

<p>1 Monday, 19 November 2012 2 (10.30 am) 3 MR STEPHEN MITCHELL (called) 4 MR POLLARD: Steve, welcome, and thank you for coming along 5 this morning. We have had your statement of account and 6 we will be following various lines from that. 7 Alan Maclean QC will be doing most of the 8 questioning. I will be listening and adding an 9 occasional question of my own. Richard Spafford has 10 a few, shall we say, housekeeping and procedural points 11 to start off with. 12 MR SPAFFORD: Thank you. Just so you know you have 13 Richard Blakely on the end there, who is a barrister 14 working with Alan. Alan MacLean has been mentioned to 15 you, obviously you know Nick and you know me. We also 16 obviously have Niri here with you as well. 17 The process this morning and this afternoon will be 18 transcribed and we have some transcribers here and you 19 will see, as Niri mentioned to you that we have 20 a LiveNote facility which means that you can obviously 21 follow what is being said. 22 There will be various breaks during the day, 23 obviously, partly to give the transcript writers 24 a chance for their fingers to get back to normal. Every 25 now and again we will have a short break and obviously</p> <p style="text-align: center;">Page 1</p>	<p>1 Nadia Banno, who is a BBC lawyer, as you probably know, 2 to Mr Rippon. It is actually concerned with the Leveson 3 enquiry. If you cast your eye over that for a moment, 4 you will see that Mr Thompson asked for confirmation of 5 what the editorial referral chain was for a few 6 different programmes, and as it happens Newsnight was 7 chosen as an example. Nadia Banno was suggesting that 8 chain of command on the referral line is generally 9 follows: 10 "Reporter/Producer, Deputy Editor or Editor, Deputy 11 Director/Director of News and Director General." 12 Just pausing there, in this particular story, if we 13 fill in the names then, we have 14 Liz MacKean/Meirion Jones, Liz Gibbons or 15 Shaminder Nahal/Peter Rippon, then you/Helen Boaden, and 16 then, at the time, Mark Thompson; is that right? 17 A. Correct. 18 Q. Just look at the next bit and see if you can help me 19 there: 20 "How far up the chain a matter is referred depends 21 on the issue. Certain issues are a mandatory referral 22 to a Senior Editorial Figure. Editorial policy ..." 23 We know that is headed by Mr Jordan: 24 "... Or legal is set out in editorial guidelines." 25 What would the circumstances be where one would have</p> <p style="text-align: center;">Page 3</p>
<p>1 a break at lunch time. 2 You have kindly provided a confidentiality agreement 3 which covers documentation you have been sent so far. 4 Any new documents you are provided with today and the 5 transcript -- we will send you a copy of the transcript 6 in due course for you to correct for typographical 7 errors, but obviously in general terms the obligations 8 of confidence are very important. 9 Obviously you have seen that agreement and you have 10 signed it. But could you please just confirm for the 11 record that you understand that this process is 12 confidential in the sense that anything you discuss here 13 today with Nick is not to be provided, subject to the 14 terms of that agreement, to any further party. Are you 15 happy with that? 16 A. I understand the agreement, yes. 17 MR SPAFFORD: Great, okay. Without more ado, I think over 18 to you, Alan. 19 Questions by MR MACLEAN 20 MR MACLEAN: Okay, good morning. Are you going to help us 21 with the bundles, is that all right? 22 Could you take A5, please, and turn to page 5. If 23 you show this to Mr Mitchell. You might not have seen 24 this email before, but I think it helpfully just sets 25 out the chain of command if you like. It's from</p> <p style="text-align: center;">Page 2</p>	<p>1 a mandatory referral to a senior editorial figure, and 2 what is a senior editorial figure? 3 A. A mandatory referral will be certainly in terms of 4 secret recording, if a team want to pursue a secret 5 recording, then there is a mandatory referral up to 6 myself or Helen. Um, I'm just trying to think. 7 A mandatory referral is -- if we're deploying into one 8 of the areas of the world that we define as high risk it 9 would mean that is would need senior sign off. 10 MR MACLEAN: : For protection of the journalists and the 11 team? 12 A. Yes. 13 Q. Yes. So the senior editorial figure is part of the 14 chain that we have just seen. It's not some other 15 structure, is it? The senior editorial figure is to be 16 found in this line that we've just looked at? 17 A. I imagine that line would cover most senior editorial 18 figures. 19 Q. So you are a senior editorial figure and obviously those 20 above you are, by definition, senior. But would the 21 programme editor presumably stop short of being a senior 22 editorial figure? 23 A. No, an editor is a senior editorial figure. If you 24 start with a chain that starts with reporter and 25 producer, then that senior figure could be the editor.</p> <p style="text-align: center;">Page 4</p>

<p>1 Q. Just by way of general introduction before we get into 2 the detail, the Jimmy Savile story that Newsnight was 3 working on, did that require a mandatory referral to the 4 senior editorial figure? 5 A. No. 6 Q. Did it require referral to Mr Jordan's editorial policy 7 unit or department? Other than -- we know that there 8 was a refer to it in respect of Mr Williams-Thomas' 9 payment and his involvement, we have seen the document 10 about that. But, leaving him to one side, the story 11 itself, did it require to be referred to editorial 12 policy? 13 A. I -- I'm not fully able to answer that question from my 14 perspective, in that I wouldn't have known exactly what 15 was going on and what they were contemplating, in terms 16 of methodology, to be able to fully answer that 17 question. But from what I know it doesn't look like the 18 sort of story that would refer -- would need mandatory 19 referral. 20 Q. Right. So which person or persons had editorial 21 responsibility for the decision not to run the 22 Jimmy Savile story? 23 A. The editor. 24 Q. Anybody else? 25 A. No. It was the editor's decision.</p> <p style="text-align: center;">Page 5</p>	<p>1 it subsequent to, obviously I saw it at the time but 2 I have looked at that email since, yes. 3 Q. Did that help you to recollect when the story died or -- 4 A. Well, it was clearly not dead on 29 November, that's all 5 I can say. 6 Q. But is this right; you can't really help us with when it 7 was in the following hours or days that the story 8 finally died? 9 A. No, I can't. I can tell you that it must have still 10 been in train on 2 December, because that was the day 11 that Helen Boaden informed George, I think. 12 Q. We will come to that. 13 A. Yes, but -- 14 Q. The awards lunch? 15 A. -- I'm sort of edging out from there. So that is 29th, 16 or if that's 2 December, I can't recall the exact day. 17 I don't have a note of the day in which Peter came to me 18 and said that he was not pursuing the story. 19 MR SHAN: Can I just hand something around that is relevant 20 to your question about -- you asked a question about the 21 chain of command. 22 MR MACLEAN: What is this? 23 MR SHAN: This is the Neil Report. I think Stephen just 24 wanted to mention something. 25 A. The Neil Report was put together by a team led by</p> <p style="text-align: center;">Page 7</p>
<p>1 Q. So who took the decision not to run the story? 2 A. The editor. 3 Q. Did he take that decision on his own? 4 A. Yes. Sorry he may have talked to his senior team but 5 the decision would have been his. 6 Q. His senior team. That means people on Newsnight or 7 people higher up the -- 8 A. No, his senior team on Newsnight. His deputies. 9 Q. We have obviously read your statement. I have read it 10 several times. It wasn't entirely clear to me, reading 11 your statement, when, in your understanding of the 12 position -- which is all I can ask you about -- when 13 that decision was taken not to run the story. On what 14 day, as it were, did the story die, if I can put it like 15 that? 16 A. I am afraid I can't give you a date for that decision 17 being taken. It was taken by Peter Rippon within 18 Newsnight and conveyed to me, and I don't know the dates 19 of either of those moments. 20 Q. You say in your statement that you had sought to -- you 21 had referred to some emails which you had been able to 22 discover, to help you to recollect, or one might say 23 reconstruct, the events. Do you remember seeing emails 24 of, for example the 29th and 30th November? 25 A. I do remember the email of the 29th. I remember seeing</p> <p style="text-align: center;">Page 6</p>	<p>1 Ron Neil after the Hutton enquiry and the outcome of 2 that. It tried to clarify the editorial 3 responsibilities within BBC News, because there had been 4 some doubt as to who was responsible for what. And 5 I think if you look in the Neil Report which I have 6 brought here, it's page 7, I think. 7 Sorry, I think it does make clear the editor's 8 responsibility and the role of the editor. 9 MR MACLEAN: Right. Thank you, we will have a look at that. 10 We might come back to that a little later. 11 So the editors took the decision not to run the 12 story. Did you contribute to that decision? 13 A. I don't think I contributed to that decision, no. 14 I talked to Peter on a number of occasions about the 15 story, but as I say, my recollection is that Peter came 16 to me with a decision made not to run the story. 17 Q. When did he do that? You can't remember? 18 A. I can't give you a date, no. 19 Q. Did you support the decision that Peter Rippon took not 20 to run the story? 21 A. I was happy with that decision. 22 Q. He was rather -- he was keen at some stage, we will see, 23 for you to express the view that you supported his 24 decision. Do you remember an exchange with him about 25 that?</p> <p style="text-align: center;">Page 8</p>

1 **A. Yes, I do. I think that was an exchange around the time**
 2 **of my message to staff, I think that's what you are**
 3 **referring to.**
 4 Q. Yes, I think that's right.
 5 **A. And I have seen that email exchange. I didn't take**
 6 **a view one way or the other. I think it was**
 7 **a logistical point; that I was not able to address that**
 8 **I was happy or supportive in terms of that message.**
 9 Q. These a slight distinction, isn't there, between being
 10 happy with the decision on the one hand and supporting
 11 it on the other, would you agree?
 12 **A. I guess there would be in a forum like this. There**
 13 **wasn't a distinction in my head at the time.**
 14 Q. So would you say that you had had influence over the
 15 decision?
 16 **A. I would have fed into his thinking about the decision at**
 17 **the very start when I -- when he first raised the**
 18 **possibility of doing the story. And I guess whatever**
 19 **I said would have played a part in his thinking.**
 20 Q. So you think you probably did have some influence over
 21 Mr Rippon's decision?
 22 **A. Yes.**
 23 Q. It may or may not surprise you -- you may or may not be
 24 pleased to know that Mr Rippon has told us that he
 25 valued your editorial judgment very highly.

Page 9

1 **A. And I value his, yes.**
 2 Q. So I think you can put 5 away, and if you take bundle 13
 3 and turn to page 190. Just to show you what this is, if
 4 you go back to 186 to put the document in context for
 5 you, you see an email there, Mr Mitchell, from someone
 6 called Julian Payne to Paul Mylrea. Are you familiar
 7 with the roles those two play in the BBC?
 8 **A. Paul Mylrea is the head of press communications.**
 9 Q. And Mr Payne?
 10 **A. I think he works for Paul.**
 11 Q. I think he's in the news part of communications. But
 12 anyway he's in the communications side, yes?
 13 **A. Yes, but I don't think he works in news. I may be**
 14 **wrong.**
 15 Q. Over the page is a narrative. It is called the, "Savile
 16 briefing note", of 16 October of this year. What this
 17 is, is essentially a summary of various lines that the
 18 BBC had put out in various ways after the storm broke
 19 with the ITV story. So you will see, for example, it
 20 records at 187 the announcement of the reviews, and then
 21 if you go over the page you see the initial position the
 22 BBC took on 21 September, and then at 189, lines issued
 23 by the trust and so on.
 24 The bit I want to show you is page 190. Do you see
 25 the heading, "Lines issued by Mark Thompson", 7, 10, 12

Page 10

1 near the top? And he says:
 2 "I had no involvement whatsoever not to pursue the
 3 Newsnight investigation. I understood that was
 4 a decision taken by Newsnight editor ..."
 5 And so on. Then another bold heading:
 6 "Was any influence brought to bear on any senior
 7 management, either directly or indirectly, to cancel the
 8 Newsnight investigation?"
 9 Third paragraph:
 10 "George Entwistle has made it absolutely clear, as
 11 had the editor of Newsnight, that he and every other
 12 senior manager at the BBC had no influence whatsoever
 13 over the decision to drop the Newsnight investigation."
 14 Pausing there, that doesn't seem to be consistent
 15 with what you told me a minute ago. So do you agree
 16 with that or not?
 17 **A. No, no, I was talking about, um, my input into Peter's**
 18 **thinking, not -- this is not about -- my input at the**
 19 **very beginning, if you remember, was what I said, when**
 20 **Peter first came to me with the story.**
 21 Q. Well, this is a public statement to the world telling
 22 the world that both Mr Entwistle, who of course at the
 23 time was in a different part of the BBC altogether,
 24 namely Vision --
 25 **A. Yes.**

Page 11

1 Q. -- he and every other senior manager in the BBC had no
 2 influence whatsoever over the decision to drop the
 3 Newsnight investigation. In other words, putting all of
 4 the emphasis on the fact that Mr Rippon was really the
 5 only person whose mind influenced the decision. That's
 6 what this is saying, isn't it?
 7 **A. Well you would have to ask Julian or Paul what they**
 8 **meant by that.**
 9 Q. We will come to the blog. You are familiar with the
 10 blog that was published on 2 October? In fact the blog
 11 expressly mentions, doesn't it, the fact that Mr Rippon
 12 had had consultation and discussions with others,
 13 including -- I don't think it names you, but including
 14 you, doesn't it?
 15 **A. I can't remember, but I can have a look if you like.**
 16 Q. We will come to that. So you would say that that first
 17 sentence beginning, "George Entwistle", down to
 18 "investigation"; you would say that was entirely correct
 19 or needs some qualification, and if so, what?
 20 **A. Well, as I say, you need to check with Paul Mylrea what**
 21 **he meant by senior manager. I didn't write this.**
 22 **I don't know what was in his mind.**
 23 Q. You are a senior manager at the BBC?
 24 **A. I think I am, yes. But whether he meant me, I don't**
 25 **know.**

Page 12

<p>1 Q. Put that one away and take A7, please. You know who 2 Helen Deller is? 3 A. Which page are you on, please? 4 Q. I'm sorry, 187. Helen Deller. 5 A. Yes. 6 Q. She describes herself as publicist at news and current 7 affairs -- 8 A. She would, in -- 9 Q. -- at the press office. 10 A. Yes. 11 Q. If you look at the email chain, one needs to go to the 12 end of the chain to make sense of it. The end of this 13 chain is at page 190. The details don't matter. It's 14 a series of questions from somebody called Ben Webster, 15 who works for The Times, to Julian Payne, starting at 16 page 190. There's a long chain and Helen Deller gets 17 involved. 18 What I want to show you is at page 187. On 19 2 October, Helen Deller writes to Mr Webster at 20 The Times: 21 "Talk to Peter. As I said, there were discussions 22 as per normal in our editorial processes but it was not 23 referred up or sideways or wherever. Peter took the 24 decision as editor of the programme. As I said, there 25 was no internal pressure so there cannot possibly be any Page 13</p>	<p>1 I had with him were the normal level of conversation 2 I would have with an editor. Actually they were less 3 than would have been the case had the story progressed, 4 and those conversations may or may not have had an 5 effect on Peter's decision-making. I think he said to 6 you he values my input into his thinking, so maybe that 7 is evidence that he would have taken note of what I was 8 talking to him about. 9 Q. There would be nothing strange or wrong or improper 10 about him being influenced by your views about the 11 editorial merit of a story, would there? 12 A. No, not at all, no. 13 Q. When did it first come on to your radar that Newsnight 14 might be doing a story or researching a story about 15 Jimmy Savile? 16 A. Well, again, unfortunately I don't have a diary note of 17 a date. I think it would have been within a week or two 18 of the funeral, but I don't know. 19 Q. A week or two of the funeral, which got great coverage 20 on the news. 21 A. Yes. 22 Q. So he died, I think, on 29 October and was buried, you 23 say -- I haven't checked this, but I am sure you are 24 right -- on 9 November? 25 A. Yes. Page 15</p>
<p>1 discussion about people involved and what they knew." 2 Leave aside for one moment the question of pressure, 3 whether there was any pressure on Mr Rippon, but it's 4 not right, is it, that Mr Rippon's decision wasn't 5 referred up or sideways or wherever, because it was 6 referred up and discussed with you, wasn't it? 7 A. Well I -- it was discussed with me. And that discussion 8 was part of our normal editorial processes. Whether you 9 can reconcile the two points in the same sentence is, 10 I guess, a question for you guys. 11 Q. So I understand that there is or might be some 12 nervousness about any suggestion that there was improper 13 pressure put on Mr Rippon. I want to leave that to one 14 side for the moment. 15 A. I understand. 16 Q. I just want to understand what the normal editorial 17 process involves with a story like this, given that you 18 are next up the management chain from Mr Rippon, then 19 Helen Boaden, and so it goes on. 20 A. Um-hm. 21 Q. So, you say, do you, that you had normal discussion as 22 part of the editorial process which didn't influence 23 Mr Rippon in making his decision? 24 A. Well, you'd have to ask Peter what influenced his 25 decision. All I can tell you is that the conversations Page 14</p>	<p>1 Q. You can put bundle 7 away, please, and take bundle 1. 2 We will just spend a little time now in the 3 chronological run. Bundle 1. 4 Just before I show you the first document, when you 5 first heard about this story, did you hear about it from 6 Mr Rippon or from somebody else? 7 A. I heard about it from Peter, Peter Rippon. 8 Q. You say in your statement, if you have that open at the 9 same time, that Peter did not appear completely 10 convinced that this was a Newsnight story? 11 A. Um-hm. 12 Q. Why was that? 13 A. Peter talked about, um, the fact that Newsnight doesn't 14 usually engage in celebrity exposes of events many years 15 previous. And I think what he was -- what he was 16 talking about was this isn't normal business for 17 Newsnight. Newsnight normally does issues of policy, 18 public policy. That doesn't mean that he wasn't going 19 to pursue it, it just meant that he had a reservation in 20 his head. 21 Q. So when you first heard about this story from 22 Peter Rippon, did you form a view as to his enthusiasm 23 or lack of enthusiasm for this story? What was his 24 attitude to it? 25 A. I would -- I would say he was interested rather than Page 16</p>

1 enthusiastic.
 2 Q. Right. Did you, in these weeks in November into
 3 December 2011, form a view as to what the attitude of
 4 the deputy editors of Newsnight were to the story?
 5 A. I can't recall --
 6 Q. Did you, for example, learn that Liz Gibbons, so it
 7 would seem, was more sceptical than Mr Rippon was from
 8 the outset?
 9 A. I certainly don't remember being told that. I do
 10 hesitate, and I do apologise for hesitating, because
 11 obviously I know a lot now relevant to what I knew
 12 then --
 13 Q. Of course.
 14 A. -- but I don't think Peter talked about Liz or his other
 15 deputy, Shaminder, at this stage.
 16 Q. Right. Now on the -- if you take bundle 1 and turn to
 17 page 107, this is now 31 October, so two days after
 18 Jimmy Savile died. I don't know whether you have seen
 19 this email in the last few days, perhaps not, but it is
 20 an email from Mr Jones to Peter Rippon and Liz MacKean,
 21 do you see, on 31 October?
 22 What it is essentially is an extract from what is
 23 described as a web memoir which had been published by
 24 one of the girls, as she was -- women, who had been at
 25 Duncroft who we now know to be [REDACTED] yes?
 Page 17

1 A. Um-hm.
 2 Q. Did you at any stage in the relevant period -- by which
 3 I mean last year rather than this year -- read this web
 4 memoir?
 5 A. I didn't, no.
 6 Q. In these discussions that you had, were you ever
 7 furnished -- might not be any reason why you should have
 8 been -- with any of the, as it were, raw material that
 9 the Newsnight team had gathered?
 10 A. No.
 11 Q. So you didn't see notes of interviews?
 12 A. No, I didn't.
 13 Q. Or transcripts of filmed interviews?
 14 A. No, I didn't.
 15 Q. Or scripts or draft scripts?
 16 A. No.
 17 Q. Or this kind of web material, or anything from
 18 Friends Reunited for example?
 19 A. No, I didn't.
 20 Q. So if you go to page 108, this is part of the web
 21 memoir. So this is all a quotation in Mr Jones' email.
 22 He's lifted this from the web. Do you see in the
 23 penultimate paragraph beginning, "Another celebrity,
 24 whom I can only refer to as [REDACTED]"
 25 Do you see what is said there?
 Page 18

1 A. Um-hm.
 2 Q. And you see the suggestion in the last part of that
 3 second sentence that the author:
 4 "... Watched in a detached fashion as he, [REDACTED] had
 5 full sex with one of the other girls in the dressing
 6 room into which we were all crammed."
 7 Now, when did you first become aware of the fact
 8 that right at the beginning the allegation of -- whether
 9 it was an assault we can leave to one side, but an
 10 allegation that one of these celebrities had had sex
 11 with somebody in front of other people in a BBC dressing
 12 room?
 13 A. I don't remember being aware of that at the period that
 14 you are --
 15 Q. In 2011.
 16 A. I can't remember being made aware of that, no.
 17 Q. So that wasn't something that came onto your radar
 18 screen? There is an email from you, you may remember,
 19 a few weeks ago, suggesting that, I think in October --
 20 we will come to it -- of this year where you suggest
 21 that the allegation of sex in a BBC dressing room had
 22 only just been made by ITV, as if that was the first you
 23 had heard of it.
 24 A. It may not have been the first I heard of it. It was
 25 certainly the first time it registered with me.
 Page 19

1 Q. Right. In the same bundle go to page 267, please,
 2 Mr Mitchell. This is an email from Liz MacKean to
 3 Meirion Jones on 9 November, in which he says:
 4 "Had meeting with Liz and Peter."
 5 That is Liz Gibbons and Peter Rippon, obviously:
 6 "She thinks we shouldn't do JS story on grounds of
 7 taste. I persuaded her otherwise, especially given
 8 police line. PR agrees that it's worth it, but [of]
 9 course they are concerned about women's credibility."
 10 So I asked you a moment ago whether you were aware
 11 of Liz Gibbons' attitude and you said essentially no.
 12 What about this aspect of there being a reluctance to
 13 run this story on the grounds of taste, which some
 14 people have explained to us is concerned with the fact
 15 that Jimmy Savile had only just died. Is that something
 16 you remember?
 17 A. I wouldn't describe that as taste. I remember being
 18 concerned about the fact that Jimmy Savile had just died
 19 when Peter first talked to me about the story. But I
 20 don't think that's a matter of taste; that's a matter of
 21 sensitivity towards the family of Jimmy Savile.
 22 Q. Right. How would that feed in, that concern, to the
 23 editorial decision?
 24 A. Again you would have to ask Peter what impact that made.
 25 I would stress that the conversations I had with Peter
 Page 20

1 were fragmentary, quick, in the context of meetings
 2 about other things. This is not a project that we're
 3 talking about in detail. One of the things I did say to
 4 him was that we have to apply the proper editorial
 5 rigour on this story because the man has died only
 6 recently and the nation is being particularly positive
 7 about his career and his activities. And it's in that
 8 context that I'm talking about being sensitive, among
 9 other things, to the family.

10 Q. Why is the proper editorial rigour, as you put it, why
 11 is that a function of how long the fellow has been dead?
 12 Why does it matter? Would the rigour be different in
 13 six months' time?

14 A. Sorry, it's the same rigour that we would normally
 15 apply. The fact that he's dead means that you can't
 16 ignore the normal editorial process around the fact that
 17 he's dead, but the fact that he's recently dead and has
 18 a family that is in mourning is a good reason to apply
 19 our normal standards.

20 MR POLLARD: Can I just get a sense of when this discussion
 21 might have taken place?

22 A. I think this is around the first time that Peter talks
 23 to me about it.

24 MR POLLARD: So a few days, perhaps, after the funeral? On
 25 or around about the middle of November sort of thing?

Page 21

1 A. I would have thought so, but as I say I'm sorry I didn't
 2 keep a track of --

3 MR POLLARD: Not towards the end of November, shall we say?

4 A. I would have thought probably middle of November more
 5 likely.

6 MR POLLARD: Okay, thanks.

7 MR MACLEAN: The BBC broadcasted a tribute to Mr Savile in
 8 November, didn't it?

9 A. I'm told so, yes. I didn't know at the time that was
 10 the case, but as I say in the start of my statement I'm
 11 desperately trying to step back from what I know now.

12 Q. Now you can put bundle 1 away and take bundle 2. Did
 13 you know at the time that [REDACTED] was going to be
 14 interviewed or filmed on 14 November?

15 A. I didn't.

16 Q. So if you take bundle 2 and go to page 85, there's an
 17 email from Liz MacKean to Hannah Livingston. Was
 18 Hannah Livingston somebody who was ever on your radar
 19 screen at this stage?

20 A. No.

21 Q. "Thanks Hannah, I have endured another long chat with
 22 [REDACTED] ...
 23 Did you ever know who [REDACTED] was?"

24 A. No.

25 Q. "... She's no closer to finding her letter."

Page 22

1 Now you probably now know that one of the things
 2 that Liz MacKean and Meirion Jones were doing, and
 3 indeed Hannah Livingston, was trying quite hard to track
 4 down a letter which some of the women -- including in
 5 particular [REDACTED] -- had said they had received, from
 6 either the police or the CPS, explaining why the
 7 investigation into Mr Savile had run into the sand. You
 8 know that now, I assume?

9 A. I know they were trying to look into the role of the
 10 police and CPS. I don't think I'm aware of the role of
 11 the particular letter.

12 Q. So the fact that the reporters or the team, the
 13 Newsnight team, were chasing the letter was, as a matter
 14 of detail that didn't come to you?

