                  20 MR POLLARD: The person who took it off, or the person who                  21 was involved in the discussion about take off, was one                  22 of your deputies. It was done between Liz Gibbons and                  23 Sara Beck, obviously, I think, with the involvement or                  24 the knowledge of Stephen Mitchell. But that seems to be                  25 the axis and the axis starts in your programme.                  Page 219</p>
<p>1 decision".                  2 It's no more sophisticated than that, I am afraid.                  3 MR POLLARD: Okay. Really, the other point, I just want to                  4 get back to it because I think it is important, the                  5 issue of the Managed Programmes Risk List, I just wanted                  6 to double check that you had a conversation with Steve                  7 Mitchell about this issue of -- the Vision issues, as it                  8 were. Quite clearly the Jimmy Savile story was on the                  9 list, and then it was taken off. It is obviously                  10 something we will ask Stephen Mitchell about and                  11 Sara Beck, but I just want to be absolutely sure.                  12 You had no involvement in taking that story off? It                  13 wasn't an initiative of yours or it wasn't a decision                  14 that came out of a conversation with Stephen Mitchell                  15 when you said "Right, okay, we're both agreed we're                  16 taking it off the list?"                  17 A. I can't think how you framed the question, whether the                  18 answer is yes or no. That list is not something that                  19 I make kind of judgments about. So my assumption                  20 throughout the whole thing was that it was on the list,                  21 whether it was on or off the list, I -- wasn't really                  22 an issue for me, so I wouldn't have discussed it.                  23 MR POLLARD: So the fact that it was taken off the list at                  24 what seems to be a pretty significant time, that came as                  25 a surprise to you when you learnt about it --                  Page 218</p>	<p>1 A. But I -- I have no idea why that would happen.                  2 MR POLLARD: Okay, all right, thank you.                  3 A. Were you going to talk about something else?                  4 MR MACLEAN: No, I think we will pause at that stage.                  5 A. Can I just say something else?                  6 MR MACLEAN: Of course?                  7 A. I don't know whether in terms of all the documents you                  8 have and the evidence you have seen -- I felt that my                  9 judgment has been criticised with a lot of hindsight --                  10 obviously particularly the Panorama -- I thought                  11 terribly unfairly. I don't know what you have seen in                  12 terms of other things that have emerged as a result in                  13 the last two months, but not all of that hindsight                  14 actually would be on the ledger that makes my decision                  15 look like it was the wrong one.                  16 There are other issues around, <del>                    </del>, on                  17 look in her -- there was a piece in the Mail -- I don't                  18 know if you have seen that -- which made me think that                  19 that -- my judgment -- it didn't make me question my                  20 judgment about the degree of certainty I would have                  21 needed in that environment.                  22 I also think people need to understand -- I'm sorry                  23 to say this, but I have not had a chance -- I have been                  24 deliberately not speaking about this, I have been asked                  25 not to speak about it and so this is the first                  Page 220</p>

1 opportunity I'm able to get any point of view across.  
 2 Once I had decided not to do this story you will have  
 3 seen from the emails that [REDACTED] s contacted by  
 4 an awful lot of other journalists and none of them --  
 5 well, apparently they made the same judgment that I did  
 6 about the credibility of that testimony and the risks  
 7 involved in whether or not they should have put that on  
 8 air.  
 9 You know, we know that Panorama were interested in  
 10 the story at the same time but, again, they didn't want  
 11 to pursue it, and so I don't think -- I think it's  
 12 unfair to cast my judgment as using all one side of the  
 13 hindsight, without taking those kind of things into --  
 14 into account. Are you aware of all those things?  
 15 MR POLLARD: I think that's fair, and I was intending, when  
 16 we meet again, actually, to ask you, perhaps towards the  
 17 end, about your views with hindsight and that  
 18 decision --  
 19 A. Okay, we will do it then.  
 20 MR POLLARD: -- partly in the light of the ITV programme and  
 21 the Panorama programme, but also partly in the light of  
 22 the last couple of weeks as a Newsnight story. I think  
 23 it is worth getting those views on record.  
 24 A. I just wanted to make sure you have seen -- have you  
 25 seen the updated version of [REDACTED] where she

1 19 November 2012)

2

3 Housekeeping .....1

4 MR PETER RIPPON (called) .....2

5 Questions by MR MACLEAN .....2

6 Questions by MR POLLARD .....214

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Page 223

1 talks about the leak; have you got that?  
 2 MR MACLEAN: We certainly have material dealing with her  
 3 disquiet or upset or anger about the fact that she was  
 4 suddenly contacted by lots of people. We have seen  
 5 that.  
 6 A. The BBC email?  
 7 MR MACLEAN: Yes.  
 8 A. You know she also mentions it on her blog but she has  
 9 locked the blog so I don't know whether you can see that  
 10 or whether you can't?  
 11 MR MACLEAN: Sitting here, I'm not sure whether it is behind  
 12 me or not.  
 13 A. You are aware that there are other people subsequently,  
 14 who were at Duncroft, who have challenged a lot of  
 15 evidence that we were given. Have you seen that as  
 16 well?  
 17 MR POLLARD: We can perhaps explore that next time round.  
 18 A. Yes. Okay.  
 19 MR POLLARD: Thank you for today. I appreciate you coming  
 20 along and I appreciate the candour with which you have  
 21 spoken and answered our questions. So I am much  
 22 obliged.  
 23 A. Thank you.  
 24 (4.57 pm)  
 25 (The tribunal adjourned until 10.00 am, Monday,