15 A. No, it didn't.

16 Q. Right. What I want to ask you about is the last
 17 sentence. Liz MacKean says:
 18 "There is more enthusiasm for the story in the
 19 office, which is good. Any letter progress yourself?"
 20 This is a day after [REDACTED] had been interviewed.
 21 So my question to you is: were you, as it were,
 22 following the ups and downs of the enthusiasm level in
 23 Newsnight?

24 A. Absolutely not.

25 Q. So on 15 November, the research -- the story is

Page 23

1 underway. How would you characterise what you knew
 2 about what Newsnight was doing about Jimmy Savile here,
 3 at this stage?

4 A. Well I'm -- I have the same problem about dates.
 5 I honestly cannot recall when the meetings happened with
 6 Peter Rippon and so I can't be precise as to what I felt
 7 or what I knew on 15 November.

8 Q. I think it is implicit in what you said a little
 9 earlier, but tell me if this is wrong: you never had, or
 10 at least you can't remember if you had, a meeting
 11 specifically about Jimmy Savile with Peter Rippon, is
 12 that right? You may have had some discussions, quick,
 13 as you say, in passing, in the margins of the office or
 14 other meetings --

15 A. I believe that to be the case.

16 Q. -- is this right? But you didn't actually sit down with
 17 Peter Rippon to discuss Jimmy Savile?

18 A. No.

19 Q. What's the MPRL?

20 A. That's the Managed Programme Risk List.

21 Q. Tell me what the purpose of the Managed Programmes Risk
 22 List is?

23 A. It's largely intended to share knowledge about high
 24 profile editorial projects that involve an element of
 25 editorial, legal or safety risks.

Page 24

1 Q. Leave that one open, if you don't mind, and take
 2 bundle 4 as well and go to page 29. When you get to 29,
 3 can you turn over the page. Hopefully inserted into
 4 that bundle there's -- do you have 29.001, after 29?
 5 Yes, you have, yes.
 6 I want you to go to 29.004, please. What you are
 7 looking at there, Mr Mitchell, is an email from somebody
 8 called Christina Roski. Do you know who she is?
 9 **A. No.**
 10 Q. To the editorial standards board. Do you see?
 11 **A. Yes.**
 12 Q. Is that a body that you sit on?
 13 **A. No, not regularly.**
 14 Q. Sorry?
 15 **A. Not regularly. I think I may have deputised on it.**
 16 Q. You would be deputising for Helen Boaden?
 17 **A. I think so.**
 18 Q. It is just when you nod it doesn't go on the transcript,
 19 that's all.
 20 **A. I understand. I do apologise.**
 21 Q. Now these are attached to ESB papers, ie Editorial
 22 Standards Board papers, for tomorrow's meeting on 8th
 23 December.
 24 If you look over the page, you should be looking at
 25 something called the Managed Programmes Risk List:
 Page 25

1 "Purpose: The Managed Programmes Risk List
 2 identifies programmes to be transmitted in the next
 3 three months which are potential risks, and also those
 4 whose production may be sensitive during the whole of
 5 the production process up to transmission. The
 6 programmes identified are now discussed at divisional
 7 boards before they are forwarded to the ESB."
 8 Now, does that mean that there is a divisional board
 9 in news?
 10 **A. It does.**
 11 Q. Who would sit on the divisional board at news?
 12 **A. The divisional board of what is now the news group
 13 involves senior figures from network news, global news
 14 and the English regions.**
 15 Q. And who would chair that divisional board?
 16 **A. The divisional director, Helen Boaden.**
 17 Q. And you sit on that board?
 18 **A. I do.**
 19 Q. Not just deputising for her, but you are a permanent
 20 member of that board?
 21 **A. I'm a member of the board in the context that I head up
 22 one of her production departments, namely the programmes
 23 department.**
 24 Q. And Newsnight would be part of that department?
 25 **A. It is.**
 Page 26

1 Q. So is this right then: the Managed Programmes Risk List
 2 is a mechanism for communication between different parts
 3 of the BBC about sensitive stories that are or might be
 4 in the offing? Is that a fair way of putting it?
 5 **A. Yes.**
 6 Q. Let's assume we are Newsnight -- we're the Newsnight
 7 office -- and we have a plan to develop a sensitive or
 8 controversial story. Can you explain to me the
 9 mechanism by which this idea of a story finds its way,
 10 if appropriate, on to the Managed Programmes Risk List?
 11 **A. It would be for the programme to nominate someone to
 12 inform the person who works for me and runs the
 13 departmental Managed Programmes List. So there's
 14 a departmental list which feeds in turn into the
 15 divisional list which in turn feeds into the BBC-wide --**
 16 Q. Right. So we have three stages to the process then?
 17 **A. Indeed.**
 18 Q. Newsnight identifies a particular story as a MPRL
 19 candidate, puts it on a list that goes to someone who
 20 works for you. That then goes -- the next stage is
 21 a departmental list --
 22 **A. Yes.**
 23 Q. -- and that department is what department? The
 24 programmes department?
 25 **A. The programmes department.**
 Page 27

1 Q. And it then comes from the programmes department to the
 2 divisional list, which is news?
 3 **A. That's right. The divisional list is the News Group
 4 board.**
 5 Q. And then from the News Group board it goes to this
 6 meeting, is that right?
 7 **A. To this meeting, yes.**
 8 Q. So if you go over the page to 29.006, are you familiar
 9 with this document which I think is produced monthly?
 10 This is the Managed Programmes Risk List, isn't it?
 11 **A. This is the corporate list. The final list, yes.**
 12 Q. Right.
 13 **A. I don't normally see this. I'm not a member of the
 14 Editorial Standards Board. I see the news contribution
 15 to this list.**
 16 Q. So you see one stage down from this?
 17 **A. Indeed.**
 18 Q. And there's a funnel effect, is there? Some things fall
 19 off as we go higher up the chain?
 20 **A. I imagine that items do fall off as they go up the
 21 chain, if only because they are overtaken by events.
 22 These lists are compiled, as I described, at
 23 a departmental level and then go to a news level and
 24 then go to a corporate level, and in that process, which
 25 takes some time, things will be transmitted and things**
 Page 28

<p>1 will come off for other reasons.</p> <p>2 Q. So if a news programme -- any news programme, it could</p> <p>3 be on the radio or the television, I think, it doesn't</p> <p>4 matter -- was planning a story which had the potential</p> <p>5 for impact on another part of the BBC, that would be</p> <p>6 a prime candidate, wouldn't it, to be included on this</p> <p>7 Managed Programmes Risk List?</p> <p>8 A. Not necessarily. This risk is -- sorry, this list is to</p> <p>9 do with public risk and as I mentioned earlier, safety</p> <p>10 risk or legal risk. It's not, in my mind, to do with</p> <p>11 institutional risk to the BBC.</p> <p>12 Q. It's not in your mind to do with institutional risk to</p> <p>13 the BBC?</p> <p>14 A. It is not, no. This is -- this is to do with the</p> <p>15 separate role of BBC News when reporting on matters</p> <p>16 affecting the BBC. This is not the place to, um,</p> <p>17 necessarily discuss risks to the reputation of the BBC.</p> <p>18 This is to do with risks to -- which we are exposed to</p> <p>19 for legal reasons or health and safety reasons or, um,</p> <p>20 in terms of reputation as would be affected by</p> <p>21 journalism. It's not to do with the corporate</p> <p>22 reputation.</p> <p>23 Q. That qualification to the risk list, or to the scope of</p> <p>24 it -- that limitation on the scope of this list as you</p> <p>25 understand it to be, is engendered from where?</p> <p style="text-align: center;">Page 29</p>	<p>1 to the point that it was a project for -- at least as</p> <p>2 far as I was concerned it never got to the point where</p> <p>3 it was planned for transmission and therefore needed --</p> <p>4 we needed to consider whether or not it was going to go</p> <p>5 on the programmes list -- the Managed Programmes Risk</p> <p>6 List.</p> <p>7 Q. Take bundle 2, which is that one, and turn to page 188.</p> <p>8 Just before we look at this document, you explained</p> <p>9 a moment ago that there were a range of people involved</p> <p>10 in this, and somebody from the programme, I think you</p> <p>11 said, is identified as being responsible for passing the</p> <p>12 information to somebody who works for you. Just to give</p> <p>13 those people names, in the case of Newsnight it is</p> <p>14 Liz Gibbons who passes information to Sara Beck, all</p> <p>15 right?</p> <p>16 A. On this occasion, I think.</p> <p>17 Q. Whereas I think habitually it is Liz Gibbons who</p> <p>18 prepares the information from Newsnight and supplies it</p> <p>19 to Sara Beck, is that right?</p> <p>20 A. I don't know --</p> <p>21 Q. You don't know?</p> <p>22 A. -- whether that is the case in Newsnight, whether it is</p> <p>23 only Liz Gibbons or whether other people take that role</p> <p>24 given different projects.</p> <p>25 Q. Fair enough, it is not your job to organise Newsnight in</p> <p style="text-align: center;">Page 31</p>
<p>1 A. It's to do with, as I say, the need to keep the role of</p> <p>2 BBC News separate from the role of the institution as</p> <p>3 a whole. There are occasions when BBC News will be</p> <p>4 doing journalism about the BBC. I'm not saying those</p> <p>5 projects don't get on the risk list, but it's not</p> <p>6 automatically -- I think you would need to go back, but</p> <p>7 I think you said this would be a prime candidate.</p> <p>8 Q. Yes.</p> <p>9 A. And it's not necessarily the case if it's a story</p> <p>10 affecting the BBC that it is a prime candidate.</p> <p>11 Q. So is this right then: if my news programme is planning</p> <p>12 a story, part of the information for which says that</p> <p>13 somebody who was, or might have been, under age was</p> <p>14 subjected to a very serious sexual assault in a BBC</p> <p>15 dressing room in front of somebody who has recently died</p> <p>16 and is about to be lauded by a bunch of tributes by BBC</p> <p>17 Vision, that this Managed Programmes Risk List should</p> <p>18 not be applied so that Vision doesn't know about it via</p> <p>19 this mechanism.</p> <p>20 A. No, I think you were asking about the generality of what</p> <p>21 triggers an entry on to the Managed Programmes List. I</p> <p>22 don't think you were asking specifically about the</p> <p>23 Newsnight project.</p> <p>24 Q. Let me ask you specifically then.</p> <p>25 A. Specifically about the Newsnight project, this never got</p> <p style="text-align: center;">Page 30</p>	<p>1 that sense, but the person who is the recipient of this</p> <p>2 information is Sara Beck?</p> <p>3 A. It is, yes.</p> <p>4 Q. That's part of her job?</p> <p>5 A. It is.</p> <p>6 Q. And she works directly for you?</p> <p>7 A. She does.</p> <p>8 Q. So she would gather together the information from</p> <p>9 a whole range of news programmes, of which Newsnight is</p> <p>10 one?</p> <p>11 A. Yes.</p> <p>12 Q. And she does that monthly?</p> <p>13 A. It's a continuous process. It's a live list, as</p> <p>14 I understand --</p> <p>15 Q. Right.</p> <p>16 A. -- from the way you describe these things. People add</p> <p>17 to the list and take things off the list as the list</p> <p>18 goes on.</p> <p>19 Q. But the target the list is shooting at --</p> <p>20 A. Is a monthly meeting.</p> <p>21 Q. Of the editorial --</p> <p>22 A. Of the news board.</p> <p>23 Q. Of the news board?</p> <p>24 A. Yes. Sorry.</p> <p>25 Q. Right.</p> <p style="text-align: center;">Page 32</p>

1 A. Welcome to the BBC. Just to recap, the live list is the
 2 programmes department list.
 3 Q. Right.
 4 A. Once a month, roughly speaking, that feeds into a paper
 5 list, a document -- hard document -- a list which goes
 6 to the news board, and that in turn at some point, you
 7 would have to check how often, that feeds into the
 8 corporate Editorial Standards Board.
 9 Q. Right, okay. So if we look at page 188, if we look at
 10 the bottom of the page, there's an email there from
 11 Liz Gibbons to Sara Beck, copied to Fiona Connory, and
 12 I think Peter Rippon explained that Fiona Connory works
 13 for him.
 14 A. Okay.
 15 Q. "Here you are. Can you send me the latest MPRL by the
 16 way, ta."
 17 And then above that, you see there is a table with
 18 a bunch of Newsnight stories, the last of which is
 19 "Newsnight Jimmy Savile... "
 20 Do you see?
 21 A. Yes.
 22 Q. "... Investigation by Liz MacKean".
 23 And the sensitivity concern, if you like was,
 24 "Legal/taste".
 25 A. Yes.

Page 33

1 together into a list for the news board.
 2 Emma Wilson is the business manager for BBC News and
 3 she manages the agenda for the news board. Her job is
 4 to ensure that the paperwork is pulled together and then
 5 distributed in advance of the meeting.
 6 Q. So how -- I assume that this email would be sent then
 7 a few days ahead, presumably, of a news board meeting so
 8 that the papers can be readied for --
 9 A. It would be.
 10 Q. -- circulation, is that right?
 11 A. That's right.
 12 Q. If we were trying to find out what date the news board
 13 meeting was, we would be able to find out from
 14 Helen Boaden's diary, for example?
 15 A. They are diared by Emma. Emma Wilson, yes.
 16 Q. And you would have attended that as well?
 17 A. I usually attended the news board, unless otherwise
 18 engaged.
 19 Q. And it meets how often, this news board?
 20 A. Roughly speaking a month -- once a month.
 21 Q. Sara Beck, having received this information from
 22 Liz Gibbons that we saw in the previous email, and from
 23 lots of other people in Liz Gibbons' position in lots of
 24 other programmes, she presumably wouldn't have any
 25 authority to take a programme off the list, would she?

Page 35

1 Q. Newsnight, and then the last column is, "Peter Rippon",
 2 who is the person responsible for the story, the
 3 executive producer.
 4 So the Newsnight story is being reported, fed up the
 5 line, by Liz Gibbons to Sara Beck as part of the MPRL
 6 process, isn't it?
 7 A. It is, yes.
 8 Q. So if you then take bundle 3 -- and this is happening on
 9 17 November -- page 66, this is 11 days later than the
 10 email we have just looked at. Do you see this is the
 11 28th?
 12 A. Um-hm.
 13 Q. So Sara Beck is now sending the MPRL news programmes
 14 list to two other people. How do they -- what role do
 15 Stephanie Harris and Emma Wilson play?
 16 A. Stephanie Harris works directly for Helen as an
 17 editorial compliance figure, and handles complaints and
 18 manages the list for the news division. So her job is
 19 to compile the entries from the different departments
 20 within news in order to present to the news board.
 21 She will get submissions from the programmes
 22 department, from Sara Beck, but she will also get any
 23 submissions from the news gathering department or the
 24 newsroom department or the Millbank Westminster
 25 operation, and Stephanie's job is to pull all that

Page 34

1 A. No, Sara Beck and I meet once a week to look at material
 2 that's on our departmental list.
 3 Q. Right.
 4 A. And it's at that point that we decide whether material
 5 goes forward or is left off.
 6 Q. If we look at page 67 on bundle 3, which is the
 7 attachment to Sara Beck's email, this is a list that is
 8 now being sent up, not to the editorial board but one
 9 stage below that to the news board, is that correct?
 10 A. It looks like that, yes.
 11 Q. And there's a whole bunch of things. It starts with
 12 Vision, which means television to most people, BBC1,
 13 a whole bunch of programmes.
 14 A. Yes.
 15 Q. Then if you go to 70, "Newsnight", you see, "Academies,
 16 phone hacking", and so on. And there is a couple of
 17 pages of Newsnight and then we get to This World, and
 18 various other BBC programmes. Then by page 72 we have
 19 finished with BBC2 and we are on to BBC3, and Newsnight
 20 has disappeared, Jimmy Savile has disappeared.
 21 A. Jimmy Savile was never on this list, I don't think. It
 22 was on the previous list, the departmental list.
 23 Q. Yes. Well, it doesn't appear on this list because you
 24 decided that it shouldn't appear?
 25 A. I must have decided that between the appearance on the

Page 36

1 programmes department list and this list being compiled,
 2 yes.
 3 I'm not sure that the timing works but that would be
 4 the normal process. In other words, when this list is
 5 finally compiled and when I sat down with Sara, but that
 6 would be the normal process, so I would sit down with
 7 Sara Beck, go through the material on our list, decide
 8 which of it comes off, and which of it goes forward.
 9 Q. So some time between 17 November and 28 November, you
 10 must have sat down with Sara Beck and decided that
 11 Jimmy Savile would not be passed up on the MPRL to the
 12 news board?
 13 A. It does appear so. I don't have my diary that I sent
 14 you, but the dates of the Managed Programmes Risk List
 15 meetings are dates that are diared, so you would be
 16 able to find it, I am sure. They are usually on
 17 a Monday.
 18 Q. Right.
 19 A. As I say, if you got that you would see probably
 20 a meeting with Sara between those two events.
 21 Q. And this meeting would be -- involve you and Sara Beck?
 22 A. Yes.
 23 Q. And nobody else?
 24 A. No.
 25 Q. So you were, in effect, disagreeing with and

Page 37

1 countermanding Liz Gibbons' decision to put the
 2 Jimmy Savile story on to the list along with these other
 3 ones that we see in the email I showed you?
 4 A. I think you categorise that rather harshly. I was
 5 taking a view in the meeting with Sara Beck informed by
 6 whatever Peter Rippon was telling me about where the
 7 investigation had got to, rather than what
 8 Liz Gibbons -- so there may have been a conversation,
 9 I don't know, between myself and Peter. I wouldn't have
 10 taken arbitrary -- I would not have taken an arbitrary
 11 decision to countermand it, I don't think. So I may
 12 have been informed by Peter or I might have had in mind
 13 the fact that in a conversation with Peter separate to
 14 the conversation Liz was having with Sara, he had talked
 15 to me about how far the investigation had proceeded.
 16 The reasons for taking the entry -- not letting the
 17 entry go forward to the divisional list could have
 18 been -- you know, Peter was not sure it was going to
 19 make it to air, it could have been that he wanted to do
 20 some work in another area, it could have been that, you
 21 know, he was just generally not -- not yet ready,
 22 whereas Liz obviously when she sent her email was -- was
 23 ready.
 24 Q. But the decision not to put it this story on the list
 25 further up the chain, that was -- that really was your

Page 38

1 decision?
 2 A. That was my decision, absolutely.
 3 Q. So if I was to say that it has been suggested to us by
 4 some fairly senior staff in the Vision side of the BBC,
 5 and I quote:
 6 "Each month all sensitive subjects are put by
 7 programme editors and executive producers on the BBC's
 8 Managed Programmes Risk List."
 9 I think it follows from your evidence that you
 10 disagree that that is actually what ought to happen?
 11 A. As I say, if you look at this list, there are 40 or so
 12 projects running here. And sometimes we're not -- we're
 13 not ready to harden up a project, in terms of talking
 14 about it more widely, because the work has yet to be
 15 done.
 16 Q. But --
 17 A. That doesn't mean it's not sensitive, nor does it mean
 18 that it might not become a project -- a programme item.
 19 Q. But if ever there was --
 20 MR POLLARD: But just as an example, there is on that list
 21 something there saying, "Newsnight Burma. Possible
 22 undercover trip to Burma with Sue Lloyd Roberts
 23 currently on hold."
 24 A. Yes.
 25 MR POLLARD: So you have things on that list which are not

Page 39

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

Page 40

1 the line?

2 **A. I think it was probably because I was not convinced that**

3 **Peter was going to get this to air at that stage. But I**

4 **can't be -- I can't be sure, it was a long time ago.**

5 Q. So Peter Rippon -- it was Peter Rippon really who had

6 a heavy influence on your decision not to put it on the

7 list, is that what you are saying?

8 **A. My own -- the only information I had about this project**

9 **throughout this period came from Peter. But this --**

10 **let's be clear, this was my decision.**

11 Q. Influence by Mr Rippon? Whereas his decision not to run

12 the story is not influenced by you?

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

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

15 **A. I was influenced by whatever Peter Rippon was telling me**

16 **about this story.**

17 Q. Right.

18 **A. And it was my decision not to put it on that list going**

19 **forward at that point.**

20 Q. Right. Tell me if this is fair or unfair: you think

21 that the reason it was not put on the list up the chain

22 was that at that stage you thought the chances were it

23 wasn't going to run?

24 **A. Well, I wasn't convinced that it was going to run, and**

25 **it's obviously, as far as I understand it at this stage,**

Page 41

1 **it's not clear even what the story is. I can't remember**

2 **at which point Peter became enthusiastic about the role**

3 **of the police and the CPS. So in other words, that**

4 **would have been my judgment as far as I can recall.**

5 Q. You see, Mr Mitchell, it has been suggested to us that,

6 as it were, the whole point of the Managed Programmes

7 Risk List is that it is a mechanism which means that it

8 is not necessary for directors of News and Vision, for

9 example, to then have ten second conversations at awards

10 lunches about what each other are doing. Do you

11 understand? If this mechanism works properly, it's not

12 necessary for Helen Boaden to walk round the table at

13 an awards lunch and tell Mr Entwistle what is going on.

14 **A. And your point is?**

15 Q. That this mechanism of the Managed Programmes Risk List

16 is designed to provide a proper process by which Vision,

17 for example, knows what News is doing in areas of

18 sensitivity that may have a knock-on effect on what

19 Vision is doing.

20 **A. You would have to talk to David Jordan about the role of**

21 **the Managed Programmes Risk List. I can only tell you**

22 **what I think it's for, which is to raise projects which**

23 **are, as I say, legally, editorially or in terms of**

24 **health and safety, sensitive and risky through**

25 **a channel. It's not -- the Editorial Standards Board is**

Page 42

1 **looking at a range of risks. I don't think it's about**

2 **telling Vision that News are doing something that Vision**

3 **might be uncomfortable with.**

4 Q. You see, would you agree that if one was sitting in

5 a senior position in Vision, for example, it might be

6 thought to be, to put it mildly, a bit of a pity that

7 the Jimmy Savile story, with the obvious implications

8 for the tribute programmes that Vision was planning,

9 wasn't put on the Managed Programmes Risk Lists at any

10 level above the Gibbons/Beck email?

11 **A. I can't comment on what Vision or anyone else would have**

12 **thought of it. I'm merely trying to explain to you**

13 **what -- how the Risk List works and my role in it.**

14 MR MACLEAN: We will just have is a short break for the

15 shorthand writer, okay?

16 10 minutes.

17 (11.41 am)

18 (A short break)

19 (11.50 am)

20 MR SHAN: I just wanted to clarify when you have been

21 talking about the influence that Stephen has had over

22 Peter Rippon -- Peter Rippon's decision, I just want to

23 make sure that all the allegations are put to Stephen.

24 So if there is anything that Peter has said about what

25 influence is put upon him, and whether it was

Page 43

1 appropriate or inappropriate, I just obviously want to

2 make sure that the allegation is put to --

3 MR MACLEAN: We haven't come to detail of that yet. We will

4 come to the detail, if you have a concern at the end--

5 MR SHAN: I just want to make sure that all the allegations

6 approximate put to Stephen to give him an opportunity to

7 answer them.

8 MR MACLEAN: At the end there will be an opportunity for

9 Mr Mitchell to say whatever else he wants to say. But

10 I have not come to the detail yet.

11 **A. There is just one point, I think I can tell you -- you**

12 **were asking about the dates of the Managed Programme**

13 **Risk List meetings that I had.**

14 Q. Yes?

15 **A. I think in my diary it is 17th, 21st, 28th November and**

16 **12 December. I can't find one for the 5th.**

17 Q. Right.

18 **A. Does that make sense?**

19 Q. So probably the 21st November was the date between those

20 two emails then?

21 **A. I am afraid I don't recall the date of your emails, but**

22 **you will fit it in.**

23 Q. The date of Liz Gibbons email to Sara Beck is the 17th,

24 A2/188.

25 **A. Yes.**

Page 44

<p>1 Q. And then the date of the other one is --</p> <p>2 A. The compilation for the News list --</p> <p>3 Q. A3/066 is the 28th, at 9.52 in the morning. So it looks</p> <p>4 like the 21st, doesn't it?</p> <p>5 A. It does.</p> <p>6 Q. You accept, do you, that the Newsnight story, if it had</p> <p>7 run, would have carried a reputational risk for the BBC,</p> <p>8 not least because of the allegation about sex having</p> <p>9 taken place in Jimmy Savile's dressing room?</p> <p>10 A. Um, the reputational risk that I was aware of to the BBC</p> <p>11 would have been because of the stature of Jimmy Savile</p> <p>12 in the BBC panopoly of celebrities.</p> <p>13 Q. So the very fact that a BBC celebrity, albeit now a dead</p> <p>14 one, was alleged to be a paedophile, that in itself</p> <p>15 would have carried a reputational risk to the BBC,</p> <p>16 obviously?</p> <p>17 A. I think it would have done.</p> <p>18 Q. But your evidence is that that wasn't the sort of risk</p> <p>19 that was a matter for the Managed Programmes Risk List?</p> <p>20 A. Not at the stage of the list that I was looking at, that</p> <p>21 list, no.</p> <p>22 Q. But it would have become a matter for the list later?</p> <p>23 Or might have done, is that right?</p> <p>24 A. Might have done. Well, it would have done, I am sure.</p> <p>25 Q. And it would have done when a transmission date was set?</p> <p style="text-align: center;">Page 45</p>	<p>1 but that's probably because in News we have a different</p> <p>2 set of risks.</p> <p>3 Q. So you say that in News reputational risks, you say, as</p> <p>4 far as News is concerned, aren't matters for this list?</p> <p>5 A. Not inevitably. It doesn't inevitably trigger an entry</p> <p>6 on to the list, I don't think, for News.</p> <p>7 Q. But sometimes it does and sometimes it doesn't?</p> <p>8 A. Yes. It's a matter of judgment.</p> <p>9 Q. It's a matter of judgment for you, you say?</p> <p>10 A. That's my decision, yes.</p> <p>11 Q. So, whether the other parts of the BBC get to see what's</p> <p>12 going on in News depends critically on whether you put</p> <p>13 it forward on the list or not?</p> <p>14 A. I don't think that's the only way that people will get</p> <p>15 to know what's going on in News, but, you know,</p> <p>16 management of the programmes department entries into the</p> <p>17 News list is my decision and I do it through a process</p> <p>18 of judgment.</p> <p>19 Q. If you look at page 11, 29.011, do you see the entry for</p> <p>20 Wikileaks? The programme is currently in secondary</p> <p>21 development. What does that mean?</p> <p>22 A. It's gone beyond an idea and is becoming firmed up in</p> <p>23 terms of how many episodes we'll need, how much airtime</p> <p>24 we'll need. It's going closer to transmission.</p> <p>25 Q. But we can see from the fourth column that the</p> <p style="text-align: center;">Page 47</p>
<p>1 A. Well, when Peter was clearer about, "We are going to go</p> <p>2 for this". I wouldn't necessarily need a date, but as</p> <p>3 you will see from the list, ideally we do put dates</p> <p>4 against entries.</p> <p>5 Q. You see, if you still have bundle 4 there, if you look</p> <p>6 at the Christina Roski Editorial Standards Board email</p> <p>7 at page 29.004.</p> <p>8 If you go over the -- A4/29.004 was the email we</p> <p>9 looked at a little bit earlier. If you go over two</p> <p>10 pages to the table, we start with BBC1 programmes. If</p> <p>11 you go to page 29.009, you will see that there's</p> <p>12 a reference to something called, "Space Diary", do you</p> <p>13 see that?</p> <p>14 A. Yes.</p> <p>15 Q. Which is something which actually has just happened,</p> <p>16 I think, about this fellow who tried to jump back to</p> <p>17 earth from the edge of space. Do you see? A completely</p> <p>18 separate subject matter, and the risk there is described</p> <p>19 as, "Commercial risk because of product prominence", do</p> <p>20 you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Is that a perfectly proper risk to be identifying on the</p> <p>23 Managed Programmes Risk List?</p> <p>24 A. Um, well, obviously somebody thought it was. It's not</p> <p>25 one -- it's not a risk that I've ever flagged up myself</p> <p style="text-align: center;">Page 46</p>	<p>1 transmission slot is to be confirmed, but what was</p> <p>2 anticipated was early 2012, do you see?</p> <p>3 A. I do, yes.</p> <p>4 Q. And the number of episodes and the content was still to</p> <p>5 be agreed. We get that from the second column, don't</p> <p>6 we?</p> <p>7 A. Yes.</p> <p>8 Q. But this is on the list, and the risks are identified as</p> <p>9 reputational and legal, aren't they?</p> <p>10 A. Yes.</p> <p>11 Q. And this is something which you and two others and BBC</p> <p>12 lawyers have discussed, yes?</p> <p>13 A. Correct.</p> <p>14 Q. Who is Clive Edwards?</p> <p>15 A. Clive Edwards is the head of Television Current Affairs</p> <p>16 and the BBC's Commissioner for Television Current</p> <p>17 Affairs.</p> <p>18 Q. And who is Jeremy Adams?</p> <p>19 A. Jeremy Adams is a head of current affairs in BBC</p> <p>20 Northern Ireland.</p> <p>21 Q. The very fact that somebody was doing a story</p> <p>22 identifying somebody as a paedophile, or concerning</p> <p>23 paedophilia, would be a sufficiently controversial</p> <p>24 subject to be on this risk list, wouldn't it?</p> <p>25 A. I would need to know what the story was.</p> <p style="text-align: center;">Page 48</p>

1 Q. Pretty -- to suggest that somebody is a paedophile is
 2 a pretty serious allegation, as the BBC is aware.
 3 A. Let's just take a step back, if I can. There's a welter
 4 of journalism which is around daily news and daily news
 5 journalism and we are doing stories on a daily basis now
 6 about paedophilia. It doesn't necessarily -- even the
 7 timescale doesn't allow for it to get on to this list.
 8 This is a list of pre-planned programme items and long
 9 form programmes --
 10 Q. That's what the Jimmy Savile story was, though?
 11 A. Yes, it was, but you asked me about paedophilia and I'm
 12 just trying to explain that paedophilia, of itself,
 13 doesn't necessarily make it on to this list, although we
 14 do journalism about paedophilia.
 15 Q. Right.
 16 A. The other question you asked me was about reputational
 17 risk. The reputational risk of Wikileaks, for instance,
 18 was around the fact that, if you recall, access to the
 19 Wikileaks documents was somewhat controversial, if not
 20 illegal, and there is a reputational risk to doing that
 21 journalism.
 22 Q. So there is a reputational risk to the BBC because it
 23 might be thought that the very running of the story
 24 involved some deleterious impact on the BBC's
 25 journalistic reputation. Is that right?
 Page 49

1 A. Indeed, yes.
 2 Q. If you look at page 19, page 29.019, we see that:
 3 "East Midlands have an investigation into alleged
 4 continuing grooming of teenage girls by groups of Asian
 5 men in the East Midlands."
 6 Which is on the list and it is described as:
 7 "A controversial subject matter with legal issues."
 8 And then South-East was doing:
 9 "An ongoing investigation into two priests alleged
 10 to have abused children in Sussex."
 11 Reference to the Archbishop of Canterbury possibly
 12 suspending somebody. And that is identified as, "Legal.
 13 Controversial subject matter". So without the BBC
 14 element which Jimmy Savile brought to this, as you
 15 discussed a moment ago, here are examples of things on
 16 the risk list simply because of the controversial
 17 subject matter and attendant legal risks.
 18 The Jimmy Savile story, surely, was a fortiori. It
 19 was all the clearer, wasn't it?
 20 A. I go back to the answer earlier: it depends on how far
 21 the story had advanced at this point and I can't --
 22 I can't compare with what we had with what East Midlands
 23 or South-East had.
 24 Q. But we can see, from the one that we looked at a moment
 25 ago about Wikileaks, that it seems to be, to say the
 Page 50

1 least, some way off transmission, doesn't it?
 2 A. Yes, but the Wikileaks programme, or series of
 3 programmes as it may have been then, was
 4 a long-running -- I mean, several months running. It
 5 had had a considerable amount of investment in it. It
 6 was designed to produce at least one and if not a series
 7 of documentary programmes. It, therefore, is -- in its
 8 genre it is progressed far more than the Newsnight film.
 9 Q. What about the next page, page 20:
 10 "Auntie and the Miners. A local radio documentary
 11 examining Yorkshire miners' belief that the BBC's
 12 coverage of the dispute [that is the miner's dispute]
 13 was biased in favour of the police and the Government.
 14 The BBC was not welcome in certain areas."
 15 The risk is:
 16 "Reputational and legal risk, controversial subject
 17 matter, transmission slot to be confirmed."
 18 So again it is a bit odd, isn't it, that
 19 Jimmy Savile is not on this list and Auntie and the
 20 Miners is?
 21 A. I can't explain the thinking behind putting Auntie and
 22 the Miners on it, all I can tell you is why I think --
 23 and that is an attempt to recollect the decision -- why
 24 I think Savile was not on it. And that was because we
 25 hadn't progressed the project sufficiently, so far as
 Page 51

1 I can recall.
 2 Q. Page 23, The Estate, a Northern Ireland programme:
 3 "An eight part documentary following the lives of
 4 residents as they come to terms with the economic
 5 downturn, filmed in a notorious housing estate.
 6 Reputational risk of only representing people on the
 7 lowest rungs of society. Sensitivity and duty of care
 8 issues, minors involved. Transmission 19 January 2012."
 9 So again, difficult to see, isn't it, why that
 10 programme is on the list and Jimmy Savile is not?
 11 A. I don't know why that programme is on the list. I have
 12 tried several times to explain what I think was behind
 13 the reason for the Newsnight investigation not being on
 14 the list.
 15 Q. But at the very least it would appear, wouldn't it, that
 16 the filter or the test, or the threshold that you were
 17 applying for the programmes which you sent up was not
 18 replicated by others in other parts of the BBC for
 19 whatever reason.
 20 A. Well I think that's one --
 21 Q. That seems --
 22 A. That's a question for you and Nick to address rather
 23 than me. I can't tell you what the filters being
 24 applied elsewhere in the BBC are.
 25 Q. I'm not asking you to tell me what the filters were.
 Page 52

1 I'm simply asking you to agree with the observation that
 2 is it would appear, wouldn't it, that whatever filter
 3 you applied was rather different from the filter being
 4 applied by others, for whatever reason. We can see that
 5 by comparing this list with the fact that Jimmy Savile
 6 wasn't on it.
 7 **A. They are looking at a different form of journalism, long
 8 form journalism. Most of the programmes on this news
 9 list are from my department. You know, I -- they
 10 regularly go on to this list. They are the Panoramas,
 11 the documentaries, the Wikileaks. The same thought
 12 process going on here applied to different projects.**
 13 **Q. But I do not understand, Mr Mitchell, if I'm sitting in
 14 Vision I don't care what form of journalism it is which
 15 is producing the sensitive story. What I want to know
 16 is: is there something going on in another part of the
 17 BBC jungle that I need to know about, surely?**
 18 **A. Whether, you know, Vision need to know about it is --
 19 it's not my judgment. What I'm trying to do is put
 20 a list together of projects which have -- which carry
 21 risk. At the moment that the timetable, the Managed
 22 Programmes Risk List hit, it seemed to me that this
 23 wasn't ready to go on that list.**
 24 **Q. Are you saying that the Jimmy Savile story wasn't one
 25 that Vision ever needed to be made aware of, unless**
 Page 53

1 a firm broadcast date was set?
 2 **A. Not a firm broadcast date, but -- and again I have to
 3 stress this is trying to recall a decision I made a year
 4 ago -- but a firmer idea of what the film might involve
 5 and a stronger idea that it was actually going to go
 6 ahead.**
 7 **Q. So the discussion, such as it was, between Helen Boaden
 8 and George Entwistle at the awards lunch wasn't
 9 necessary at all, on your evidence; the 10 seconds was
 10 10 seconds too many?**
 11 **A. You -- you would need -- you can't really ask me to
 12 explain a conversation that I was not part of, can you?**
 13 **Q. Well, we'll come to that conversation. But I'm just
 14 trying to explore with you whether you saw it as
 15 a necessary part of what was going on that Vision was,
 16 if I can put it like this, put in the picture by News?**
 17 **A. Not at the stage that the, um, Managed Programmes Risk
 18 List was being compiled.**
 19 **Q. Notwithstanding the fact that Vision was putting in
 20 train arrangements for commissioning; paying for and
 21 recording the Jim'll Fix It that went out on Boxing Day?**
 22 **A. I wasn't aware of what the plan was for Boxing Day.**
 23 **Q. When did you first learn that Christmas tributes to
 24 Jimmy Savile were being planned?**
 25 **A. I tried to remember, and I can't remember when I first**
 Page 54

1 **became aware. I believe I may have been made aware of
 2 it by Peter Rippon himself in passing when we had one of
 3 these conversations about the Savile project. But
 4 I can't put a date on it.**
 5 **Q. You see, the evidence that we have had -- I think from
 6 Meirion Jones and Liz MacKean -- is that they discovered
 7 that tributes were being planned listening to the radio
 8 on the way back from the interview with [REDACTED] on
 9 14 November when they heard a trailer on either Radio 4
 10 or Radio 5. So do you think it might have been around
 11 then that somebody at Newsnight -- Mr Rippon or somebody
 12 else -- said to you, "There are some tributes planned
 13 here"?**
 14 **A. I think that's probably earlier than I would have had
 15 the conversation with Peter, but I don't know.**
 16 **Q. If you go in bundle 2, please, to page 50. Who is
 17 David Gibson? He describes himself as, "News Programmes
 18 Planning Editor". What does that mean?**
 19 **A. As a department we deal with a lot of original
 20 journalism and a lot of journalism which is focused on
 21 specific audiences. So this can range from Panorama to
 22 journalism for The Asian Network, from Radio 1 to The
 23 Today Programme. The planning operation, which was now
 24 focused under a new title as an Impact team, is designed
 25 to bring together elements that -- of journalism that**
 Page 55

1 **we're doing for specific programmes or specific
 2 audiences and see if there's a way that we can take that
 3 journalism to different audiences and to make a bigger
 4 impact with that journalism.**
 5 **Q. So, in shorthand, he's one of the people who plans the
 6 fanning out, if you like, of a story from one programme
 7 across BBC's news output. Is that a fair way of
 8 summarising?**
 9 **A. Yes.**
 10 **Q. You see on 11 November he emails Sara Beck to say that
 11 he has:
 12 "Heard on the grapevine that Newsnight might be
 13 working on some sort of Jimmy Savile exposé for a couple
 14 of weeks time. Might need to be on MPRL."
 15 So pausing there, Mr Gibson plainly thinks that this
 16 programme at least might be on the MPRL. Then
 17 Sara Beck's response:
 18 "It is, thanks. And I mentioned it to Kevin B ..."
 19 Who would that be?**
 20 **A. I believe that will be Kevin Bathurst, then the
 21 controller of the BBC News Network, the continuous news
 22 service.**
 23 **Q. "... On Monday, so he was aware in the context of news
 24 coverage of burial but didn't have detail and didn't
 25 want it right/through as it might not happen. I don't**
 Page 56

1 have any more as yet, thanks. Have a good weekend."
 2 So we can see that by 11 November that the BBC
 3 grapevine at least was beginning to reveal to others in
 4 News that this Jimmy Savile programme piece might be in
 5 the offing, yes?
 6 If we go in the same bundle then, to page 194,
 7 there's an email from Helen Weaver to -- a very short
 8 email -- to Mr Jones. Helen Weaver has a particular
 9 role in this Impact team, hasn't she?
 10 **A. I'm sorry, for the life of me I can't remember, but**
 11 **I will take your word for it.**
 12 Q. Is she someone that you have any interaction with?
 13 **A. Not particularly, no.**
 14 Q. Right. Well I won't ask you about that.
 15 If you go in the same bundle to page 244, a similar
 16 point, email from somebody called Jo Mathys to
 17 Meirion Jones. She's described as a senior producer in
 18 News programmes planning. So she's also in the Impact
 19 side of things?
 20 **A. She works for David Gibson.**
 21 Q. Right, okay. Then if you look at 266 of the same
 22 bundle, not the top email, you can forget about that,
 23 that is more recently, passing it to BBC legal --
 24 22 November, do you see from Liz MacKean?
 25 **A. I do.**

Page 57

1 BBC dressing room?
 2 **A. I knew nothing of that.**
 3 Q. Now, when we were looking at the risk list a moment
 4 ago -- tell me if I have picked this up incorrectly --
 5 I think you said that at least one of the important
 6 factors as to whether the Jimmy Savile piece would be on
 7 the list would be whether there was a firming up of the
 8 plan to transmit the piece.
 9 **A. Yes.**
 10 Q. Right. I think you can put 2 away now and go to
 11 bundle 3. Turn to page 11, this is 25 November.
 12 Mr Jones emails Peter Rippon and Liz Gibbons to say
 13 that, "Off the record ... "
 14 That came from Mark Williams-Thomas. Was he ever on
 15 your radar at all?
 16 **A. Not by name. I think Peter might have mentioned that**
 17 **they had the help of someone who was a former policeman.**
 18 Q. Right. Take it from me that, "Off the record", means
 19 Mr Williams-Thomas who had got it from the
 20 Surrey Police:
 21 "Surrey Police have now confirmed that they did
 22 investigate Jimmy Savile for alleged sexual abuse of
 23 minors and that they interviewed the girls from Duncroft
 24 as part of that enquiry."
 25 Over the page is Mr Rippon's reply:

Page 59

1 Q. This is to one of the ex-Duncroft women:
 2 "Any joy with your letter? There has been no sign
 3 of it this end. It would be a huge help to have the
 4 full name of the author and the reference number."
 5 We touched on this earlier. I think you said that
 6 this detail didn't ever reach you about chasing this
 7 letter?
 8 **A. It didn't.**
 9 Q. Then page 226 to 227, look at 227 -- it's not very
 10 illuminating or indeed illuminative, but do you see just
 11 above the photograph it is an email from
 12 Hannah Livingston to Liz MacKean. Do you see the
 13 reference to [REDACTED] in the second line of the
 14 email?
 15 **A. "Tracking down [REDACTED]".**
 16 Q. Just before that, do you see her full name?
 17 **A. Yes.**
 18 Q. Is that a name that is familiar to you?
 19 **A. It isn't, no.**
 20 Q. Have you never come across that name before this moment?
 21 **A. Not that I -- not that I'm aware of.**
 22 Q. Did you know in 2011 that Hannah Livingston and
 23 Liz MacKean at least thought that they might have
 24 identified the victim of the -- well the person that
 25 [REDACTED] was alleged to be having sex with in the

Page 58

1 "Excellent, we can then pull together the
 2 transmission plan".
 3 So whatever degree of enthusiasm Mr Rippon had had
 4 or hadn't had earlier, by 25 November it was all systems
 5 go for this piece, wasn't it?
 6 **A. You would have to ask Peter that.**
 7 Q. That being the case, if the uncertainty about the
 8 transmission plan was what was holding up this plan
 9 being on the risk list, presumably now was the time to
 10 make sure it was on the list, wasn't it?
 11 **A. Well I -- I don't know what is going through Peter's**
 12 **mind when he says, "We can pull together the TX plan".**
 13 Q. Is it obvious, isn't it?
 14 **A. It is a plan. From that it is in the clear to me**
 15 **whether he is actually satisfied, himself, that he's**
 16 **going to put something on air.**
 17 Q. Look at the next page. Mr Jones says:
 18 "We're hoping to interview second victim on Monday
 19 afternoon".
 20 Did you ever get to grips with the detail -- I'm not
 21 suggesting you should have done necessarily -- with the
 22 second interview?
 23 **A. My recollection is that Peter only mentioned having one**
 24 **person on tape.**
 25 Q. So does -- the name [REDACTED] did that mean anything to

Page 60

1 you in 2011?
 2 **A. It didn't mean anything at all in 2011.**
 3 Q. Right, okay.
 4 **A. It does now.**
 5 Q. Yes, of course.
 6 He says:
 7 "We're hoping to interview the second victim on
 8 Monday afternoon but we won't know for sure until
 9 midday. I think transmission early week of 5 December
 10 easily possible, let's talk Monday."
 11 In fact the transmission date was set for
 12 7 December, wasn't it?
 13 **A. Er, not that I was aware of at the time.**
 14 Q. Right. Go to the same bundle, page 30. Look at the
 15 very bottom, the very last two lines of the page. Do
 16 you see it says, "Message from Meirion Jones". If you
 17 go over the page, this is his email to Hannah Livingston
 18 and Liz MacKean of 27 November. He says:
 19 "Forward the names to me and Liz in case they ring
 20 any bells with us. This is my first attempt at a draft
 21 cue. When Sir Jimmy Savile died in October Prince
 22 Charles led the tributes to a national treasure, but
 23 there was a darker side to the star of Jim'll Fix It.
 24 Newsnight has learned that he was investigated by police
 25 for sexual assaults on minors, but the Crown Prosecution
 Page 61

1 Service decided in 2009 (?) that he was too old and
 2 infirm to face trial."
 3 And then you see a reference in the last sentence to
 4 a claim that some of the abuse took place after BBC
 5 recordings and involved other celebrity paedophiles who
 6 appeared on Savile's shows.
 7 By this stage, when the police had confirmed they
 8 had done the investigation, to what extent do you
 9 remember discussion about the too old and infirm aspect
 10 of the story?
 11 **A. Do you mean the question of whether the police --**
 12 Q. The importance of that.
 13 **A. -- held the -- I remember Peter talking to me about it.**
 14 **It was probably in two conversations: the first -- but**
 15 **I can't give you a date, I do apologise -- the first**
 16 **conversation was along the lines of -- that he was**
 17 **pursuing an angle which suggested that the police or the**
 18 **CPS had dropped the investigation because of Savile's**
 19 **age. And the second was when he explained that he was**
 20 **now satisfied they had dropped the investigation for**
 21 **lack of evidence and therefore --**
 22 Q. That comes later.
 23 **A. It does.**
 24 Q. So on 25 November all they had was a confirmation there
 25 had been an investigation but they hadn't got
 Page 62

1 confirmation as to why it had been dropped. We will
 2 come to this, but we will see that the CPS confirmed
 3 that the investigation wasn't proceeded with because of
 4 a lack of evidence.
 5 **A. You are telling me.**
 6 Q. I'm telling you.
 7 **A. I didn't know that at the time.**
 8 Q. We are coming to that. But when you say there are two
 9 conversations with Peter, the second one must be after
 10 that fact had come to light, must it not?
 11 **A. Yes. The fact of pursuing a police angle. Is that when**
 12 **you are asking me?**
 13 Q. What I asked you was -- I asked you about the old and
 14 infirm aspect, and I asked about the importance of that.
 15 And you said:
 16 "I remember Peter talking to me about it, probably
 17 in two conversations."
 18 Then you mentioned the first and then:
 19 "The second [you say] was when he explained he was
 20 now satisfied they had dropped the investigation for
 21 lack of evidence."
 22 All I'm saying is we will come to this. We will see
 23 that that fact doesn't become clear until the -- let me
 24 give you the date, 9 December, which is the CPS email.
 25 I will show you that. Okay?
 Page 63

1 Now, I want to focus on the first conversation with
 2 Peter Rippon. You had had a discussion with Mr Rippon
 3 about the Vision issues that -- or the issues for Vision
 4 that the Newsnight story gave rise to, hadn't you?
 5 **A. I don't know whether it was about Vision or about the**
 6 **BBC more generally, because of Savile's prominence.**
 7 Q. Right. So what's your recollection then of the
 8 discussion?
 9 **A. I don't think I could recollect any more than that.**
 10 **That, you know, when we discussed the idea in the first**
 11 **instance, it was clear to both of us that Jimmy Savile**
 12 **was a prominent BBC talent and therefore it would have**
 13 **implications for the rest of the BBC.**
 14 Q. Have implications for --
 15 **A. For the rest of the BBC.**
 16 Q. For the rest of the BBC. Your voice is falling, they
 17 are struggling to pick it up on the transcript.
 18 **A. I do apologise. I will do the best I can.**
 19 Q. Take bundle 2 again, I want to reach back into this for
 20 a second. We will turn to 276.
 21 If you look at the bottom of page, there's a table
 22 from Liz Gibbons to Sara Beck on 21 November with the
 23 various Newsnight stories. If you go over the page, you
 24 will see that Jimmy Savile is there, as it was
 25 previously. You see in the middle of the page?
 Page 64

1 **A. I do.**
 2 Q. "Legal and taste." Then back to 276, Liz Gibbons
 3 remembers another story. Then Sara Beck, the following
 4 day, on 22 November:
 5 "Subject: MPRL/Berlusconi."
 6 Which is presumably something entirely different:
 7 "Just so you know, have taken Jimmy Savile off for
 8 now and will put back on when it's imminent. The
 9 document goes quite far in Vision, et cetera, and we
 10 thought it might be best to keep off just for now."
 11 Now "we" either is you or includes you, right?
 12 **A. It would do, yes.**
 13 Q. Does this help to shed some light on your thinking at
 14 the time?
 15 **A. I think it's the same point I was making earlier. That**
 16 **there's -- the project is not yet ready to go on the**
 17 **list:**
 18 **"Take it off for now and put back on when its**
 19 **imminent".**
 20 Q. When it's imminent. And then Liz Gibbons replies:
 21 "Okay, I know Peter and Steve talked about the
 22 vision issues surrounding Savile, so that sounds
 23 sensible."
 24 That's a reference to a conversation you'd had with
 25 Mr Rippon on or about 21 November, would that be right?
 Page 65

1 That was the date of the first substantive conversation
 2 you'd had with him?
 3 **A. I don't know the dates. Liz is obviously referring to**
 4 **a conversation she's had with Peter.**
 5 Q. So it would appear that the conversation you'd had with
 6 Peter about the Vision issues, that was presumably
 7 a factor -- perhaps even the factor -- in the decision
 8 that you took about the MPRL?
 9 **A. Well it -- I don't know what, um, the Vision issues are**
 10 **that this is referring to.**
 11 Q. Well they are Vision issues, so they are clearly issues
 12 for the Vision part of the BBC, aren't they?
 13 **A. Yes, but I don't know what they are.**
 14 Q. But they must be the fact that they have some tributes,
 15 planned, must they not?
 16 **A. Well you can draw that conclusion. I don't know.**
 17 Q. Can you think of anything else?
 18 **A. Well, I would have thought the fact that Jimmy Savile**
 19 **was a prominent figure in the BBC who had appeared on**
 20 **BBC Television, which is now Vision, was a bit of an**
 21 **issue for BBC Vision. But for the rest of the BBC as**
 22 **well. But you are asking me to draw conclusions from an**
 23 **email, if I could I would. I can only tell you what**
 24 **I can recall which is that the conversations that I seem**
 25 **to recall about the Risk List was whether the programme**
 Page 66

1 **material was ready to go on that list.**
 2 Q. Now when you had this discussion with Mr Rippon about
 3 the Vision issues, apart from that perhaps having an
 4 impact on your decision about the Risk List and not
 5 putting the Jimmy Savile on the list to go up the
 6 chain -- apart from that what did you do as a result of
 7 the conversation with Mr Rippon, vis-a-vis the
 8 Jimmy Savile story?
 9 **A. Um, as I can't actually recall the conversation,**
 10 **I can't, with any certainty, tell you what I did as**
 11 **a result of the conversation. I assume I had that**
 12 **conversation. I can't put it in a -- in the context of**
 13 **then I went on to do something else. It may have been**
 14 **that at some point around here I talked to Helen Boaden.**
 15 Q. Right.
 16 **A. I don't know.**
 17 Q. You see in paragraph 6 of your statement, if you have
 18 that to hand, you say in the middle of the paragraph:
 19 "At this stage Peter may have mentioned the fact
 20 that any revelations about Savile might have
 21 a reputational effect on the BBC given his role as a BBC
 22 star."
 23 I suggest that -- tell me if you accept this -- it
 24 seems pretty clear, doesn't it, from the email that we
 25 are just looking at, that Peter Rippon must have
 Page 67

1 mentioned the fact that revelations about Savile might
 2 have a reputational effect on the BBC. That must have
 3 been part of the Vision issues, mustn't it?
 4 **A. The reference in the statement is trying to pinpoint**
 5 **when Peter and I first talked about the potential risk**
 6 **to the -- to the BBC's reputation, because it was**
 7 **Jimmy Savile. And that could have been at the very**
 8 **beginning or it could have been --**
 9 Q. Leave aside when precisely it happened. Mr Rippon did
 10 mention that fact, didn't he? It was one of the things
 11 he discussed with you?
 12 **A. That -- that if we were to do this journalism on**
 13 **Jimmy Savile that it would have an impact on the BBC?**
 14 Q. Yes.
 15 **A. Yes.**
 16 Q. And you go on to say you encouraged them to ignore any
 17 possible implications for the BBC:
 18 "I believe I pointed out at this time that, given
 19 the gravity of the allegations, we need to apply our
 20 usual standards of proof and fairness."
 21 We discussed that earlier:
 22 "I believe I also discussed the project briefly with
 23 Helen Boaden as it was potentially a significant piece
 24 of journalism."
 25 Presumably that was after the discussion with
 Page 68

1 Mr Rippon about the Vision issue, wasn't it?
 2 **A. It was after we had discussed the impact of Savile, or**
 3 **an exposé of Savile, but I'm not sure whether it was**
 4 **right at the very beginning or later in the -- in the**
 5 **process.**
 6 Q. So what was the purpose of telling Helen Boaden?
 7 **A. Because it would have an impact on if we did it -- if we**
 8 **got further than we were, it would have an impact on the**
 9 **reputation of a significant BBC star, and that seemed to**
 10 **me worth her knowing.**
 11 Q. Why was that a matter for her and not for, for example,
 12 Mr Entwistle, who was the director of Vision?
 13 **A. Well, it is for Helen to decide what she does with that,**
 14 **and not for me. And I'm telling her about the**
 15 **journalism that we're doing.**
 16 Q. You say this was an informal conversation. I think it's
 17 right, so far as I'm aware, it wasn't set out in an
 18 email from you to Helen Boaden or in any note?
 19 **A. Not that I have been able to find.**
 20 Q. Just done in a conversation?
 21 **A. Yes, we have conversations all the time.**
 22 Q. So what did you expect Helen Boaden to do with this
 23 information?
 24 **A. I imagine she might have -- I guess I thought she would**
 25 **have an informal conversation of her own with, um --**
 Page 69

1 **with other parts of the BBC.**
 2 Q. Such as?
 3 **A. Possibly with the head of Vision. I may have -- if**
 4 **I had known at this time that there were potential**
 5 **tribute programmes.**
 6 Q. Anybody else?
 7 **A. I don't think so.**
 8 Q. What about the Director General? If this great BBC star
 9 is about to be traduced by Newsnight, is that not
 10 something for the DG?
 11 **A. I honestly can't recall. Your question was what would**
 12 **I expect her to do with that information and I can't**
 13 **recall expecting her to talk to the Director General.**
 14 Q. So when you said:
 15 "I guess I thought she would have an informal
 16 conversation of her own with other parts of the BBC."
 17 Your word, "parts". We then discussed the
 18 possibility of the head of vision. When I say -- any
 19 other parts or is that the only part, Vision?
 20 **A. You are asking me to answer a question which -- I find**
 21 **it rather difficult to put myself back that far. I**
 22 **don't want to apply hindsight. I mean, clearly, with**
 23 **events as they unfolded, that is quite difficult for me**
 24 **to do.**
 25 Q. Did you have any discussion with Roger Law by any means,
 Page 70

1 or any of his colleagues about the Newsnight story at
 2 any stage?
 3 **A. No, I didn't.**
 4 Q. Were you ever aware of any legal impediment to Newsnight
 5 running its story?
 6 **A. No one mentioned a legal impediment.**
 7 Q. And one obvious legal impediment didn't exist, namely
 8 that he was dead and libel wasn't a problem.
 9 **A. That's correct.**
 10 Q. If you have bundle 3 there, still, page 121.
 11 Page 121, you can see that so far as the reporter
 12 was concerned, by 28 November transmission had been set
 13 for Wednesday 7th, do you see?
 14 **A. Yes. Monday 5th -- sorry, transmission --**
 15 Q. No, Wednesday the 7th, and they were to do a day's
 16 filming on the 30th and then they were finishing off
 17 some pieces to camera and so on, on Monday 5th. Whole
 18 thing in the can and then broadcast on Wednesday 7th.
 19 That was -- the setting of that date wasn't something
 20 that you were aware of at the time, I think you told me?
 21 **A. No, I wasn't.**
 22 Q. It was obvious, wasn't it, that if Newsnight broadcast
 23 a piece, the thrust of which -- or one of the thrusts of
 24 which was that Jimmy Savile was a paedophile, even
 25 leaving aside the business of the BBC premises being
 Page 71

1 involved in some of the allegations involving him, but
 2 not directly -- as directly involving him, that was
 3 going to have a very wide impact, wasn't it, in terms of
 4 news? That would be a very newsworthy story, yes?
 5 **A. It would.**
 6 Q. So if we look at page 174, Jo Mathys sending an email to
 7 Meirion Jones setting out her prediction of what we will
 8 need from Liz -- that is Liz MacKean -- and she sets out
 9 a list of the Impact pieces -- in other words rolling
 10 the story out across the BBC, yes?
 11 **A. Yes.**
 12 Q. So by 29 November the Impact team is gearing itself up
 13 for what, on any view, is going to be a story which
 14 creates quite a splash, isn't it?
 15 **A. It is, yes.**
 16 Q. If you look at page 178, which is Mr Jones' response --
 17 sorry, at the end of the Impact list, do you see at the
 18 end of the email from Jo Mathys:
 19 "Helen Weaver and I will look after the impact
 20 between us. We will block out Monday to Wednesday of
 21 next week."
 22 That was 5th, 6th and 7th December.
 23 **A. Um hm.**
 24 Q. And he says:
 25 "It will screw your chances of ever working in light
 Page 72

1 entertainment".
 2 Any idea what that means; why he should write that?
 3 **A. No.**
 4 **Q.** Now, in your statement at paragraph 7, you are dealing
 5 with this day, 29 November, where we have reached in the
 6 chronology. You say that:
 7 "Peter Rippon emailed me to say that the
 8 investigation had made progress. The email stated that
 9 the victims had complained to the police but the CPS had
 10 elected not to prosecute."
 11 And then you say:
 12 "From this point on Peter appeared keener on the
 13 story."
 14 Is that something you remember or is that something
 15 that you have reconstructed from the emails that you
 16 looked at to prepare this statement?
 17 **A. I think I remember Peter being more enthusiastic about**
 18 **the story once the CPS/police element was in there. It**
 19 **was something he was actively hoping to stand up.**
 20 **Q.** Right. And the email that you refer to -- if you go to
 21 page 197.001, look at the bottom of the page, first of
 22 all, you should see an email at 1.18 on Tuesday,
 23 November 29 --
 24 **A. Yes.**
 25 **Q.** -- from Peter Rippon to you, do you see?
 Page 73

1 **A. Yes.**
 2 **Q.** Copied to Sara Beck. Over the page:
 3 "We have made progress on the Savile story and
 4 I propose to transmit on Wednesday 7 December."
 5 So I assume this is the email you are referring to
 6 in paragraph 7 of your statement, is that right?
 7 **A. I think it is, yes.**
 8 **Q.** "We have spoken to seven victims, two on tape, who say
 9 he molested and sexually assaulted them when they were
 10 under 14 or 15, including groping and so on. The women
 11 were all at the Duncroft School for troubled kids. We
 12 have also confirmed that Surrey Police carried out an
 13 extensive investigation into the allegation, but in 2009
 14 the CPS decided not to prosecute on the grounds that he
 15 was too old."
 16 Pausing there, in fact that had not been confirmed
 17 at that stage, but that's what he says in his email:
 18 "So whilst the offences were a long time ago, in the
 19 '70s, the police investigation is very recent. The
 20 women are credible and have no motive for speaking to us
 21 other than they want the truth to be known. The girls
 22 would be awarded with trips to Television Centre to
 23 watch and be in the audience..."
 24 And he refers to Sky chasing the story:
 25 "Are you around to talk in more detail? I am always
 Page 74

1 wanting to press ahead with the tax avoidance story ..."
 2 So you got that email on the Tuesday afternoon and
 3 you replied, if you go back a page, to say that you
 4 were:
 5 "Travelling to Belfast, but can call you later. You
 6 mentioned the women who ran this place, found her ..."
 7 When you say:
 8 "You mentioned the woman who ran this place."
 9 That's not a reference, I think, to the email. That
 10 must be a reference to a conversation you'd had earlier?
 11 **A. Yes.**
 12 **Q.** Is that back on the 21st or 22nd November or --
 13 **A. I don't know the date. But I think I had certainly**
 14 **talked to him when he came to me with the story. It was**
 15 **always a story about this, er, girls' home, this**
 16 **approved school.**
 17 **Q.** Yes.
 18 **A. And I was always interested in the implications for the**
 19 **people who ran the institution.**
 20 **Q.** Interested in what way?
 21 **A. Well, in terms of their responsibility if we were to**
 22 **stand up the Savile story. What was their role, what**
 23 **was their responsibility and duty of care towards the**
 24 **girls in their charge?**
 25 **Q.** Because that would make it a stronger story than simply:
 Page 75

1 dead man is a paedophile?
 2 **A. Not a stronger story, it was just an aspect of the story**
 3 **that obviously should be looked at.**
 4 **Q.** We talked earlier about not being a Newsnight story.
 5 Dead man is paedophile is not, perhaps, a typical
 6 Newsnight story, right?
 7 **A. That was Peter's view, yes, and I think I probably**
 8 **understood what -- what he was concerned about there,**
 9 **yes.**
 10 **Q.** Now this was not just: dead man was a paedophile, this
 11 is: dead man committed acts of sexual assaults on
 12 underage girls at this school and also -- I don't know
 13 whether you knew this at the time -- also at Stoke
 14 Mandeville Hospital there were allegations. Were you
 15 aware of that at the time?
 16 **A. I was not aware of that, no.**
 17 **Q.** So not just: dead man was a paedophile, but: dead man
 18 committed these acts at certain institutions but also
 19 the dead man was a BBC star and there was also evidence
 20 of some of these acts having taken place on BBC
 21 premises.
 22 Now, we have various bits, as it were, that add on
 23 to the story that Jimmy Savile was a paedophile. Which
 24 of those bits do you think converted what wasn't
 25 a typical Newsnight story, namely: dead man was
 Page 76

1 a paedophile, into a Newsnight story, if it did?
 2 **A. Well, from what Peter was saying he felt that the**
 3 **potential institutional failure of the police or the**
 4 **Crown Prosecution Service made it a more interesting**
 5 **story from his perspective.**
 6 Q. Did you and he discuss whether there was a potential
 7 failure -- whether you call it an institutional failure
 8 leave to one side -- a potential problem for the BBC in
 9 having been the host, if I can put it like that, of some
 10 of these assaults many years ago?
 11 **A. I don't think we did. I don't think he told me that he**
 12 **had sufficient evidence -- sorry, I don't think he told**
 13 **me about acts taking part on the, um, BBC premises --**
 14 Q. So that wasn't part --
 15 **A. At the outset. I don't think that's what he told me.**
 16 **My recollection was he was talking about Savile and**
 17 **talking about visits to Duncroft and talking about, um,**
 18 **offences taking part in his car.**
 19 Q. You say, "At the outset", but was there ever
 20 a discussion about the suggestion, which of course has
 21 now become very prevalent, that the BBC might be the
 22 institution, or one of the institutions, which had, as
 23 it were, failed?
 24 **A. I can't remember Peter coming to me and saying in terms**
 25 **that we now believe that, you know, there were serious**
 Page 77

1 **offences committed on BBC premises. The only thing --**
 2 **this doesn't mean it didn't happen, but the only thing**
 3 **I can recall him talking about was the fact that the**
 4 **first witness or the first victim that they had talked**
 5 **to had said the BBC couldn't have been aware of what was**
 6 **happening. I don't think he explained why he thought**
 7 **that, but I think that's what he told me.**
 8 Q. Yes, okay.
 9 Now, you then got another email from Mr Rippon about
 10 15 minutes later. This is the next one on the page --
 11 **A. On the 29th?**
 12 Q. On the 29th, in the afternoon.
 13 **A. Okay.**
 14 Q. And he answers your question. Your question was:
 15 "You mentioned the woman who ran this place, have
 16 you found her? Do any of the victims say they
 17 approached staff?"
 18 And he says:
 19 "We've not approached her yet, but we will."
 20 Were you aware that the woman was in fact
 21 Meirion Jones' aunt?
 22 **A. No, I wasn't.**
 23 Q. Was that something you were aware of at any stage in
 24 2011?
 25 **A. I don't think I was aware of that.**
 Page 78

1 Q. Right:
 2 "We're not making any accusations against her, we
 3 have no reason to think she knew what was going on."
 4 Then he quotes chunks of what he calls, "The
 5 relevant section of the script." He sets those out.
 6 Did you ever see the script? I think you said
 7 earlier you didn't, is that right?
 8 **A. I didn't see the -- I didn't see the -- I think you are**
 9 **talking about that rough --**
 10 Q. ROUGHSAVILE 5 or ROUGHSAVILE 2?
 11 **A. -- script that emerged this year.**
 12 MR POLLARD: Didn't see it at all in 2011?
 13 **A. Not that I recall. In fact I'm absolutely sure**
 14 **I didn't.**
 15 MR MACLEAN: When Mr Rippon sent the first email, the 118
 16 one, the one that is essentially over the page, was that
 17 a typical kind of email that -- is that a typical way in
 18 which he would present a story to you at this stage or
 19 was there something unusual about the Jimmy Savile
 20 story?
 21 **A. I'm -- I'm not sure I understand the question.**
 22 Q. Well, he's giving you an update, isn't he: We have made
 23 progress on the Savile story?
 24 **A. Yes.**
 25 Q. This is a update for you, he's telling you he's
 Page 79

1 proposing to transmit only a few days hence and he is --
 2 on the face of it, he's summarising where they were,
 3 where he is with the story, yes? And he wants to talk
 4 it through with you in more detail.
 5 Was there anything unusual in that approach by
 6 Peter Rippon to you?
 7 **A. I don't think so. I think the fact that it's an email**
 8 **is perhaps unusual. Peter normally came up to my office**
 9 **when he wanted to talk about things.**
 10 Q. This summary of where they reached, did you take that to
 11 be Mr Rippon's own view, for example, when he says, "The
 12 women are credible"?
 13 **A. I did -- I did at the time. I do not remember**
 14 **questioning him about the -- the email.**
 15 Q. Was there any reason why he might have set out the
 16 position in more glowing terms than he himself really
 17 considered to be merited in his email to you?
 18 **A. I don't think I can answer that.**
 19 Q. Was there any -- did you and he have the habit of -- he,
 20 for example, presenting you with the story put at its
 21 highest for you and he then to have a discussion about?
 22 **A. I don't think so.**
 23 Q. Did you understand that he was reflecting Meirion Jones'
 24 views or Liz MacKean's views rather than his own when he
 25 said, for example:
 Page 80

1 "The women are credible and have no motive for
 2 speaking to us other than they want the truth to be
 3 known?"
 4 **A. I don't recall thinking that he was reflecting anyone
 5 else's views, no.**
 6 Q. So you took this email at what one might say was face
 7 value, as being Mr Rippon being as you say in your
 8 statement on the face of it pretty keen to get on with
 9 this story. Is that fair?
 10 **A. I did.**
 11 Q. You were travelling to Belfast. Can you remember why?
 12 **A. I think, er, it was for, um, National Council for the
 13 Training of Journalists conference.**
 14 Q. That was taking place presumably the following day, was
 15 it, if you were travelling the 29th?
 16 **A. It was, yes.**
 17 Q. Is that right?
 18 **A. I think so.**
 19 Q. You are getting very quiet, Mr Mitchell.
 20 **A. Yes, you are making me talk more than I'm used to, but
 21 I'm doing the best that I can. If you give me a moment
 22 I can check the dates of the Belfast conference.**
 23 Q. We can check in your diary. But you stayed overnight,
 24 I think?
 25 **A. I think I stayed two nights.**

Page 81

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

Page 82

1 story."
 2 Pausing there, the identification of the reason the
 3 CPS dropped the case as being the key was something that
 4 had been arrived at in the conversation you had with
 5 Mr Rippon the night before, wasn't it?
 6 **A. I have already said I don't recall having a conversation
 7 with Peter that night, but I am sure you have asked him.
 8 If that was playing a part in the email of the 30th --**
 9 Q. Well, he thought that it was a fair way of putting it,
 10 to say that it was likely that one of the products of
 11 the conversation he had with you on the 29th was the
 12 notion that pressing for the CPS reasons for proceeding
 13 or not proceeding was critical to the story running or
 14 not --
 15 **A. He's confirming or he says that we had a conversation on
 16 the night of the 29th.**
 17 Q. Yes, and he said that:
 18 "My suggestion, which was that it was likely that
 19 one of the products of conversation with you on the 29th
 20 was the notion that Pressing for the CPS reasons for
 21 proceeding or not proceeding was critical."
 22 And he said, "I think that's fair".
 23 So he, as it were, accepted that this identification
 24 of the key, being the CPS angle, was one of the products
 25 of the conversion he had with you the night before?

Page 83

1 **A. Well, as I say, unfortunately I can't recall that
 2 conversation.**
 3 Q. You would agree, would you not, that what is quite
 4 striking is that if you compare the email at 214:
 5 "Having pondered overnight ... our sources so far
 6 are just the women and a secondhand briefing".
 7 This is notably less enthusiastic than the email
 8 they had sent you the previous afternoon, isn't it?
 9 **A. It has certainly taken a different direction, I would
 10 say.**
 11 Q. And, as it were, all that had happened in terms of
 12 interaction with others between the email the afternoon
 13 before and the email on the morning of the 30th, was
 14 that Mr Rippon had talked to you?
 15 **A. You are telling me that. I don't know what Peter has
 16 told you that he was doing on the night or day of the
 17 29th or the morning of the 30th.**
 18 Q. So can you remember anything about the discussion with
 19 Mr Rippon about the key being the CPS reasons for
 20 dropping the story?
 21 **A. I remember Peter coming to me and saying because the CPS
 22 line had not stood up, that he was not going ahead with
 23 the story.**
 24 Q. That is later, Mr Mitchell.
 25 **A. It is, yes.**

Page 84

1 Q. That's later. I am asking you about the 29th and 30th.
 2 **A. I'm sorry, I'm trying to help you here. I honestly**
 3 **can't recall having a conversation with Peter Rippon on**
 4 **the night of the 29th, which I would have been in**
 5 **Belfast for.**
 6 Q. Had you heard from Helen Boaden at all before the
 7 evening of the 29th having, you say in the statement,
 8 "Had a short discussion with her". Had she fed anything
 9 back down to you subsequently? We have not been to the
 10 awards yet, you will remember.
 11 **A. I'm looking forward to it because it is a fixed point in**
 12 **the calendar that I can identify. But, no, I'm sorry,**
 13 **I can't recall Helen coming back to me.**
 14 Q. Right. Did you tell Mr Rippon at any stage that you had
 15 spoken to Helen Boaden, however informally?
 16 **A. I don't recall telling him that. But if I had and she**
 17 **had said something like -- what they would have done --**
 18 **but I can't recall.**
 19 Q. Would it be right that as far as Mr Rippon was
 20 concerned, if he had concerns about the implications of
 21 the Newsnight story for Vision; that the appropriate
 22 thing for him to do in terms of the managerial structure
 23 of the BBC would be to come and discuss it with you and
 24 then, as it were, leave you to take such action as he
 25 thought appropriate. From his point of view would that

Page 85

1 be the right thing to do?
 2 **A. Yes, I think that would be fair.**
 3 Q. Based on your decision, what to do and you might mention
 4 it to Helen Boaden. Then you, as it were, have
 5 discharged your obligations and it is then a matter for
 6 her; is that how it works?
 7 **A. You talk about it somehow as though it's a kind of**
 8 **routine process that we indulge in all the time. But in**
 9 **terms of the reporting lines that is absolutely right,**
 10 **Peter would talk to me, I talk to Helen.**
 11 Q. So by 29 and 30 November, it was on your radar screen
 12 that Vision was planning tributes to Jimmy Savile,
 13 because you had discussed that with Mr Rippon?
 14 **A. As I said earlier, I hope, I can't be absolutely sure**
 15 **when Peter first talked about the tribute programmes,**
 16 **but I would imagine by this stage he had spoken or**
 17 **mentioned them in passing, yes.**
 18 Q. Is it right that you weren't keen on Newsnight running
 19 this story?
 20 **A. No.**
 21 Q. That's not right?
 22 **A. That's not right.**
 23 Q. You were keen on them running the story?
 24 **A. If they could stand the story up and they were**
 25 **comfortable with the level of evidence and proof and the**

Page 86

1 **fairness, then, um, I'm perfectly happy with them**
 2 **running the story.**
 3 MR POLLARD: Can I just ask in passing: when you received
 4 that email from Peter Rippon, saying effectively it's
 5 all systems go, this story stands up, transmission date
 6 is December 7th, would that have prompted you to think
 7 about pretty quickly getting it back on to the Managed
 8 Programmes Risk List, because you had taken it off in
 9 your view because it was a bit vague and didn't have --
 10 and wasn't imminent, and it was pretty clear, from what
 11 Peter was saying, that it was going to be transmitted
 12 next week. And he mentions Television Centre in there.
 13 Clearly Jimmy Savile is as much a major BBC player as he
 14 was when you discussed it the first time.
 15 **A. Yes.**
 16 MR POLLARD: There must have been a very strong case for
 17 getting it reinstated and quickly, wasn't there?
 18 **A. I -- I -- I don't recall thinking about the Risk List**
 19 **once that email arrived, Nick. I just -- I don't think**
 20 **it did occur to me that we should put it back on the**
 21 **list.**
 22 MR POLLARD: Right.
 23 **A. I guess I don't normally put things on the list and they**
 24 **come from programme areas. So having taken it off, it**
 25 **didn't -- I don't think it occurred to me to reverse**

Page 87

1 **that decision.**
 2 MR POLLARD: Although you had specifically taken that one
 3 off?
 4 **A. Well, I certainly authorised taking it off, yes. That**
 5 **was my decision.**
 6 MR POLLARD: Okay.
 7 MR MACLEAN: Now we know that the CPS emails -- if we take
 8 bundle 4 and turn to page 60 -- that's an email from
 9 somebody called Thomas Carter at CPS to Meirion Jones,
 10 saying that:
 11 "Following an investigation by the Kent Police ..."
 12 That was an error that gets corrected, that's
 13 a minor daily detail we don't need to spend any time on:
 14 "... The CPS reviewed or advised police that no
 15 further action could be taken due to lack of evidence."
 16 That was on the 9th. That was important for
 17 Mr Rippon. That was very important, as it were,
 18 negative factor in terms of the decision whether to run
 19 the story. Indeed, it was really the tin hat on it, so
 20 far as Mr Rippon was concerned and he reported that
 21 subsequently to you, is that right?
 22 **A. It is.**
 23 Q. But the day before that, which is the 9th -- can you
 24 take bundle 16, please and go to page 215. This is
 25 Sara Beck emailing Liz Gibbons on 8 December. Do you

Page 88

1 see the day before at 13.36? We are familiar now with
 2 this table. It is like the one we looked at earlier.
 3 It is a bunch of Newsnight stories; academies and phone
 4 hacking and so on. Then Liz Gibbons says to Sara Beck:
 5 "I think that just about covers it, aside from
 6 Savile-gate."
 7 So on 8 December, the Savile story wasn't on the
 8 list, but really -- picking up Nick's question to you,
 9 given that the CPS email comes in the next day, and
 10 that's the factor which really takes the air out of the
 11 balloon, if I can put it like that, as at the
 12 8 December, why is it not -- well, it's the day after
 13 the planning transmission which hasn't taken place.
 14 Can you explain why Liz Gibbons and Sara Beck are
 15 still referring to Savile-gate the following day; the
 16 day after the planned transmission?
 17 **A. No, I can't.**
 18 Q. So the position then with this -- to come back to this
 19 list -- is that the Savile story was never on the list
 20 that went to the News board and, a fortiori, it was
 21 never on the list that went to the editorial board,
 22 Mr Jordan's board?
 23 **A. Correct.**
 24 Q. All right.
 25 Just picking up your statement then, paragraph 7
 Page 89

1 which we looked at earlier is the 19 November email.
 2 Paragraph 8, "Peter Keener on the story." Then you say:
 3 "In a subsequent conversation he told me that,
 4 although he had some doubts about the strength of the
 5 evidence from the women, he was, I think, worried about
 6 collusion [REDACTED]
 7 [REDACTED] and about the fact that only one victim was
 8 prepared to go on camera. He was pursuing their claims
 9 that the police or CPS had not prosecuted because of
 10 Savile's age."
 11 Now, the business about collusion and [REDACTED]
 12 [REDACTED] isn't mentioned in Mr Rippon's email to you
 13 on the 29th, is it?
 14 **A. That's right.**
 15 Q. We have seen that. But because he was pursuing the
 16 claims on the police and CPS angle, this -- what you
 17 describe as subsequent conversation took place when? Is
 18 that perhaps the conversation you had on the evening of
 19 the 29th?
 20 **A. As I say, I can't recall having a conversation in
 21 Belfast. That doesn't mean it didn't happen. I don't
 22 know the date of this conversation.**
 23 Q. Is it right that on 29 November you expressed
 24 unhappiness at the idea of running this story?
 25 **A. To whom?**
 Page 90

1 Q. To Peter Rippon.
 2 **A. I don't recall having a discussion with Peter Rippon.**
 3 Q. You see, if you go to page 215 of bundle 3, you probably
 4 saw this email maybe for the first time in the last few
 5 days, have you?
 6 **A. Yes.**
 7 Q. It has been in the newspapers as well, perhaps?
 8 **A. Yes, I am afraid a lot has been in the newspapers.**
 9 Q. Yes:
 10 "Must tell you story when we next speak. PR in
 11 absolute spin. He's already done the surrender
 12 gesture~..."
 13 Which we have been told is either hands up gesture
 14 or open palms gesture:
 15 "... And told me and Mei that if the bosses aren't
 16 happy I can't go to the wall on this one."
 17 Do you remember tellings or suggesting to Mr Rippon
 18 that you and perhaps other bosses weren't happy?
 19 **A. I can't -- I'm absolutely sure I never said that I was
 20 not happy with what Peter was doing.**
 21 Q. But if it is perfectly normal for you to have
 22 discussions with Mr Rippon as the editor of Newsnight,
 23 and he values your editorial judgment as highly as he
 24 does, there wouldn't be anything wrong in principle with
 25 you expressing a view about the editorial strength or
 Page 91

1 weakness of the story, would there?
 2 **A. No, there wouldn't.**
 3 Q. So if that discussion was all right, if I came to you as
 4 the editor of Newsnight and said, "I value your judgment
 5 on this, Steve, here's what we've got, what do you
 6 think?" And you say, "I think it's strong enough" or,
 7 "It's not strong enough"; that's all fine? In principle
 8 that is okay, is it?
 9 **A. I have had those conversations with people, yes, with
 10 editors.**
 11 Q. You have presumably had them with Mr Rippon?
 12 **A. I'm trying to remember an example, but I am sure I have
 13 had such a discussion with Peter Rippon.**
 14 Q. He's somebody who particularly valued your input.
 15 **A. Well, I'd hope most of my editors value my input.**
 16 Q. So if that kind of discussion is okay, what I'm
 17 struggling to understand is where does your role become
 18 improper? Where does a perfectly proper discussion
 19 about the editorial strengths or weaknesses tip over
 20 into, as it were, improper pressure?
 21 **A. I'm sorry, I'm -- at what --**
 22 Q. I'm asking you --
 23 **A. What would be improper pressure from me?**
 24 Q. It is okay for you to express a view -- if I'm the
 25 editor of Newsnight, it is okay for you to say, "I don't
 Page 92

1 think this is a strong enough story, Peter"?

2 That is okay, is it?

3 **A. Yes. I think it would be improper if I were to say --**

4 **if I were not able to give him good reason for my view,**

5 **either in support or against a story. And I think it**

6 **would be improper if I, you know, made implicit or**

7 **explicit threats about his future career. Is that --**

8 **I'm sorry, I'm completely missing the point here.**

9 **Q. I'm exploring with you your understanding of where**

10 **a proper discussion with the editor of Newsnight on**

11 **a journalistic question of whether to run the story tips**

12 **over into something which is not permitted.**

13 Presumably if you said, "If you run this story, it

14 will be the end of your career at the BBC", that is

15 a very obvious example of something that would be

16 improper?

17 **A. I suggest that would be improper, yes. But I think that**

18 **it is improper, as I say, unless it is an editorially**

19 **informed discussion, if that makes sense. In other**

20 **words if we're talking about journalism, we are talking**

21 **about the strength of the journalism, that's perfectly**

22 **proper. Or the weakness.**

23 **Q. Now presumably there have been occasions when you and**

24 **Mr Rippon have discussed the editorial strengths or**

25 **weaknesses of stories and agreed about which side of the**

Page 93

1 line a story fell, is that right?

2 **A. There must be. I have to confess in the context in**

3 **which we find ourselves, I'm struggling to think of one,**

4 **but there must have been.**

5 **Q. Did that happen with the Savile story or not?**

6 **A. It did not.**

7 **Q. So in a case where that did happen, what would then be**

8 **the upshot? Because obviously the story either runs or**

9 **it doesn't run --**

10 **A. Um-hm.**

11 **Q. -- so if you, for example, were to express the view to**

12 **the editor of Newsnight that you didn't think the story**

13 **was strong enough and he took a different view, what**

14 **would have happened?**

15 **A. My view would prevail.**

16 **Q. Right.**

17 **MR POLLARD: Could I just ask -- before I think we may be**

18 **having a break -- just so I'm clear about the discussion**

19 **and how much you can remember of it, because there**

20 **clearly was a discussion where you and he discussed the**

21 **editorial merits of this story.**

22 Is it your sense that really all you said to him was

23 "I am sure you will do the right thing for the right

24 reasons", or did you discuss point by point the evidence

25 that he had gathered up to that point?

Page 94

1 **A. It was much more the, um, general discussion, Nick,**

2 **rather than -- I don't recall going through point by**

3 **point. So it would be, first of all, this is the sort**

4 **of thing that we think Savile was up to; second, we**

5 **think there's this CPS issue, and third, the CPS issue**

6 **has fallen away and I'm not that confident in the**

7 **testimony of the women.**

8 **MR POLLARD: So that would be several conversations, then?**

9 **A. Over the span of time. And I would want to make it**

10 **clear that despite what's happened subsequently, those**

11 **conversations weren't, as it were, orchestrated**

12 **specifically around this story. They were meetings that**

13 **we would be having about other things.**

14 **MR POLLARD: But do you recall a point where Peter's view --**

15 **which was expressed in that email, saying "the women are**

16 **credible," as bluntly as that, and he said we have two**

17 **of them on camera -- where he thought the women weren't**

18 **credible?**

19 **A. I think that must have been when he came to talk to me**

20 **about dropping the story. I think that would have been**

21 **when the credibility -- I think, or my impression was,**

22 **that he had looked harder at their credibility and was**

23 **less convinced than he was in that email. And so**

24 **I think it would have been right towards the end of that**

25 **decision-making process.**

Page 95

1 **I can't recall questioning him about having two**

2 **women rather than one woman. My recollection is that**

3 **whenever we spoke he was talking about one woman on**

4 **tape, one victim on tape.**

5 **MR POLLARD: But you were broadly neutral in this**

6 **discussion? You were just acting as a sounding board**

7 **and letting him talk around it?**

8 **A. I think I was, Nick. And that was not that I didn't see**

9 **it as a significant story, but I certainly didn't see it**

10 **as the story that it is now. But I have quite wide**

11 **responsibilities. I have a lot of things that I'm**

12 **thinking about, and this wasn't a story that ever felt**

13 **to me as it were "Okay, now we have to make a decision".**

14 **You know, Peter didn't come to me and say "I need**

15 **your help in making this decision". So it was in that**

16 **context, I think, that I had those conversations with**

17 **him.**

18 **MR POLLARD: Okay, thank you.**

19 **MR MACLEAN: Richard, is that convenient?**

20 **MR SPAFFORD: Yes, okay. 2 o'clock all right?**

21 (1.14 pm)

22 (The short adjournment)

23 (2.00 pm)

24 **MR MACLEAN: Mr Mitchell, can I just take a step back**

25 **a second to just ask you a few questions about your**

Page 96

1 relationship with Mr Rippon in a managerial line
 2 management sense?
 3 You have known and worked with Peter Rippon for
 4 years -- several years -- before he became the editor of
 5 Newsnight, is that right?
 6 A. It is, yes.
 7 Q. So how long have you had a close professional
 8 relationship with Mr Rippon?
 9 A. Maybe ten years or more.
 10 Q. Have you been his line manager throughout much of that
 11 period?
 12 A. Not his direct line manager, no.
 13 Q. But you have been since he became editor of Newsnight?
 14 A. As editor of Newsnight, and prior to that he was editor
 15 of the PM programme on Radio 4.
 16 Q. So you would be responsible for giving him his regular
 17 appraisal?
 18 A. Yes, I was -- sorry, yes, I am.
 19 Q. That would involve, presumably, some sort of
 20 face-to-face meeting at some stage and a written report?
 21 A. It does. It's a face to face conversation then the
 22 filling out of a document and then a negotiation about
 23 the contents of that document.
 24 Q. You refer to him in your statement, Mr Rippon, as,
 25 "A long-time trusted colleague". That's what you say.
 Page 97

1 A. Yes.
 2 Q. What would you say were Mr Rippon's strengths as
 3 a Newsnight editor?
 4 A. His judgment. The rigour of his journalism. The
 5 management -- what we're trying to do with Newsnight is
 6 to refurbish, revitalise, refresh it, and Peter has some
 7 good and clear ideas about what he wants to do with
 8 Newsnight and where he wants to take it. It is
 9 a long-established brand and as an editor he has the
 10 intellectual calibre to develop a new idea for Newsnight
 11 based on the new building, the new studio, and
 12 potentially the new presentation long term. All of that
 13 I would look for in an editor.
 14 Q. What about his weaknesses as an editor?
 15 A. Um, I'm not sure that it is really appropriate for me to
 16 talk about somebody's weaknesses in a forum where this
 17 is likely to be -- I'm sorry -- become public. I'm
 18 asking, really. I think -- I hope, you can understand
 19 this is about a man and his career and this isn't --
 20 sorry my judgment of his strengths and weaknesses are
 21 about a man in his career and they are sort of internal
 22 to the BBC. If I'm going to talk about his weaknesses
 23 and then that's going to become public, that's a bit
 24 difficult for me professionally.
 25 Q. [REDACTED]
 Page 98

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 Q. You talk in your statement about what you call the
 19 fractured relationship between Mr Rippon and I think you
 20 say certainly Mr Jones and possibly Liz MacKean, is that
 21 right?
 22 A. Yes. That was my assessment later on in this.
 23 Q. Well that's my question. When did the fact -- when did
 24 you first notice this fracture having occurred?
 25 A. I think it would be around the, um, time that the
 Page 99

1 newspaper coverage began to build up. Peter was
 2 concerned about leaks and then on the exchange of emails
 3 on the day after the blog was published I had --
 4 I realised then that things were not quite as they
 5 should be.
 6 Q. So this is all in the last few weeks?
 7 A. About the relationship between Meirion Jones and
 8 Liz MacKean --
 9 Q. The fracture.
 10 A. Yes.
 11 Q. You would date your awareness of the fracture in the
 12 relationship between Rippon on the one hand and Jones
 13 and MacKean on the other --
 14 A. To characterise it as a fracture, I think that
 15 characterisation was recent, yes.
 16 Q. Right. So if I can ask you to cast your mind back to,
 17 let's say, the day before Jimmy Savile died. So, as it
 18 were, leave Jimmy Savile out of it. Did you have any
 19 reason to think that the relationship between Mr Rippon
 20 and Mr Jones was a difficult one in September/October
 21 2011?
 22 A. No more difficult than most professional relationships
 23 in difficult, um, programme making -- live programme
 24 making areas with people's egos and strengths and
 25 weaknesses.
 Page 100

1 Q. Presumably one of the things you look at when you are
 2 appraising Mr Rippon is how well he not just edits the
 3 programme as a journalist, but manages the journalists
 4 who work for the programme as well; is that right?
 5 A. It would be, yes.
 6 Q. So had you detected any difficulties in Mr Rippon's
 7 relationship as editor of the programme with Mr Jones
 8 in --
 9 A. In an appraisal conversation?
 10 Q. Yes.
 11 A. No, not that I recall.
 12 Q. Had he, Mr Rippon, reported to you in the context of
 13 these discussions that he was having particular trouble
 14 with Mr Jones or any other --
 15 A. Not particularly.
 16 Q. -- member of the team? No?
 17 MR POLLARD: [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 A. [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

Page 101

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 MR POLLARD: [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 A. [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 MR POLLARD: [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

Page 102

1 [REDACTED]
 2 A. [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 MR POLLARD: [REDACTED]
 13 [REDACTED]
 14 A. It had not.
 15 MR POLLARD: [REDACTED]
 16 [REDACTED]
 17 A. [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

Page 103

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 MR POLLARD: The resources on Newsnight, I think, have
 5 been -- it wasn't unique to Newsnight, there has been
 6 a squeeze on resources across a lot of the BBC.
 7 It was suggested to us that there was a feeling in
 8 some quarters of Newsnight that he hadn't necessarily
 9 fought the good fight against those resources quite as
 10 strongly as perhaps some of his predecessors might have
 11 done in similar circumstances. Do you think he fought
 12 hard against resource cuts?
 13 A. I think he was very forceful in his argument, but also
 14 very clear about the situation BBC News found itself in.
 15 And he was better at matching those two than probably
 16 some of his predecessors would have been. Peter is
 17 a very mature and grown up editor and manager. He's
 18 not -- he's not -- there are editors who bury their
 19 heads in the sand as far as anything outside their own
 20 remit are concerned, and there are always people on
 21 programmes who think that is the right approach. I
 22 don't think it is the right approach, but that doesn't
 23 mean that Peter didn't argue forcefully against
 24 proposals for reducing his budget or his head count that
 25 he thought inappropriate.

Page 104

1 MR POLLARD: I just want to ask two further things before
 2 I hand back to Mr Maclean. First of all about ratings,
 3 because ratings had clearly fallen quite considerably at
 4 Newsnight. Was that an issue for his editorship?
 5 A. It was becoming an issue. The ratings, as you would
 6 know better than I -- it's a long term issue and it's
 7 not entirely -- in fact not uniquely driven by the
 8 performance of an editor or an individual programme. It
 9 is about scheduling, it's about the performance of the
 10 channel in which you sit, it's about the environment in
 11 which you operate, what else is being scheduled against
 12 you. It's about the growth of continuous news as
 13 opposed to built news programmes. There is a lot going
 14 on here which is not directly attributable to the editor
 15 of a programme or his performance.
 16 I think that decline had been reflected and
 17 misinterpreted in my view -- in my view malignly
 18 misinterpreted -- in quite a bit of newspaper reporting
 19 during Peter's editorship, as though this decline, which
 20 preceded his editorship, was in some way, as it were,
 21 all his fault. It wasn't. He had a very clear view
 22 about what he was going to do to address or try to halt
 23 that decline. We'd worked on it together. He'd worked
 24 on it with the channel controller. And he'd also worked
 25 hard with his team and with the audience research people

Page 105

1 to try to analyse what the issues might be. And I think
 2 he has a clear view of where that programme is going to
 3 go in terms of ratings. None of us are going to expect
 4 Newsnight to go back to where it was in the golden days
 5 when some of the staff at Newsnight, as you know, were
 6 still there.
 7 The ratings of Newsnight became one of a number of
 8 objectives for the whole of BBC News, but it was about
 9 arresting the decline, it was not about reversing the
 10 decline. It was an attempt to recognise that the whole
 11 answer to that decline or arresting that decline didn't
 12 lie with the editor.
 13 MR POLLARD: Okay, my final question was really just about
 14 complaints about the programme. I'm not really just
 15 talking about people phoning up and saying, "I didn't
 16 like that", but complaints that had to be addressed by,
 17 if you like, the BBC complaints department; quite
 18 serious complaints.
 19 Were you aware that there were more in recent times
 20 about Newsnight and that they had had an impact at all
 21 on the corporation?
 22 A. I didn't -- I don't recall being over-concerned about
 23 Newsnight. I think the volume of complaints generally
 24 is going up. I think we are in a more accountable
 25 world. We have more transparent complaints processes.

Page 106

1 And, you know, sparing people's blushes around this
 2 table, there is an awful lot of law being thrown at
 3 complaints these days. So I don't think it was specific
 4 to Newsnight.
 5 MR POLLARD: But complaints that were upheld against the
 6 programme: were there more of those in the past year or
 7 so? Are there more of those?
 8 A. I think there are -- I don't have the evidence to say
 9 there were more for Newsnight than any other programme,
 10 or more for Newsnight over the last two years than the
 11 previous two years. I suspect there will probably be
 12 more recently than maybe ten years ago.
 13 MR POLLARD: Okay, thanks.
 14 MR MACLEAN: These plans that Mr Rippon has been developing
 15 to arrest the decline in the audience share: what
 16 implications, if any, would they have for the type of
 17 investigative pieces that Meirion Jones is known for?
 18 A. I don't think they necessarily have implications one way
 19 or the other. Investigations only ever form a small
 20 part of the Newsnight portfolio, and the plans were more
 21 about developing the studio presence of Newsnight, about
 22 their -- the guests that you were being -- the subjects
 23 that you would tackle, rather than saying, "We want more
 24 investigations", or fewer investigations.
 25 Q. Okay. Do you have still have bundle 3? Can you go to

Page 107

1 page 220, please? We're still at 30 November, you will
 2 be pleased to know we are about to fall into December,
 3 but we're still at 30 November, which you will remember
 4 is the day of Mr Rippon's email about pondering
 5 overnight.
 6 A. Yes.
 7 Q. You remember?
 8 A. I do.
 9 Q. This is an email from Liz MacKean to a person called
 10 Jackie Long, who we understand is a friend of hers who
 11 happens to work for ITN:
 12 "PR's latest panic attack: Liz internally this is a
 13 very long political chain."
 14 This is reporting what may or may not have been
 15 a conversation between Mr Rippon and Liz MacKean. You
 16 have probably seen reference to this email in the press
 17 in recent weeks. Leave aside the word "political" for
 18 the moment. What was the chain from Mr Rippon as
 19 regards the Jimmy Savile story, and was that chain any
 20 different from any other story?
 21 A. Do you mean the chain of editorial responsibility, the
 22 reporting lines?
 23 Q. Yes.
 24 A. The ones I described to you this morning, I think. No
 25 different from --

Page 108

1 Q. No different from any other story?
 2 **A. No. That's not a political chain I'm describing, I'm**
 3 **describing the BBC's editorial reporting lines.**
 4 Q. Do you recognise the language of, "Very long political
 5 chain", and can you connect that to the Jimmy Savile
 6 story in any way or not?
 7 **A. I can't.**
 8 Q. If you go in the same bundle to page 274, this is
 9 an email from Mr Rippon to Mr Jones the next day,
 10 1 December. I don't know whether -- you probably have
 11 seen this in the last few days. It is very short.
 12 **A. Yes.**
 13 Q. Just cast an eye over that. The burden of this email is
 14 that Mr Rippon, it would appear, is essentially telling
 15 Mr Jones to stop, or at least to pause on this story
 16 pending further information on the, as he puts it, cops,
 17 which is shorthand for the police/CPS dropping of the
 18 story. In other words trying to stand up the suggestion
 19 that the police investigation didn't proceed because
 20 Savile was old and infirm.
 21 If you go over the page, you will see that Mr Jones
 22 dissented from that and suggested a chat with Mr Rippon
 23 and they had an exchange of views.
 24 I assume you weren't party to those exchanges?
 25 **A. I was not.**

Page 109

1 **A. No, I didn't.**
 2 Q. -- or any other aspect?
 3 **A. I didn't have a discussion with Meirion, no.**
 4 Q. If you just cast your eye at 269, you will see one of
 5 the points he makes at numbered paragraph 2 is:
 6 "I think we should notify our colleagues in Vision
 7 so that whoever is making the Jim'll Fix It Christmas
 8 Special is aware that there may be a problem for them as
 9 early as possible."
 10 And then you see in the middle of the page he says:
 11 "I think if we go ahead with transmission next week
 12 there will be minor embarrassment, but if we cancel or
 13 delay until after Christmas there is the risk of another
 14 BBC scandal on the scale of the Queen or Jonathan Ross
 15 and similar damage to our core value of trust. There is
 16 a very high chance the story will emerge before
 17 Christmas anyhow from elsewhere, and if that happens the
 18 story will not be: police secretly investigated Jimmy
 19 Savile for child sex abuse, but: BBC covered up paedo
 20 Jimmy Savile."
 21 Then over the page he sets out some various points
 22 about victims and other news organisations that were or
 23 might have been chasing the story. Then finally the
 24 position of other journalists as he puts it.
 25 So these points about notifying colleagues in Vision

Page 111

1 Q. If you then go back to 268, this is the covering page
 2 but it's a long title for a single attachment. You see
 3 the .docx suffix to the title of the document, which is
 4 attached to this email? If you go over the page to 269,
 5 that's the document.
 6 This is what Mr Jones calls his "red flag email."
 7 Are you familiar with that terminology? No? This is an
 8 email which he says he prepared and considered sending,
 9 I think he said to you, or Helen Boaden or both, but
 10 didn't in the event send to you or Helen Boaden.
 11 Have you read this email in the past couple of days
 12 in preparation for this hearing?
 13 **A. No, I don't -- I don't think I have. I mean I spent the**
 14 **weekend looking at whatever you sent me. I must have**
 15 **missed this one.**
 16 Q. Right. Let me just ask you this then: I think Mr Jones
 17 says that he had a conversation with you about
 18 Jimmy Savile in -- I think he says in September of this
 19 year. I don't know whether you agree with that or not?
 20 **A. I have had -- I did have a conversation with Meirion at**
 21 **some point this late summer or autumn I think.**
 22 Q. Leaving that to one side and going back to 2011, did you
 23 have any discussion with Meirion Jones then about this
 24 story: running the story, not running the story,
 25 dropping the story --

Page 110

1 because of the Jim'll Fix It Christmas special, and the
 2 risk that the BBC would be embarrassed if it didn't run
 3 the story and it subsequently came out with a headline
 4 maybe, "BBC covered up paedo sir Jimmy Savile", were
 5 those concerns that Mr Jones has set out in his this
 6 email to himself ever shared with you, and if so by
 7 whom?
 8 **A. No. No, no, I don't remember anyone talking to me about**
 9 **the impact of not running the story.**
 10 Q. One might say that there was some degree of prescience
 11 about this email, as it turns out, in the sense that the
 12 headlines have been in effect: "BBC covered up
 13 paedophile, Sir Jimmy Savile". That is one of the
 14 allegations at least against the BBC.
 15 One also might think that whether or not Newsnight
 16 ran the story, let's assume that Newsnight had decided
 17 not to run the story, and that was a done deal, that
 18 nonetheless there were still reasons why the material
 19 which had been gathered, albeit judged not editorially
 20 strong enough to broadcast, still amounted to
 21 a sufficient weight of material; that it would have been
 22 very useful for Vision to have been put in the picture
 23 so that they didn't find themselves running tributes to
 24 Jimmy Savile in circumstances where there was a prospect
 25 that some time soon somebody else might uncover the

Page 112

<p>1 story that Newsnight had been working on. Do you see 2 the point?</p> <p>3 A. Um-hm.</p> <p>4 Q. What do you say about that? In other words the Vision 5 issues didn't stop with the killing of -- the ending of 6 the story. There was still potentially a problem for 7 the BBC.</p> <p>8 A. Potentially there was. But what the, um -- what 9 Newsnight had told me was that, um, they'd had a series 10 of allegations which had been around for some time and 11 they hadn't -- they weren't sure about the strength of 12 the witnesses, and the strength of the testimony and 13 that the police were aware of these allegations and had 14 decided not to proceed through lack of evidence. So 15 I was involved in a decision about BBC journalism. That 16 was -- that was the strength of the journalism I was 17 presented with.</p> <p>18 Q. You have, very fairly, accepted that there was still 19 a potential problem, not for your part of the BBC but 20 for some other part of the BBC that might find itself 21 broadcasting tribute programmes to somebody who might 22 shortly be uncovered as a paedophile?</p> <p>23 A. I need to make clear, I wasn't -- you know, I may have 24 been aware that there were some tributes planned but 25 I was not aware of the individual Jim'll Fix It or any Page 113</p>	<p>1 will put back on the MPRL on Monday."</p> <p>2 Ie two days before the broadcast is due to take 3 place. You see the answer:</p> <p>4 "Yes, they are back [that's the Egypt team]. Savile 5 almost certainly not happening next week now."</p> <p>6 So the position on the face of the documents appears 7 to be that story is almost certainly not happening and 8 the only reservation or qualification to that is that it 9 is still, I suppose, just possible that the police or 10 the CPS -- some evidence might emerge to corroborate the 11 allegation that the police and the CPS had dropped the 12 story because Savile was old and infirm and that might 13 put a different complexion on matters. But subject to 14 that, this story would appear to be off the agenda, 15 right?</p> <p>16 A. I can only see the email.</p> <p>17 Q. Presumably Sara Beck would have made you aware of 18 that -- or maybe you were aware of that anyway by 19 2 December?</p> <p>20 A. I don't -- I don't know whether that was the first hint, 21 or the first suggestion, from Newsnight that they were 22 having doubts and I would have had a conversation more 23 likely with Peter Rippon about not going ahead than 24 having it come via this route. I think what you are 25 seeing here is someone managing the live list for the Page 115</p>
<p>1 other individual programmes. I mean, I was aware that 2 the BBC had, like everyone else, run eulogies after his 3 death and therefore it would be likely they would 4 continue in that mood unless something happened to 5 change that.</p> <p>6 Q. Now, by 2 December, was it pretty clear to you that this 7 Savile story wasn't going to be run on Newsnight?</p> <p>8 A. I don't -- I don't know the date when Peter Rippon came 9 to me and said that he wasn't going ahead with the -- 10 with the film.</p> <p>11 Q. We know that -- or I told you earlier -- you, I think, 12 took as it were from me and I will show you -- I did 13 show you -- the email from the CPS, you remember, with 14 the mistake about Kent which should have been Surrey, 15 which was on 9 December? But can I just show you an 16 email that did come essentially to your office in bundle 17 A3/295.001.</p> <p>18 This is 2 December.</p> <p>19 A. Um-hm.</p> <p>20 Q. Which is a Friday, I think. Do you see the email from 21 Sara Beck to Liz Gibbons, I think it is: "The team are back from Egypt, aren't they?"</p> <p>23 That was a reference to a Newsnight team that had 24 been out on a story there: 25 "Any update on Savile? If it is happening next I Page 114</p>	<p>1 programmes department, these two people are talking 2 about that, I think.</p> <p>3 Q. We discussed the live list at the beginning, didn't we? 4 What's the point of putting something on the live list 5 if it doesn't then get any further?</p> <p>6 A. Well, you put the thing on the live list and then that 7 list becomes something else at some point. If you don't 8 put it on the live list it never translates into the 9 news list.</p> <p>10 Q. Let me show you in bundle 3 at page 231, let me show you 11 page 231. This is the seating plan for the lunch at the 12 awards event on 2 December. This is an attachment to an 13 email of 30 November to Mr Entwistle who was director of 14 Vision. We can see that you are seated at the table 15 between somebody called Christine Langan and 16 Charlotte Moore. Do you remember attending the lunch?</p> <p>17 A. I certainly do.</p> <p>18 Q. Did you have any discussion at the lunch about 19 Jimmy Savile?</p> <p>20 A. I don't think I did. Excuse me. I don't think I did.</p> <p>21 Q. Did you -- were you aware that Helen Boaden had had 22 a conversation with Mr Entwistle at the lunch about 23 Jimmy Savile?</p> <p>24 A. Not that I'm -- not that I recall. I may have -- she 25 may have mentioned it after the lunch, but I don't Page 116</p>

29 (Pages 113 to 116)

1 remember her mentioning it on this day.
 2 Q. You understand now, I think, that the suggestion is that
 3 Helen Boaden did have a short conversation with
 4 Mr Entwistle at that lunch about Jimmy Savile. What
 5 would you understand the purpose of that discussion to
 6 have been?
 7 A. I think you would have to ask Helen. I don't really
 8 want to begin speculating.
 9 Q. But in circumstances when in fact this Newsnight story
 10 was looking less, rather than more likely to run by that
 11 stage, as we've seen from the email from Liz Gibbons to
 12 Sara Beck, what would -- can you think of any reasons
 13 why Helen Boaden would want to have a discussion with
 14 Mr Entwistle?
 15 A. Honestly I really want to help, but I do not want to go
 16 into trying to speculate what was going through other
 17 people's minds. I've seen the email between, you know,
 18 two people I know but I don't know the context of the
 19 email and -- and I know the seating plan for a fact, but
 20 what -- what was in people's minds in terms of their
 21 conversations, I don't think that's going to help you at
 22 all.
 23 Q. Now, did you know that -- did you have a view about --
 24 or what do you understand now, Helen Boaden to have said
 25 to Mr Entwistle?

Page 117

1 A. Sorry, could you repeat the question?
 2 Q. Do you have any information now about what Helen Boaden
 3 said to Mr Entwistle on 2 December, and if so from what
 4 source?
 5 A. I think at some point Helen has told me that she told
 6 George that Newsnight were looking at a Jimmy Savile
 7 story. But I don't know -- my problem, as I said at the
 8 beginning, is such a lot has happened and been written
 9 about all of this subsequently, it's quite difficult to
 10 put myself back to the time a year ago and be clear
 11 about what was said then and what I knew then and what
 12 I know now.
 13 Q. Would you have expected Helen Boaden to have told
 14 Mr Entwistle what the topic of the piece was?
 15 A. If depends on what the context of her conversation was.
 16 I think you had best ask her.
 17 Q. So, would it be right that at the time of the lunch you
 18 thought that nothing was going to come of this Newsnight
 19 story? Was that your position?
 20 A. I don't think Peter had reached that -- or told me that
 21 that was his decision by that stage. I don't think so.
 22 Q. So it would follow from that that you, and I think it
 23 would follow also that Helen Boaden, wouldn't have been
 24 in a position to have formed such as a view because it
 25 was too early in the process. That's essentially what

Page 118

1 you're saying?
 2 A. I'm not talking about a view. I'm talking about -- I
 3 don't think I'd been informed by Peter that the
 4 investigation was not going forward.
 5 Q. Can I show you, if you still have bundle 3, an email
 6 right at the very back? It's the second to last page of
 7 the bundle. Look at the email at the bottom, first of
 8 all, from Mr Rippon to you. Do you see on 29 November?
 9 A. Yes.
 10 Q. That's the day you are in Belfast?
 11 A. Yes.
 12 Q. Yes. At 19.30 in the evening:
 13 "I will get a script to you this time tomorrow.
 14 I just need to iron out a few bits with Meirion first.
 15 He's interviewing a second victim on camera tomorrow.
 16 On others chasing it, all the women have told us they
 17 were interviewed by Surrey Police [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 21 Then the next sentence doesn't matter for present
 22 purposes:
 23 "One of the women has told us she was subsequently
 24 called by a Sky journalist."
 25 So it look, doesn't it, as if by that stage you have

Page 119

1 had a discussion with Mr Rippon following the exchanges
 2 earlier on the 29th that we looked at earlier, yes?
 3 That's the almost irresistible inference, isn't it?
 4 A. "I will get a script to you this time tomorrow, I just
 5 need to iron out a few... "
 6 I don't think there's a reference to a conversation,
 7 or am I missing it?
 8 Q. On the emails that we've got, so far as we can tell, the
 9 previous email was the one at page 197.001, at 13.50 in
 10 the afternoon.
 11 A. Yes, that's -- I recall that one.
 12 Q. The one that set out the bits from the script.
 13 A. Yes.
 14 Q. And this is the next one, I think, that we have.
 15 A. Yes.
 16 Q. What I'm suggesting to you is the fact that it's --
 17 Mr Rippon sent the previous one and now he's sending
 18 this one, it suggests, I suggest, that you'd had some
 19 conversation in between.
 20 A. Well, I mean, that's -- you are suggesting --
 21 Q. You can't --
 22 A. I can't recall having that conversation, as I said to
 23 you before the break.
 24 MR POLLARD: Can I just ask a specific question again? I'm
 25 sorry to interrupt. You see there that Peter Rippon

Page 120

1 says, "I will get a script to you this time tomorrow."
 2 And you said earlier you definitely didn't get a script.
 3 Should we infer that he didn't send it?
 4 **A. I think you must. I don't recall seeing a script as I**
 5 **said to you before the break.**
 6 MR POLLARD: Okay.
 7 MR MACLEAN: Look at the email at the top of the page.
 8 Saturday 3 December at 1 o'clock in the afternoon you
 9 ask Mr Rippon where he is with this. Then you say this:
 10 "Helen told George E about it yesterday, but said
 11 she didn't think anything would come of it".
 12 So you must have got that information either from
 13 Mr Entwistle or from Helen Boaden or both.
 14 **A. No, I think that would have been from Helen.**
 15 Q. And Helen Boaden, it would appear, has told Mr Entwistle
 16 that she didn't think anything would come of it. Is the
 17 story, presumably.
 18 **A. I assume so, I -- I don't know.**
 19 Q. But if what you said a moment ago was right, how had
 20 Helen Boaden managed to form that view, do you think?
 21 **A. I think you had best ask Helen. I'm, as I said to you**
 22 **a number of times, I struggle with the timeline on this.**
 23 **So I don't know at what point -- well I don't know what**
 24 **was in Helen's mind when she talked to me about what --**
 25 Q. If I was to suggest to you that Helen Boaden was

Page 121

1 reassuring Mr Entwistle that everything was all right,
 2 the Newsnight story was dead or dying and so there was
 3 no impediment to Vision's tributes to Jimmy Savile
 4 running, the Vision issue having been solved, what would
 5 you say to that?
 6 **A. I would say you would need to ask Helen. The only thing**
 7 **this email tells me, which I had failed to spot in my**
 8 **previous answer, was clearly Helen told me she had had**
 9 **a conversation with George quite quickly after the**
 10 **lunch.**
 11 Q. But what is important, Mr Mitchell, is not simply that
 12 she told you she'd had a conversation, but what are you
 13 recording the following lunch time she having said. She
 14 wasn't saying to Mr Entwistle, "Look, George, you have
 15 a problem because Newsnight is about to run this story."
 16 Quite the reverse, it would seem, she's saying,
 17 I suggest, "It's all right George, don't worry about
 18 Newsnight, full steam ahead for the tributes".
 19 **A. You would need to ask her about that conversation.**
 20 **I can't recall -- both the conversation obviously with**
 21 **George and you might want to ask her about the**
 22 **conversation with me.**
 23 Q. When she told you about this conversation with
 24 Mr Entwistle, did the point that I raised with you five
 25 minutes ago occur to you: did you say to yourself, "Wait

Page 122

1 a minute, I think Vision might be in danger of making
 2 a mistake here because even if Newsnight doesn't run the
 3 story there is some reason to believe that this fellow,
 4 Mr Savile, might be exposed sooner rather than later as
 5 being a lot less pleasant than the tributes might
 6 suggest?
 7 **A. I don't recall that going through my mind.**
 8 Q. Did you know that in the days that followed
 9 Hannah Livingston -- who you will remember as doing some
 10 of the reference research on the story -- was still
 11 digging around and looking at ancient episodes of
 12 Klunk Click and that sort of thing?
 13 **A. I didn't know any of that.**
 14 Q. Did you know who Miles Goslett was?
 15 **A. Not at this stage.**
 16 Q. So if you take bundle A4 and turn to page 131, there's
 17 a reference here to Miles Goslett, formerly of The Mail
 18 on Sunday and now a freelance, who has been sniffing
 19 around the fact that the Newsnight investigation -- the
 20 Newsnight story had dropped. So Helen Deller sends an
 21 email to Peter Rippon to Sara Beck and to somebody
 22 called Karin Rosine, headed, "Savile investigation
 23 proposed response". Do you see?
 24 **A. I do.**
 25 Q. And sending it to Sara Beck was the next best thing to

Page 123

1 sending it to you, wasn't it? Sara Beck would have sent
 2 this to your attention, presumably?
 3 **A. I'm on leave in Australia at this time, so Sara is**
 4 **a point of contact for the programmes department.**
 5 Q. That probably gives us the answer to the next couple of
 6 questions, then. You see that Helen Deller says in her
 7 email:
 8 "Obviously there were two elements: 1), BBC covering
 9 up a story as it happened on our doorstep, 2), BBC not
 10 running the story to protect our own positive
 11 programming around Savile."
 12 And then we see there is a suggested line for the
 13 BBC to take, which is headed, "Statement and then
 14 background". And you didn't have anything to do with
 15 this for the very good reason that you weren't in the
 16 country, is that right?
 17 **A. Correct.**
 18 Q. Now, you went away, I think you say, on 15 December, is
 19 that right?
 20 **A. Um, I think -- I believe it may have been the 18th. If**
 21 **you give me a moment --**
 22 Q. Right. You say in paragraph 13, the 15th.
 23 **A. In that case it was the 15th.**
 24 Q. And you weren't back at work until after the New Year?
 25 **A. We saw the New Year in, in Australia.**

Page 124

1 Q. So you didn't come back until some point in January?
 2 A. Yes.
 3 Q. So if we went in this same bundle to 137, just to show
 4 you what this is, the email at the bottom of the page is
 5 the one we have just seen, the Helen Deller one, do you
 6 see?
 7 A. Um-hm.
 8 Q. And then Karin Rosine says she's happy if others are.
 9 Then Mr Rippon puts his view forward. I just want to
 10 read you these couple of sentences. He says:
 11 "There was a police investigation recently in 2007.
 12 It was into an historic indecent assault, however it was
 13 not pursued for lack of evidence. We were trying to
 14 establish if it was true, as the woman alleged, that it
 15 was dropped because of Savile's age and celebrity
 16 status. We could not establish that was the case. PS,
 17 the main allegation she made about herself did not take
 18 place at the BBC. She alleged some other incidents did
 19 involving others."
 20 Now, take it from me that the reference to, "The
 21 woman", in the second line is not the same woman in fact
 22 as in the PS, the allegation she made about herself. In
 23 other words, Mr Rippon has elided the story of two
 24 different women, okay? The woman who he's referring to
 25 in the PS is [REDACTED] because she's the one who makes

Page 125

1 an allegation about herself that didn't take place --
 2 sorry, the allegation she made about herself didn't take
 3 place at the BBC but at Duncroft.
 4 But the woman in the second line is a different
 5 woman and Mr Rippon has elided the two. And that
 6 elision may have continued for some period of time
 7 thereafter.
 8 Is that confusion, or elision in Mr Rippon's mind,
 9 something that you became aware of before the ITV
 10 documentary, or before the blog?
 11 A. I'd need to think about that. That's a -- just talk me
 12 through this one more time.
 13 Q. Mr Rippon's comment here --
 14 A. Yes.
 15 Q. -- I appreciate you are in Australia, I'm not suggesting
 16 you were involved in this at the time.
 17 A. I understand.
 18 Q. But this email demonstrates quite clearly that it reads
 19 as if he's talking about one woman, yes?
 20 A. Yes.
 21 Q. The second line talks about, "The woman", and then the
 22 PS, "The main allegation she made about herself".
 23 Who is "she"? Answer, the woman in the second line
 24 as a matter of English. It reads like an email about
 25 one woman.

Page 126

1 A. Um-hm.
 2 Q. Yes. Now in fact when you look at the information that
 3 the Newsnight story had gathered, this had come from two
 4 different women.
 5 A. So one woman is talking about, um --
 6 Q. The CPS.
 7 A. The CPS and a separate woman in this email is talking
 8 about the abuse of herself not being at the BBC, but
 9 other incidents involving others --
 10 Q. That is right.
 11 A. I understand.
 12 Q. The second woman, who we now know to be [REDACTED] in
 13 fact had never gone to the police nor had the police
 14 ever contacted her. Take that from me as a fact for the
 15 moment.
 16 A. Um-hm.
 17 Q. Once you have confused these two women, it makes the
 18 aspect of the CPS -- the CPS aspect and the dropping of
 19 the story -- if all the women had been contacted by the
 20 police, then the fact that the police don't advance the
 21 story through lack of evidence might make you think that
 22 the story doesn't have any legs at all.
 23 If, on the other hand, an important woman in the
 24 story has never been to the police at all, and is saying
 25 something quite separate, [REDACTED]

Page 127

1 [REDACTED] then
 2 the fact that the CPS runs into the sand through lack of
 3 evidence is much less important, much less of a blow to
 4 the story. Do you follow?
 5 A. Um-hm.
 6 Q. So what I'm asking you is, accepting that you weren't
 7 here at this time, when, if at all, did you come to
 8 appreciate that Mr Rippon had, for some reason and at
 9 some point, confused and elided the stories of the
 10 various women?
 11 A. I'm not sure I become aware of your analysis of the
 12 reasons for his mistake. What I think happens, from my
 13 perspective, is when -- throughout this he's talked
 14 about all the women having spoken to the police, so far
 15 as I'm concerned, and I -- I don't become fully aware
 16 that that may not be the case until after the blog is
 17 published.
 18 Q. Right. So the -- you see that if you go to 149 for
 19 example, that this is the same day just a few minutes
 20 later. You see Helen Deller says:
 21 "With that in mind I would brief, yes, a BBC crew
 22 did interview an individual about Savile. We understand
 23 there was a relatively recent CPS police investigation
 24 into an historic indecent assault which was not pursued
 25 for lack of evidence. It was alleged it was dropped

Page 128

1 because of Savile's age, but we could not stand this up,
 2 if that is factually accurate."
 3 And that gets put out as the line and it is based on
 4 this confusion and the eliding of the stories of two
 5 women.
 6 **A. I take your word for it. You have spoken to Peter.**
 7 Q. Let's go then in the same bundle to 232. Tell me if you
 8 are back in business by this stage. I think you
 9 probably are. If you go to 232, The Mirror -- I think
 10 it is actually The Sunday Mirror -- is now sniffing
 11 around. They publish a story on 8 January, as it
 12 happens, the following day.
 13 **A. I don't know -- I mean, I have seen the emails.**
 14 Q. So here's an email from Helen Deller to you and
 15 Peter Rippon and Karen Rosine. You see the line that is
 16 suggested is in quotation marks, if you cast your eye
 17 over that.
 18 **A. Yes.**
 19 Q. So the line that gets put out was that the angle we were
 20 pursuing could not be substantiated. And Mr Rippon is
 21 content with that and so were you, if you look at
 22 page 236, middle of the page:
 23 Peter Rippon, "Fine with me." Helen Deller, "Steve
 24 is this okay with you?" You say, "Yes, that's fine."
 25 Now The Mirror piece ran the next day on the 8th.
 Page 129

1 If you go to page 263 first of all, just to lead into
 2 this. There's an email from Mr Jones to Mr Rippon on
 3 the 8th, with a link to the piece in The Mirror. Do you
 4 see the web link?
 5 **A. Okay.**
 6 Q. Over the page, he says:
 7 "There has been some internal briefing too, which
 8 unsurprising but disappointing".
 9 Had you formed a view by 8 January about how
 10 The Mirror was getting what was quite a well sourced
 11 story?
 12 **A. No.**
 13 Q. You didn't have some suspicion about some leaks from
 14 Newsnight?
 15 **A. Um, not specifically, no. There are a number of people**
 16 **involved in all of these programmes.**
 17 Q. Now page 265 is an email from Mr Jones to Mr Rippon. He
 18 suggests to Peter Rippon:
 19 "Sounds like someone who thought we shouldn't have
 20 done it in the first place, and probably not someone
 21 from Newsnight unless they just made that bit up."
 22 And then he's asked -- he makes some other points
 23 about the piece. Do you know who Mr Jones is talking
 24 about there?
 25 **A. Sorry, I'm lost. No.**
 Page 130

1 Q. No. Then go to 267 and go to the bottom of the page
 2 first. You see the Helen Deller email at 18.46?
 3 **A. Yes.**
 4 Q. What she's doing here is sending herself an email.
 5 She's reporting in the press office log -- they keep
 6 a log where they can record the enquiry that was made
 7 and who they spoke to and what line it was they put out.
 8 So she says:
 9 "Nick Owen, Sunday Mirror asked if Newsnight dropped
 10 investigation into sex abuse allegation against
 11 Jimmy Savile because of planned Christmas specials.
 12 Asked for confirmation. The decision was taken
 13 following a meeting between Peter Rippon and
 14 Stephen Mitchell. Responded as previous log and added
 15 that there are meetings between Rippon and his line
 16 manager, Mitchell, all the time. The suggestion that
 17 the story was dropped in favour of the specials was
 18 incorrect. Peter Rippon and Karin Rosine's aware."
 19 In other words those are the people she had run this
 20 past.
 21 **A. Yes.**
 22 Q. I don't know if you have seen that.
 23 Back to the page before, we see Helen Deller wanting
 24 this logged, in the middle of the page at 14.58. And in
 25 this email, from James Hardy -- who is James Hardy?
 Page 131

1 **A. At the time he's head of news and press media who worked**
 2 **for BBC News.**
 3 Q. He's a news man, as opposed to Mr Mylrea's --
 4 **A. He's corporate.**
 5 Q. -- broader corporate man?
 6 **A. Yes.**
 7 Q. So James Hardy, the News -- pressman:
 8 "Thanks very much. Yes, saw the Sunday Mirror piece
 9 and you just thought: what's the point of this story,
 10 BBC investigated something and didn't run it? I will
 11 however drip poison about Meirion's suspected role if
 12 I get the opportunity."
 13 What was Meirion's suspected role, do you think?
 14 **A. You would have to ask James, I think.**
 15 Q. [Redacted]
 16 [Redacted]
 17 **A. As I keep saying, I only want to deal with stuff I know**
 18 **about. I don't know what James is thinking here.**
 19 Q. [Redacted]
 20 A. [Redacted]
 21 [Redacted]
 22 Q. [Redacted]
 23 [Redacted]
 24 [Redacted]
 25 A. [Redacted]
 Page 132

1 [REDACTED]

2 Q. What do you think about the idea that Mr Hardy is

3 running around, given half a chance, dripping poison

4 about Mr Jones?

5 A. I -- I don't know what dripping poison means.

6 Q. It's likely to be corrosive, rather than supportive of

7 trust in the organisation, isn't it?

8 A. I think you are asking me for opinions now. I'm trying

9 to help you understand what happened, not --

10 MR POLLARD: Had you had any discussion with James Hardy

11 about that leak to The Sunday Mirror?

12 A. I do not remember talking to James at all. That doesn't

13 mean I didn't. I just don't recall that -- having

14 a conversation about The Mirror or the leak.

15 MR POLLARD: And you don't remember talking about Meirion's

16 possible role in that leak?

17 A. I don't remember. But if, um -- that doesn't mean it

18 wasn't mentioned to me. It doesn't mean I wasn't

19 involved in that discussion, I just genuinely don't

20 remember and I am conscious that this transcript can be

21 used elsewhere.

22 MR MACLEAN: You may or may not recall that quite near the

23 end of the process, eventually, in October of this year,

24 Mr Jones and also Liz MacKean are both asked -- they

25 have a discussion with Mr MacQuarrie, and then I think

Page 133

1 a discussion with Mr Horrocks and they both produce

2 notes that go to Mr Entwistle, who by this time is the

3 Director General, to help prepare him, I think, for the

4 appearance before the parliamentary committee. Are you

5 aware of that?

6 A. I knew about the MacQuarrie conversations, I didn't

7 know --

8 Q. About the Horrocks ones --

9 A. -- about the notes, and I certainly didn't know about

10 the conversation with Peter Horrocks.

11 Q. I will be corrected if I'm wrong, but I think that

12 Mr Horrocks makes the point to Mr Entwistle in his

13 covering note -- there is no reason why you should have

14 seen this -- one of points he makes is that it was only

15 then, ie in October, that somebody from BBC News

16 management had actually sat down with Liz MacKean and

17 Mr Jones and, as it were, downloaded from them what they

18 said the facts of all this were. Okay?

19 If that's right, would you accept that that was

20 a slightly surprising state of affairs, that it took

21 months and months and months before Jones and MacKean

22 were actually sat down and asked what the facts were

23 from their perspective?

24 A. Well, I -- the starting point I think would be that

25 I sat down with Liz MacKean shortly after the blog was

Page 134

1 published and I had had a conversation with Meirion. So

2 I'm not quite sure what Peter is -- did you say it was

3 Peter Horrocks' view that no one had sat down with them?

4 Q. Yes. I'll show the email if I can, if Mr Blakely can

5 find it for me. I will show you in a moment.

6 Now, if it were to be suggested that we see from

7 January and February, and the stories of dripping poison

8 and so on, it looks as if Mr Jones has been declared

9 a bit of a nonperson so far as BBC News is concerned.

10 Is that fair? He has been cast off to the dark side?

11 A. No, I don't think that is fair. Meirion is continuing

12 to work as a key figure in Newsnight and even when the

13 situation gets difficult inside Newsnight he then goes

14 to work, as I believe he currently, is on Panorama.

15 Working on Newsnight and working on Panorama are big

16 jobs and Meirion is a senior figure. I don't think

17 that's evidence of being cast -- your phrase, "Cast into

18 the darkness".

19 Q. [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Page 135

1 [REDACTED]

2 Q. Take bundle 5, please. Put 4 away and take bundle 5.

3 Turn to page 52. Do you remember that a piece that

4 was eventually covered in The Oldie was trailed on the

5 Guido Fawkes website in early February?

6 A. Only by reviewing the papers that I have been sent.

7 Q. You are able to reconstruct it from emails?

8 A. Well, I don't -- to be honest, I don't read Guido Fawkes

9 and unless someone drew it to my attention at some

10 point, which they may well have done, you know, it's not

11 something that --

12 Q. Well, somebody did in fact.

13 A. Yes, I can see that.

14 Q. At page 52 there's an email from the press office to

15 a number of people, not, I think, including you, but one

16 of whom is Helen Deller who then passes it on --

17 forwards it to you and to Mr Rippon. Do you see?

18 A. Yes.

19 Q. Mr Rippon says:

20 "Just so you know, there never was a Newsnight

21 report. We never got that far with it. The evidence

22 about BBC premises was anecdotal, secondhand and

23 40 years old."

24 We asked Mr Rippon about that. But the next day

25 there's an email from you at page 87. I think if you go

Page 136

1 to 88, that, as I understand it, is The Oldie. That's
 2 the piece in The Oldie, a picture of Jimmy Savile?
 3 **A. 88, yes.**
 4 Q. That's the piece in The Oldie.
 5 **A. Okay.**
 6 Q. I think anyway. It doesn't matter --
 7 **A. I think it is, yes.**
 8 Q. If you go back to 87, it gets passed on to you and
 9 others by Helen Deller, do you see, at 10.43 in the
 10 morning?
 11 "We will be sticking to our line and brief
 12 accordingly."
 13 And then you say:
 14 "The idea that this was dropped for corporate
 15 reasons is fundamentally wrong, as we know. Does anyone
 16 on our team think otherwise? What I'm not sure is
 17 the serious allegation that we uncovered evidence
 18 unknown to the police and haven't passed that on. Is
 19 that true?"
 20 If you look in the piece, quite a lot of it is
 21 important, but you see in the third column halfway down,
 22 the big T:
 23 "The BBC has serious questions ..."
 24 If you just cast your eye over the first ten or so
 25 lines, you see the allegation that was made in The
 Page 137

1 Oldie, and that, I suspect, is the trigger for your
 2 email, yes?
 3 It may be obvious, but why was that a concern to
 4 you?
 5 **A. Um, I think I'm -- I was under the impression that all**
 6 **the people that we'd found had spoken to the police.**
 7 Q. So go to page 98, then, Mr Mitchell. You will find the
 8 next bit of this. Halfway down is an email from you
 9 we've just looked at. Do you see the idea that this was
 10 dropped et cetera, the one we have just read? Do you
 11 see Mr Rippon's reply to you at 12.03 the same day? He
 12 said to you:
 13 "Our entire story was based on what they told us, so
 14 we have no other evidence. The police have interviewed
 15 the women already, so that allegation is not true.
 16 Neither, as you know, is the charge that this was
 17 dropped for anything other than editorial reasons.
 18 Liz MacKean and Meirion worked on the story. Neither
 19 has ever alleged to me that it was dropped for anything
 20 other than editorial reasons."
 21 And you say essentially, "Thanks very much".
 22 In fact it was incorrect to say that the police have
 23 interviewed the women already, which is what Mr Rippon
 24 is telling you there in very clear terms. That's what
 25 he says, but that in fact was wrong. When did you
 Page 138

1 discover that was wrong?
 2 **A. I think I discovered that there was a question over**
 3 **whether or not all the women had talked to the police**
 4 **after Peter's blog was published.**
 5 Q. It looks as if you had a discussion with Mr Rippon that
 6 day. If you go back a page to page 97, a minute
 7 later -- later than the email we have just looked at --
 8 do you see there is an email from you to Mr Rippon, it
 9 is your out of office reply and you say, "On mobile",
 10 and presumably that is your mobile number?
 11 **A. It is. Is that going to be published?**
 12 Q. I don't think it is going to be published, unless I read
 13 it out on the transcript, which I have no intention of
 14 doing.
 15 So it looks as if you had a discussion, doesn't it?
 16 You are telling Mr Rippon, "You can get me on the
 17 mobile", which presumably he did?
 18 **A. No, no, that's a standard out of office reply.**
 19 Q. I see. So when you go away --
 20 **A. I only now say, "On mobile", without giving the number.**
 21 Q. Very wise, Mr Mitchell. Why don't you just say, "Not
 22 around"?
 23 **A. Not around would be better.**
 24 Q. "Gone fishing". So you can't remember whether there was
 25 a discussion with Mr Rippon that day?
 Page 139

1 **A. I can't remember whether there was or not, but as I say**
 2 **that's not really an indication one way or the other.**
 3 Q. Okay. Page 113 next. Now there has been something in
 4 The Telegraph, I think. You see there's a suggestion
 5 from Karin Rosine's and she's, as we see from the
 6 bottom, a communication manager and also in the News
 7 part rather than the corporate part?
 8 **A. Yes.**
 9 Q. She says, second paragraph:
 10 "It might well also be useful for us to have some
 11 form of words from you, Peter, as editor of the
 12 programme also denying the allegations. Do you think we
 13 can get something from you, under your name, reinforcing
 14 what we've said, something like ..."
 15 And then she drafts these words:
 16 "Absolutely untrue that the Newsnight investigation
 17 was dropped for anything other than editorial reasons.
 18 We have been very clear from the start that the piece
 19 was dropped because we could not substantiate the angle
 20 we were pursuing which related to the CPS police
 21 investigation. To say otherwise is false and very
 22 damaging to the BBC and individuals. These appear to be
 23 malicious rumours being deliberately put into the public
 24 domain."
 25 And she says, "Let me know what you think."
 Page 140

1 At page 115 you agreed with that:
 2 "I think that makes sense. The allegations are
 3 personally damaging for your credibility as an editor
 4 Peter, so it would good to put your name behind
 5 the denial."
 6 So when you wrote that email, what if any fresh
 7 material had you been supplied with about, as it were,
 8 the underlying facts?
 9 **A. I don't think I had been provided with anything other**
 10 **than, um, a response to a newspaper article.**
 11 Q. So at this stage, is this right: you hadn't seen any
 12 underlying pieces of paper from the investigation? We
 13 discussed earlier the notes of interviews,
 14 transcripts --
 15 **A. Yes.**
 16 Q. -- draft scripts?
 17 **A. No, I don't think I had been shown anything.**
 18 Q. So your information was that it had come verbally from
 19 Peter Rippon?
 20 **A. From Peter Rippon before Christmas.**
 21 Q. Not from anybody else, because you hadn't discussed it
 22 with MacKean or Jones?
 23 **A. I don't think so, no.**
 24 Q. Now there is an email, which I think I skipped over,
 25 from Mr Rippon who said he was relaxed about The Mirror
 Page 141

1 on 18 January. But if we go to 10 February at page 117
 2 of this bundle, we see that by 10 February Mr Rippon is
 3 a bit less relaxed than he had been before. He says to
 4 Mr Jones -- this is after, you see further down:
 5 "There has now been a story in the Mail ..."
 6 So everybody is getting -- it has been in
 7 The Telegraph, The Sunday Mirror, The Oldie and
 8 The Mail:
 9 "I'm mulling now making a formal statement denying
 10 that this was for anything other than editorial reasons.
 11 The allegation that we are withholding from the police
 12 is also seriously damaging. Everything we got was from
 13 the same women the police spoke to, was it not?"
 14 So he's checking with Mr Jones what the position
 15 was. He's asking that question. If you go to the next
 16 page, he sends you an email, Mr Rippon, on the 10th and
 17 he's answering the email from you that we just -- we
 18 just looked at. At page 115, the one where you said
 19 "I think that makes sense", and he said he was happy to
 20 put his name to something:
 21 "The allegations that we are somehow withholding
 22 something from the police is also highly damaging. Let
 23 me just check with Meirion we had nothing else, than
 24 just what we got from the same women the police spoke
 25 to."
 Page 142

1 Then Mr Jones's reply is at page 119. It is sent to
 2 Mr Rippon and it's only sent to Mr Rippon. I don't know
 3 whether it was ever sent to you? Just have a look at
 4 what he says, Mr Jones says to Mr Rippon, same
 5 paragraph:
 6 "Factually we did not begin this investigation until
 7 after his death. He died on Saturday 29 October and
 8 I first suggested the investigation to you on the
 9 following Monday, 31 October, so there was no possible
 10 prosecution against Savile. We did have information the
 11 police did not have in 2007 because we found another
 12 victim, [redacted] that's [redacted] who had an on-camera
 13 interview about being sexually abused while underage by
 14 Savile but he was already dead by then so it was not
 15 possible for the police to prosecute him. She did tell
 16 us about [redacted] having sex with an underage girl
 17 in Jimmy Savile's dressing room in 1974, but she could
 18 not identify the girl [redacted]
 [redacted]"
 20 That email does make it clear that Mr Jones had dug
 21 up evidence that the police didn't have. That's what it
 22 says in terms, yes?
 23 That email, if you go to page 123, the reply from
 24 Mr Rippon is one line. Where he says:
 25 "Thanks, I realise it may give it legs but the
 Page 143

1 current line is my emphatic enough."
 2 There is obviously something gone wrong with the
 3 syntax of that. But he doesn't pick up one way or
 4 another -- he doesn't acknowledge the point in the
 5 paragraph I have just read to you.
 6 If you then go to page 125, Mr Rippon then sends you
 7 an email saying:
 8 "How about the below? It is absolutely untrue that
 9 the Newsnight investigation was dropped for anything
 10 other than editorial reasons. We have been very clear
 11 from the start that the piece was not broadcast because
 12 we could not establish enough facts to make it
 13 a Newsnight story. To say otherwise is false and very
 14 damaging to the BBC and individuals. To allege we are
 15 withholding evidence from the police is also damaging
 16 and false. I note that a number of newspapers are using
 17 the fact that we have not broadcast something to put the
 18 allegations into the public domain themselves."
 19 And your comment was to suggest dropping the last
 20 sentence of that.
 21 Did you at this stage get to grips with Mr Jones's
 22 response, or was it on your radar that Mr Jones had
 23 explained to Mr Rippon that in fact the investigation
 24 did have information that the police didn't have?
 25 **A. I didn't.**
 Page 144

1 Q. Then if you go to page 127, there's an email from
 2 Mr Jones to Mr Rippon the same day, 10 February, and
 3 he's done a bit of investigation about Mr Goslett's past
 4 stories about the BBC. And that gets forwarded to you
 5 if you look at -- let me find the reference -- page 136.
 6 Just to see what is happening here, Mr Jones's long
 7 email about Mr Goslett starts halfway down 136. Do you
 8 see 10 February at 11.54?
 9 Rippon to Jones then says, "Thanks, useful", and
 10 then Mr Rippon passes it to James Hardy and to you:
 11 "For your information, Meirion's work after I had
 12 asked him he who he thought had leaked."
 13 And you said, "Can't fault his energy".
 14 If you go down that email chain to page 138, there
 15 is Mr Jones's email to Mr Rippon that we just looked at,
 16 answering Mr Rippon's question about -- everything we
 17 got was from the same women the police spoke to.
 18 So Jones's explanation to Rippon is sent to you,
 19 albeit at the end of this chain. So it was there to be
 20 seen if you had got that far.
 21 So did you -- did you get that to that? Did it
 22 register with you?
 23 **A. It didn't register with me.**
 24 Q. I appreciate it is well down -- way down the bottom of
 25 an email chain. It might be thought --
 Page 145

1 **A. It didn't register with me.**
 2 Q. Yes. Now in Mr Jones's long email, which you get at
 3 various places, but for example 136, he says, in the
 4 last sentence of the first paragraph:
 5 "Obviously we are most aware of the two Newsnight
 6 knocking stories and there are obvious suspicions about
 7 where the first one came from. But Goslett has written
 8 dozens of BBC knocking stories and appears to have good
 9 sources."
 10 What did you understand, if you did, about what
 11 Mr Jones was talking about there, "Obvious suspicions
 12 about the Newsnight knocking story"?
 13 **A. I --**
 14 Q. You had no idea?
 15 **A. No idea.**
 16 Q. Or you have an idea but you'd rather not say?
 17 **A. No, I don't think I had an idea then and I don't have an**
 18 **idea today.**
 19 Q. We're about to come to September and October this year,
 20 so I think that's probably a convenient -- we're going
 21 to jump a few months so I think that's probably
 22 a convenient moment to stop again.
 23 MR SPAFFORD: A short break. Okay.
 24 (3.25 pm)
 25 (A short break)
 Page 146

1 (3.35 pm)
 2 MR MACLEAN: I think in September of this year you had
 3 a meeting with -- a face-to-face meeting with Mr Jones,
 4 is that right?
 5 **A. Yes. I think I -- as I said earlier, I think it was**
 6 **late summer or autumn of this year. Certainly before,**
 7 **um, things became more public and difficult.**
 8 Q. What he says is that ITV had written the letter in the
 9 beginning of September to the BBC saying they were
 10 working on their piece that became Exposure. And he
 11 said that:
 12 "I heard that Exposure were planning to broadcast
 13 the Savile film in October. I emailed Peter Rippon and
 14 Steve Mitchell to tell them that. Around about that
 15 time Stephen Mitchell sought me out for a face to face
 16 conversation about the decision not to run the Newsnight
 17 Savile film. He seemed to be aware how strongly I had
 18 felt that not broadcasting it would be a serious
 19 mistake. He told me there had been no high up decision
 20 to pull the film and that George Entwistle had been
 21 informed at the time, which was news to me but that no
 22 pressure was put on News from other parts of the
 23 corporation.
 24 MR SHAN: Where are you reading this from?
 25 MR MACLEAN: It's what Mr Jones has told us.
 Page 147

1 You can see what I have just read?
 2 **A. Let me have a look at that. I don't remember -- I don't**
 3 **recall the occasion of the meeting being connected with**
 4 **the Exposure film. But I do remember talking to Meirion**
 5 **and trying to assure him that there had been no**
 6 **inappropriate pressure put on Peter Rippon.**
 7 MR POLLARD: Can you just put a bit of colour on the
 8 meeting, as it were? You went to find him, did you?
 9 **A. I'm struggling to recall now.**
 10 MR POLLARD: It's not long ago.
 11 **A. I know. If I could just say, in passing, that the**
 12 **distance -- the time distance is not long ago, but**
 13 **I would like you all to bear in mind what has happened**
 14 **to me personally, never mind about the whole of this**
 15 **affair, you know, quite a lot seems to have happened in**
 16 **quite a short time.**
 17 MR MACLEAN: Sure.
 18 **A. So I'm doing the best I can here to remember this.**
 19 **I remember the conversation. I can't recall whether**
 20 **I went to seek him out or whether I came across him, but**
 21 **I'm perfectly prepared to take it from him that I sought**
 22 **him out. And I did -- and I do recall trying to, um,**
 23 **assure him that there was no pressure put on from**
 24 **outside News.**
 25 **I did try to explain to him that it had been Peter's**
 Page 148

1 decision and that I had been happy with him -- with it,
 2 and I certainly remember mentioning to him that George
 3 had been aware of the film -- sorry, of the plan,
 4 because I remember him saying to me, "Well, I shouldn't
 5 talk about that", or words to that effect.
 6 Q. Who shouldn't talk about what?
 7 A. I, Stephen Mitchell, shouldn't talk about the fact that
 8 George had been made aware that there was a Newsnight
 9 film.
 10 Q. Why shouldn't you talk about that?
 11 A. I assume because that would be -- make it more difficult
 12 to convince people that there had been no inappropriate
 13 pressure on, um, Peter Rippon.
 14 Q. I see. I see.
 15 The ITV programme was broadcast, I think, on
 16 3 October, but it was pretty heavily trailed in the
 17 press the weekend before. Do you remember?
 18 A. I recall the, um -- I think I do recall the
 19 pre-publicity. There was quite a bit of pre-publicity.
 20 Q. Now we know that Newsnight didn't cover the story for
 21 itself for some days after the ITV documentary was in
 22 the offing and then broadcast. I think it didn't touch
 23 it until 11 October, from memory. Were you involved in
 24 any of the discussions about when it would be
 25 appropriate for Newsnight itself to tackle the story

Page 149

1 about --
 2 A. Newsnight.
 3 Q. -- about Newsnight?
 4 A. Yes, I had at least one conversation with Peter Rippon
 5 when he said that he was keen to do something on the
 6 story, or the programme Newsnight were keen to do
 7 something on the story. And my response was that you
 8 should feel absolutely free to do that, but you have to
 9 have something to add to the coverage that's already out
 10 there. I didn't want them doing, er, a kind of Savile
 11 Newsnight related piece which wasn't a proper piece of
 12 Newsnight journalism. In other words that didn't add to
 13 the coverage that was already there, that didn't add
 14 insight to the story for the BBC2 Newsnight audience.
 15 I didn't want them doing it for reasons of
 16 reputation, in other words we realise we are Newsnight
 17 and we're under the spotlight and look we're strong
 18 enough to do the story ourselves. I wanted them to have
 19 a good strong editorial reason to do it properly and
 20 that's the what I told Peter.
 21 Q. And Mr Rippon's view was that it would be bizarre to
 22 jump on ITV's wagon, wasn't it? He wasn't keen for
 23 Newsnight to cover the story?
 24 A. My recollection is that Peter was neither keen nor
 25 unkeen to do something, but he agreed with me that they

Page 150

1 had to have something original to say.
 2 Q. Right.
 3 A. I think the phrase, "Jumping on ITV's bandwagon", would
 4 be really kind of a version of a re-versioning of what
 5 ITV had already done.
 6 Q. Those are, you may not have seen this, the words that
 7 Mr Rippon used himself in an email on 1 October, which
 8 if you want to see it is at bundle 7, at page 3 --
 9 A. Unless you need it, I do recall the email in your bundle
 10 that you sent.
 11 Q. -- to somebody called Mr Breakwell who was probably
 12 the --
 13 A. The editor of the day. The way Newsnight works is that
 14 it has an editor of the day and then either a deputy or
 15 an editor overseeing it.
 16 Q. Yes. You will need bundle 7, I think, page 11. If you
 17 go to page 12, actually, there is the email I have just
 18 mentioned. It is in various places. There is the one
 19 about ITV's wagon, do you see?
 20 A. I do.
 21 Q. Then back a page there is a longer email from Mr Jones
 22 to Mr Rippon on 1 October, which Mr Jones starts by
 23 saying:
 24 "I'm happy to accept the line that the Newsnight
 25 Savile paedophile investigation was dropped for

Page 151

1 editorial reasons."
 2 Do you think that is right? Was Mr Jones happy? Is
 3 that what he explained to you; that he had been happy to
 4 accept that line when you had your discussion with him?
 5 A. I don't think --
 6 Q. He disagreed with it of course, but --
 7 A. I don't think I would say he was happy. I would --
 8 I would certainly say he was -- he accepted that Peter
 9 had made the decision himself, but I'm not sure that he
 10 was happy.
 11 Q. So, if I can put it in football parlance, do you accept
 12 that, although he didn't like the decision, that
 13 Mr Jones accepted, as it were, the referee's decision,
 14 or not?
 15 A. I was not convinced that he accepted it. I just -- I --
 16 you know, I did the best I could. I mean, presumably
 17 Peter had done the same but I'm not sure that Meirion
 18 even now accepts that.
 19 Q. [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

Page 152

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 Q. What I want to look at, at page 11, is an email from
 6 Mr Rippon to you where he says, "I need to respond to
 7 this ..."
 8 Ie to Mr Jones's email at the bottom of the page:
 9 "... What disturbs me about the story is all the
 10 briefing and leaking that is going on about what really
 11 happened. That is inaccurate and damaging. The truth
 12 is I was always conflicted about the editorial strengths
 13 of the story."
 14 Pausing there, does that accord with your view of
 15 the matter, that he, Rippon, was always conflicted?
 16 A. **What I thought he meant by that was that he wasn't**
 17 **convinced that the simple exposure of Savile on the**
 18 **basis of the evidence he had was strong enough and the**
 19 **CPS material gave him, as it were, added momentum. And**
 20 **when that fell away, I -- I took that to mean that was**
 21 **the debate going on in his head.**
 22 Q. And then you see what he is planning to say to Mr Jones.
 23 You can read that for yourself. Where he says:
 24 "This is when, as is your job [that is Mr Jones's
 25 job] you [ie Mr Jones] pushed and discovered the police
 Page 153

1 investigation and the women claiming the police had
 2 dumped it because he was too old I was interested again.
 3 My response you mentioned when you confirmed the police
 4 investigation reflects that interest, however in the
 5 final judgment when we were told in terms, and the old
 6 sick man allegation was not true and we could not
 7 establish any clear institutional failure, I decided on
 8 balance it was not editorially strong enough for us to
 9 run."
 10 Your response interestingly was:
 11 "I would talk to him, emails seem more prone to
 12 leak."
 13 Which is a clear indication, isn't it, that you
 14 considered Mr Jones to be leaky.
 15 A. **Not specifically Mr Jones. Emails do leak in the BBC.**
 16 Q. One of the leakers was Mr Jones, obviously?
 17 A. **Not necessarily.**
 18 Q. Otherwise there would be no problem with Rippon replying
 19 to Jones because it would not go any further?
 20 A. **It depends. You are all witnesses to the power of the**
 21 **email; emails that knock on, people forward emails.**
 22 **This is a sensitive discussion between an editor and his**
 23 **team. My suggestion is always that people talk to one**
 24 **another, rather than exchange emails. It's -- it**
 25 **happens to be, in my view, a better way to try to sort**
 Page 154

1 **things out. The added danger is that emails -- email**
 2 **trails -- people pass things back and forth and the**
 3 **thing often gets out of the, um, BBC orbit.**
 4 Q. You were working, liaising very closely with Mr Rippon
 5 at this stage as the press enquiries began to grow in
 6 the run-up to the ITV broadcast, weren't you?
 7 A. **I was working closely with him. Not as closely as**
 8 **I would have liked because I had other things on my**
 9 **plate as well. But I was working closely with him.**
 10 Q. And Mr Rippon continued to look to you for guidance and
 11 counsel as to what to do, didn't he?
 12 A. **He did.**
 13 Q. So, for example, page 36 of the same bundle, still on
 14 1 October in the afternoon, The Guardian now is knocking
 15 at the door. Mr Sabbagh, you will see the questions he
 16 raises of somebody called Mr Feeney, at page 37. You
 17 see at 36 that they get passed on, from Mr Feeney to
 18 Mr Rippon, do you see? And then he passes it on to you,
 19 and then twelve minutes saying, "For your information"
 20 and you say, "Do you want to come up?" Ie upstairs for
 21 a chat?
 22 A. **Um-hm.**
 23 Q. The line that was being run quite hard at this stage was
 24 that Newsnight had no reason to believe that the
 25 [REDACTED] information had not gone to the police. Is
 Page 155

1 that right? That was one of the lines that was being
 2 emphasised by the BBC press office. Can I just show you
 3 that?
 4 A. **Yes, please.**
 5 Q. Page 61, there is that same email, the one I have just
 6 looked at; The Guardian request being passed on by
 7 Feeney to Rippon. That is the one I have just shown
 8 you. Then page 60 at the bottom, from Mr Rippon to
 9 a bunch of other people, "Yes, I'm happy". And then
 10 page 60, from Helen Deller to Peter Rippon and
 11 Paddy Feeney, she now has something from The Sun.
 12 "Could you confirm that this is the woman who made
 13 the complaint to the police or an additional
 14 individual?"
 15 And then there is something that has come from
 16 The Sun and then she says:
 17 "I suggest highlighting the following element of the
 18 statement to them and briefing. If this is correct re
 19 the women for the background, we had no reason to
 20 believe this information was not already passed to the
 21 police."
 22 You see that the woman that The Sun is talking about
 23 is [REDACTED] So Helen Deller is suggesting that the
 24 line be pushed that Newsnight had no reason to believe
 25 that [REDACTED] information had not already been
 Page 156

1 passed to the police. But we know from Mr Jones's reply
2 to Mr Rippon's email that we looked at a little bit
3 earlier that in fact [redacted] hadn't been to the
4 police. Yes?

5 And you see Mr Rippon's reply to this is at page 73.
6 You will have noticed that the one that we just looked
7 at, at 60, is copied to you amongst others and here it
8 is again at 73. So Helen Deller's email to Rippon and
9 Feeney is copied to several people, including
10 Helen Boaden and you. Do you see?

11 **A. I do.**

12 **Q.** And then Mr Rippon replies to all of those people
13 including you:

14 "Yes, it is the same woman. We had nothing she
15 would not have told the police already."

16 So that's that same point, that Mr Rippon is saying
17 he's proceeding on the basis that [redacted] had been to
18 the police, when in fact she hadn't.

19 Then at page 91, Mr Rippon adds a further thought
20 about an hour later the same day:

21 "Just to add on this, what was alleged about [redacted]
22 and [redacted] was a long way from anything the police above
23 considered helpful. With [redacted] it was not even abuse or
24 with anyone underage."

25 Did you understand the basis of the suggestion that
Page 157

1 what was alleged about these two people, who are still
2 alive, was a long way from anything the police would
3 have considered helpful?

4 **A. I don't think I did. I don't think I understood what
5 that was referring to.**

6 **Q.** Is that because you didn't, as it were, think about it,
7 or you thought about it and didn't understand it?

8 **A. I think probably at this stage that I didn't think about
9 that second -- that second email.**

10 **Q.** Because we know from the web memoir, which you didn't
11 see, but right back at the very beginning of all of
12 this, the allegation about [redacted] and the full sex in
13 the dressing room was there from -- actually from day
14 one on this story.

15 **A. And I think I'm still thinking about Peter's version of
16 what his story was about.**

17 **Q.** In other words --

18 **A. That it was about historic allegations about
19 Jimmy Savile.**

20 **Q.** And that -- so did you think about these -- the story
21 wasn't going to mention one of these two people who is
22 still alive, but it was going to mention the first one?

23 **A. Um-hm. I didn't know that.**

24 **Q.** You didn't know that? So although it is in this, you
25 didn't see the script. The script mentions [redacted] but
Page 158

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

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

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

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

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

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

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

22 **A. That's it.**

23 **Q.** "Given the press this morning this is not yet going away
24 so it might be a good idea for you to draft a briefing
25 note, for our use, on the decision-making process, from
Page 159

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

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

5 **A. Helen Boaden and myself.**

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

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

10 **Q.** [redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

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

24 **A. Well, I think -- I think the deadline is his own, not
25 any -- it's not imposed on him. But events are
Page 160**

1 unfolding rapidly, so I guess we're, at that stage,
 2 anticipating more press coverage.
 3 Q. But you were pressing Mr Rippon to produce something, as
 4 it were, PDQ for you to take to Helen Boaden and
 5 George Entwistle, weren't you?
 6 A. No, I was asking for a note which -- my concern in
 7 all -- on all of these occasions is that we get carried
 8 away by events of the moment and don't take stock. This
 9 was an attempt for Peter just to step back and put down,
 10 for Helen and I, his recollection of the sequence of
 11 events and how this came to be commissioned and then
 12 decommissioned.
 13 It wasn't intended to be used anywhere in
 14 particular. It was to have a sort of tool in the
 15 toolkit should events develop, either externally or
 16 internally.
 17 Q. So you say this was a News toolkit. It wasn't going to
 18 go higher than Helen Boaden?
 19 A. Not necessarily, no.
 20 Q. Then why do you write to Mr Rippon -- you see 8.43 is
 21 the first email, at 178. There is a reply from
 22 Mr Rippon which we will come to at 9.11. Then at
 23 page 180, three minutes later:
 24 "For now it's for internal consumption, so the full
 25 version -- if this goes on as you say, we may need to

Page 161

1 put an edited version of your thinking out there. For
 2 now I want Helen and George to know the full story from
 3 you."
 4 A. Yes.
 5 Q. So it is going to Entwistle and Boaden.
 6 A. It could go -- the addition of George there is --
 7 I don't know whether that's what we're going to do
 8 with it. But it was for Helen and I to be sure and then
 9 for that to inform anyone else who was dealing with what
 10 was becoming a significant problem.
 11 Q. Look at Mr Rippon's response at page 179, please, "Will
 12 do by lunch time".
 13 So your suggestion is that's a self-imposed
 14 deadline. If Mr Rippon had said, "It's going to take me
 15 a couple of days to pull all this material together,
 16 Steve, I will get back to you on Thursday lunch
 17 time--...?"
 18 A. No, I would have had a problem with that.
 19 Q. Yes?
 20 A. The lunch time is Peter's suggestion, not the fact that
 21 it is a matter of urgency.
 22 Q. So if that was a self-imposed deadline, what do you say
 23 the real deadline was?
 24 A. Well, I would have thought within the next 24 hours.
 25 Q. But that's no good, is it? Because by 3 October that's

Page 162

1 transmission day for ITV and they are dripping -- they
 2 are dripping trailers for this piece day in and day out
 3 in the newspapers, aren't they?
 4 A. Well, I --
 5 Q. That's the problem?
 6 A. It is the problem. I come back to the point that this
 7 is intended as a, "Let's take stock of where we are".
 8 It's not designed to be used that afternoon or the
 9 following morning. It might be helpful for that, but as
 10 you've seen there's already a continuous to and fro on
 11 the press going on.
 12 Q. There had been a letter from The Sunday Times in August,
 13 do you know about that?
 14 A. No.
 15 Q. A letter from The Sunday Times to the BBC saying, "We
 16 are running, or we might run a piece about Jimmy Savile,
 17 here is a bunch of questions for you".
 18 You weren't aware of that at the time?
 19 A. Well, I don't recollect it.
 20 Q. We know that there was a letter on 7 September to the
 21 BBC flagging the upcoming Exposure documentary. Can you
 22 explain why nobody had asked Mr Rippon to set out
 23 a briefing note setting out the decision process from
 24 commission to decision not to proceed before 2 October?
 25 A. Well --

Page 163

1 Q. The ITV train has been coming down the track, if I can
 2 put it like that, since at least 7 September.
 3 A. It has been, and it has been dealt with as best we can.
 4 I can't ask -- I can't explain why I didn't ask for
 5 something on 1 October, on 2 October or on 25 September.
 6 This is the moment that I suggest Peter does the note.
 7 Q. You see it might be suggested, might it not, that it is
 8 only when the fuse has been lit of the imminent
 9 explosion, namely the broadcast, that the editor, the
 10 man who might be thought to be one of those best placed
 11 to know what the facts are, is actually asked to write
 12 them down and when he is asked to do it, he's asked to
 13 do it in a hell of a rush?
 14 A. Well, Peter has already been feeding into the press
 15 office throughout this period. I think what I'm
 16 describing here is, as I say, a moment to take stock.
 17 It's not as though Peter's contribution had been --
 18 sorry it's not as though there has been no contribution
 19 from the editor of Newsnight into the response to the
 20 press coverage that you have been describing.
 21 Q. If you and Helen wanted a briefing note -- you wanted
 22 a briefing note presumably so that you were in
 23 possession of all the facts?
 24 A. All the facts set out in as clear and cold way as
 25 possible, yes.

Page 164

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

Page 165

1 running, apart from anything else, dummy programmes --
 2 or planning dummy programmes at this time because it was
 3 moving to the new Broadcasting House, wouldn't
 4 Liz MacKean have been an obvious person to ask to set
 5 out the facts in a briefing note?
 6 **A. No. The editor takes an overview of the way that the**
 7 **material was gathered, the decision whether or not to**
 8 **broadcast it. That's what we were looking for;**
 9 **a considered view from the editor.**
 10 Q. Were you aware that in this story Liz -- sorry,
 11 Mr Rippon, was the executive producer as well as
 12 obviously the editor of the whole programme?
 13 **A. There was a time when he was without his deputies, is**
 14 **that what you are alluding to?**
 15 Q. No, on this -- on many investigations Liz Gibbons was,
 16 as I understand it, the executive producer of the piece;
 17 is that right?
 18 **A. That's one of her roles, yes, as a deputy.**
 19 Q. And fairly unusually -- but I think not uniquely is the
 20 burden of the evidence -- in this particular instance
 21 Mr Rippon was the executive producer?
 22 **A. As I say, my understanding was that there was a period**
 23 **when Liz was away, and that was when Peter became more**
 24 **directly involved than he would normally be, though not**
 25 **always as you say.**

Page 166

1 Q. If Liz Gibbons had been the executive producer of this
 2 piece -- now she wasn't, but if she had been would you
 3 still have asked the editor of programme for the
 4 briefing note or would you have gone to the executive
 5 producer?
 6 **A. I would have gone to the editor of the programme for**
 7 **this note.**
 8 Q. So we go to the editor of the programme because he is
 9 the person you judge to be best placed to provide it?
 10 **A. Yes.**
 11 Q. Okay?
 12 MR POLLARD: Just so I'm clear, this request for the note
 13 came not too long after you had had the conversation
 14 with Meirion Jones.
 15 **A. The September conversation?**
 16 MR POLLARD: Yes. Where he had made it absolutely clear
 17 that he was strongly opposed to, or strongly challenged
 18 Peter Rippon's view of the course of events and the
 19 decision.
 20 Does it not seem a little odd then, in those
 21 circumstances, to say the only account that I want is
 22 from Peter Rippon? If you have the sense that everybody
 23 involved was pretty much all lining up behind one
 24 version of it, that might be more understandable. But
 25 knowing that at least one, probably two, key players in

Page 167

1 this completely disagree with the editor's version of
 2 it, doesn't it seem a little odd only to be getting the
 3 editor's version?
 4 **A. I think -- I don't want to confuse two processes here.**
 5 **This is about a briefing note about what Peter did and**
 6 **the process by which he reached the decision that he**
 7 **reached on the basis of which the film didn't go ahead.**
 8 **I'm completely aware and confident and remain aware**
 9 **and confident that he made those decisions, um, for the**
 10 **right reasons and on, you know -- and in the context of**
 11 **being the editor of Newsnight. He wasn't under undue**
 12 **pressure. The fact that Meirion and Liz -- and I'm not**
 13 **entirely sure I knew what Liz's position was, but**
 14 **Meirion certainly never suggested that he had an**
 15 **alternative explanation, he just kept questioning the**
 16 **fact that Peter couldn't have made such a decision had**
 17 **there not been pressure on him. So I was confident that**
 18 **there hadn't been pressure on him because it would have**
 19 **come from me or through me, and Peter had never**
 20 **mentioned such pressure. So what I wanted from Peter at**
 21 **that stage was a clear narrative of his decision-making**
 22 **process. It was not an investigation, at this stage,**
 23 **into the divisions within the Newsnight team.**
 24 MR MACLEAN: But you could have asked Meirion Jones or
 25 Liz MacKean to have provided you with an example --

Page 168

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

Page 173

1 MR SHAN: Sorry, when you find that, can we come back to it,
 2 because I would like Mr Mitchell just to answer on the
 3 record.
 4 MR MACLEAN: Of course. Page 32.
 5 Page 32, there is an email from Helen Deller in the
 6 middle of the page to Mr Rippon and Mr Jones. This is
 7 transmission date as was planned and she is still
 8 working away, as it were, to all intents and purposes,
 9 in fact, expressly on the basis that this was going to
 10 be broadcast and she's getting ready to field
 11 complaints. She's contemplating complaints from --
 12 viewers complaining about running the story accusing
 13 Jimmy Savile of being a paedophile. We can see that
 14 from the bottom.
 15 Mr Rippon replies. We see he copies you in. You
 16 were not copied in before now:
 17 "Hi Helen, we are putting the cart way before the
 18 horse here. We have been looking into the story but it
 19 is far from clear it will ever be strong enough for us
 20 to even run it. At the moment I'm not satisfied that it
 21 is."
 22 So essentially, you know, you didn't need to worry:
 23 call off the hounds, as it were.
 24 And then if you just go to 34 -- and you are not
 25 copied into this -- Mr Rippon to Mr Jones:

Page 175

1 [REDACTED]
 2 [REDACTED]
 3 **MacQuarrie enquiry at some point --**
 4 MR MACLEAN: I'm coming to that.
 5 **A. Yes, I know you are. But I'm trying again to put myself**
 6 **into the time that you are speaking of.**
 7 Q. Okay.
 8 MR SHAN: Can I just ask one clarificatory question. Has
 9 Mr Jones clarified what he means by BBC bosses?
 10 MR MACLEAN: I think he did.
 11 MR SHAN: Is one of those people Mr Mitchell?
 12 MR MACLEAN: Yes.
 13 MR SHAN: So he has made a specific allegation that
 14 Mr Mitchell basically killed the programme because of
 15 the Christmas special?
 16 MR MACLEAN: We will check exactly what he said.
 17 MR SHAN: Could we have clarification?
 18 MR MACLEAN: We will check but my recollection is that he
 19 was asked who were the bosses, and he said bosses were
 20 News bosses and those bosses were Helen Boaden and
 21 Mr Mitchell.
 22 We will check, but I'm pretty sure the answer to
 23 your question is yes.
 24 Let me show you just in this bundle while we're
 25 there, Mr Mitchell, bundle 4, page 32.

Page 174

1 "What's the latest, did the CPS get back? Limit to
 2 how much time it is sensible to continue chasing this."
 3 And then Mr Jones' reply to that at 42. You
 4 remember I showed you the red flag email? Do you
 5 remember the one Mr Jones wrote and sent to himself
 6 making various points; that he said he was minded at one
 7 stage to send to you or Helen Boaden, but he says he
 8 didn't?
 9 **A. Yes.**
 10 Q. What he did do was send this email to Mr Rippon:
 11 "Peter, still waiting for CPS files are not
 12 electronic so they have had to physically send out to
 13 them, hope to have them tomorrow. As you know I already
 14 think story is strong enough and danger of not running
 15 it is substantial damage to BBC reputation, but no point
 16 having that discussion until I have final word from
 17 CPS."
 18 You are not copied into this. We had a discussion
 19 with Mr Jones about this. He said that he didn't take
 20 this point about the danger being substantial danger to
 21 the BBC reputation to you. And I said, "Why not go and
 22 see Stephen Mitchell or ring up and make an appointment?
 23 Or why not go and see Helen Boaden or ring up and make
 24 an appointment."
 25 Was there any reason why Mr Jones couldn't or

Page 176

1 shouldn't have brought that concern straight to you?
 2 **A. No. No reason why he couldn't have done that.**
 3 Q. Any, as it were, bureaucratic -- I don't mean that
 4 pejoratively, any organisational reason why he couldn't
 5 have done that?
 6 **A. None at all.**
 7 Q. How would he have gone about it? If he felt
 8 particularly strongly about this point and felt, fairly
 9 or unfairly, that Mr Rippon either wasn't receiving the
 10 message or doing anything with it, how would he have
 11 gone about putting this on to your radar?
 12 **A. Well, Meirion probably would have sent an email. Other**
 13 **people walk up to my office. Reporters, producers --**
 14 **I try to get out of my office as much as possible on to**
 15 **the floor, whether it's with Newsnight or any other**
 16 **programme. So we don't, I hope, run a bureaucratic**
 17 **organisation, as best we can, within the constraints set**
 18 **by the BBC and the size of what we do.**
 19 Q. Would it have been seen as a black mark against Mr Jones
 20 or trampling on Mr Rippon's toes to have come and spoken
 21 to you about it, to be shortcircuiting the system, as it
 22 were?
 23 **A. I don't think so. I think if -- if he had concerns then**
 24 **Meirion is a man of some character, I don't think he**
 25 **would have been inhibited by worry about going around**
 Page 177

1 **Peter.**
 2 Q. He's not a man who, as my granny used to say, is
 3 backward in coming forward, is he?
 4 **A. He's a good investigative journalist. He doesn't**
 5 **actually defer to much authority anywhere, that's what**
 6 **his job is.**
 7 Q. Yes. Can we then go back to the chain of events? We
 8 were in bundle 7, at 179. This is Mr Rippon's response
 9 to your email at 8.43 saying, "Draft a briefing note".
 10 He says:
 11 "Will do by lunchtime, although it is tricky because
 12 I cannot point to many of the weaknesses in the story
 13 that meant I judged on balance not to run it."
 14 Now that's in the context of, "Getting my side out
 15 there". And I think what Mr Rippon is suggesting is
 16 that if something was to be published, he wouldn't be
 17 able to be completely frank about his reasons. Is that
 18 what you understood him to be saying?
 19 **A. I think it is. I think he was concerned not to question**
 20 **the strength and the motivation of the women that**
 21 **Newsnight had spoken to.**
 22 Q. So the idea of putting something out there in public
 23 was -- one difficulty that Mr Rippon identified right
 24 from the start was that he didn't feel he was going to
 25 be able to be entirely frank in what he said?
 Page 178

1 **A. As I understand it, yes.**
 2 Q. So that was a bad start, wasn't it, in terms of the blog
 3 as it became being the categorical statement of the
 4 BBC's position? Because the author of the blog is
 5 basically saying to you right at the outset, I can't
 6 actually tell the whole truth in this document.
 7 **A. Just to correct you, the blog is Peter Rippon's**
 8 **position. That's the point of the blog. It is correct**
 9 **that he couldn't say -- he couldn't give all the detail**
 10 **about the people that the programme had interviewed,**
 11 **which did mean that it wasn't as strong as it might have**
 12 **been, but he was keen, and I was keen, that he had the**
 13 **opportunity to make the point that he had made the**
 14 **decision for himself as a good and strong editor. And**
 15 **that was the main point that he was trying to get**
 16 **across.**
 17 Q. Surely Mr Rippon must have needed this request to write
 18 a briefing note like the proverbial hole in the head?
 19 **A. Well, he didn't tell me that he had a problem with**
 20 **writing the note.**
 21 Q. Now the briefing note that he produced is at page 181,
 22 if you turn to that, please.
 23 **A. To answer your first question, I think Peter thought it**
 24 **was a good idea that he put his version out there. He**
 25 **was a man under pressure and being named in the**
 Page 179

1 **newspapers as behaving unprofessionally.**
 2 Q. In fact he says that he arrived in the office that day
 3 at around 10.15 and it was a very busy period because
 4 they were moving buildings. He was running in effect
 5 two teams in two different locations. They were
 6 producing pilot programmes in the new studio --
 7 presumably in New Broadcasting House -- and the regular
 8 programme at Television Centre. And he also had his
 9 ordinary job as editor of Newsnight, which is
 10 a burdensome and important job.
 11 So he was asked to produce the chain of events. At
 12 page 191 this is the chain of events that he produced,
 13 isn't it?
 14 **A. It is, yes.**
 15 Q. And what did you do when you got this, apart from
 16 presumably read it?
 17 **A. I don't remember doing anything immediately or**
 18 **specifically with it.**
 19 Q. Now we see -- do you see the paragraph beginning
 20 "Meirion then came back"? Do you see?
 21 **A. Er, yes.**
 22 Q. And you see the reference to, "The key witness", in that
 23 line:
 24 "... Was alleging the police had investigated it,
 25 but had dropped it on the grounds that he was too old."
 Page 180

1 And then in the next paragraph, second line:
 2 "We had no evidence that anyone from Duncroft Home
 3 should have known about it and the key witness said in
 4 her original blog she was, 'perfectly certain the BBC
 5 had no idea whatsoever of the goings on.'
 6 So that is obviously talking about the same -- there
 7 is only one key witness in that blog, but it is the same
 8 point we had before, that in fact [REDACTED] who was
 9 the one who wrote the blog, is the one that he's
 10 referring to in the third paragraph, the one beginning,
 11 "At this point", but the supposed key witness in the
 12 previous paragraph is a different woman entirely.
 13 But that was not something you were aware of?
 14 **A. I was not.**
 15 **Q.** Then he says at the bottom:
 16 "We put the story on the MPRL and I discussed it
 17 with Stephen Mitchell, as I would with any contentious
 18 story we were potentially going to do. Steve was very
 19 firm in stating that, whether I did the story or not it
 20 had to be on editorial merit alone and any wider
 21 concerns about the BBC should be set aside. Meirion
 22 continued to build the story, including doing a skeleton
 23 script ...
 24 "I was also continually discussing with my deputy
 25 editors who had conflicting opinions about the merits of
 Page 181

1 doing it."
 2 I think that is a reference to fact that
 3 Shaminder Nahal was a good deal more enthusiastic and
 4 Liz Gibbons was more unenthusiastic than Rippon himself?
 5 **A. I believe that to be the case, yes.**
 6 **Q.** "On reflection I felt that because the police would be
 7 obliged to investigate such a claim we should try to
 8 establish the claim that it was not pursued because he
 9 was to do old."
 10 And then he refers to the CPS, and then he says:
 11 "On balance I was not comfortable putting what we
 12 had on air. It did not feel like a Newsnight story.
 13 I had another meeting with Stephen Mitchell to tell him
 14 this was my decision and he accepted. I did also
 15 discuss it briefly with Helen Boaden at some point
 16 before transmission. She also very firmly stated I must
 17 judge the story only on its editorial merit and that
 18 consideration of any issues it might make for any other
 19 part of the BBC played no part in my judgment."
 20 Why not just put that, given that he had written
 21 that chain of events, out to the world on the blog? Why
 22 did the blog have to be an edited and sanitised version
 23 of that document?
 24 **A. Well, I think -- I don't think I saw this in terms of**
 25 **being something for a blog. I thought Peter was doing**
 Page 182

1 **two separate things. One is an internal briefing note**
 2 **and one is for -- is a personal statement to his**
 3 **audience, as it were, about why he made his decision.**
 4 **So the style is not necessarily the same. I have not**
 5 **compared the two, but the style is not the same.**
 6 **And the second thing is Peter is, "I will now work**
 7 **on the blog", already working on the blog. But I think**
 8 **he was worried, as I said before, about, for instance,**
 9 **her recollection of what happened is not great because**
 10 **she was on Lithium at the time, [REDACTED]**
 11 **[REDACTED] I think it was that sort of thing that he was**
 12 **sensitive to putting into the public domain.**
 13 **Q.** And you were sensitive to that as well, weren't you?
 14 **A. Yes.**
 15 **Q.** So if you go to 198, you say that:
 16 "This is for Helen and I and we will not be on
 17 passing. It is in effect the detail behind our existing
 18 public position, namely that Newsnight had focused on
 19 a very specific approach and when that did not stack up
 20 dropped the project on editorial merit. The blog will
 21 obviously have to steer away from some of the elements
 22 of witness reliability but in essence will follow the
 23 same lines."
 24 So you are now in effect instructing them to go away
 25 and turn the chain of events into a blog, aren't you?
 Page 183

1 **A. Well, I don't think it is an instruction. As I said**
 2 **before, I'm not sure whether it was Peter's idea or mine**
 3 **or a jointly arrived at decision to write a blog. But**
 4 **I wouldn't -- I never instructed -- I have never**
 5 **instructed an editor to write a blog. A blog is a very**
 6 **personal thing to the editor. Peter at this time wants**
 7 **to address the attacks on his reputation. The editor's**
 8 **blog is sometimes used in that way. So I wouldn't**
 9 **accept that I was instructing him to write a blog.**
 10 **Q.** Right.
 11 **A. That's not -- that's not -- I'm responsible for many**
 12 **things but instructing people to write blogs is not part**
 13 **of my role.**
 14 **Q.** Right. At about the same time, the same day, if we go
 15 to 2.03, the BBC was developing a line that the
 16 allegations about sexual abuse of teenage girls by
 17 Jimmy Savile and the fact that some of those allegations
 18 related to activity on BBC premises, was the
 19 responsibility of the police -- ie the responsibility
 20 for investigating them -- of the police? Do you see in
 21 the two or three in the middle of the payment:
 22 "These were criminal actions which are the
 23 responsibility of the police who have the powers to
 24 investigate anyone involved."
 25 Did that strike you as odd, the fact that the BBC
 Page 184

1 was taking that position, that allegations against this
 2 man who was dead for nearly a year were the
 3 responsibility of the police?
 4 **A. Do you mean on the 2 October, did it strike me, or does**
 5 **it strike me as odd -- sorry, would you --**
 6 Q. Well, the police eventually make clear that there was
 7 never any question of them having an investigation into
 8 Jimmy Savile -- a criminal investigation -- for the
 9 simple reason he was dead. The BBC appears to be
 10 suggesting that these allegations were matters for the
 11 police. I'm just asking you whether that struck you as
 12 a slightly curious position to take?
 13 **A. Well I -- I don't -- I don't know the context in which**
 14 **this work is going on. I don't -- I don't know what has**
 15 **led Paul Mylrea, David Jordan, Jessica Cecil,**
 16 **George Entwistle, Nadia, and Sarah Jones to start**
 17 **thinking about a police investigation, so --**
 18 Q. It would also follow if this was a matter for the
 19 police, the investigation into the allegations against
 20 Jimmy Savile -- leave aside [REDACTED] and anybody else --
 21 that if that was right then Newsnight had been sitting
 22 on material which the police ought to have had for about
 23 a year, hadn't it?
 24 **A. I think -- I think you are talking about Newsnight over**
 25 **here and Peter's view and my view that the people in the**
 Page 185

1 **Newsnight investigation had all spoken to the police and**
 2 **something going on separately from that.**
 3 Q. Precisely. The something that is going on separately at
 4 the corporate level doesn't seem easily to relate to the
 5 facts as Newsnight understood them, does it?
 6 **A. But you need to ask the people responsible for that,**
 7 **rather than me, whether it's the right thing or the**
 8 **wrong thing, or whether it seems strange.**
 9 Q. I am just asking you for your view. You are a News man
 10 and these are the corporate people. I'm just suggesting
 11 to you that one might think that there is, to say the
 12 least, a dislocation between the line that gets
 13 developed by the corporate side in the last two weeks on
 14 the one hand, and what was known -- really known if they
 15 had looked at it, to the Newsnight people on the other.
 16 One of the oddities is they say the investigation is
 17 the responsibility of the police, which in fact was not
 18 the police's view at all, and if it were right would
 19 have meant that Newsnight should have handed over all
 20 the stuff, even on Savile, to the police a year ago.
 21 So it is a bit incoherent when you look at it as
 22 a whole, that's my point?
 23 **A. I am sure you will bring some coherence to this when you**
 24 **speak to the people responsible.**
 25 Q. We might identify other incoherence, I'm just asking you
 Page 186

1 whether it struck you as odd, this line? You must have
 2 been aware that this is what the BBC was saying.
 3 **A. I didn't receive this email. I don't know when I became**
 4 **aware of that the police were being -- I know that line,**
 5 **sorry, that process was that there was going to be**
 6 **a police investigation followed by a BBC investigation.**
 7 **I don't know when I became aware of that, but it wasn't**
 8 **through this email or around that day, I don't think.**
 9 Q. All right. I just want to ask you about the blog. If
 10 you go to page 262, that's the start of it. I will come
 11 to 262 which is where you are involved. But if you can
 12 jump to 265. At 265 there is an email from Mr Rippon at
 13 14.22, so the same afternoon, to you, Helen Boaden,
 14 Mr Feeney and Mr Mylrea, copied to Helen Deller, "My
 15 proposed blog":
 16 "Staff in my office are still getting calls from The
 17 Mail, so I guess it is still going to run."
 18 Then that's the draft blog, yes?
 19 **A. It is.**
 20 Q. Then we see that Mr Feeney has what you call, "A teensy
 21 tweak." And then Mr Rippon adds something. Then
 22 Mr Mylrea, at 262 he has some tweaks. And then he asks
 23 Helen Boaden at 263 if she has signed it off. And then
 24 Mr Mylrea has another suggestion from Andrew. Who is
 25 Andrew? 262.
 Page 187

1 **A. I'm sorry.**
 2 Q. I'm not sure who Andrew is.
 3 **A. I don't know. It may be Andrew Scadding, I don't know.**
 4 Q. Eventually, at 18 minutes past 4 in the afternoon you
 5 say, at 262:
 6 "I'm fine with this and I have spoken to Peter R,
 7 who is also content and we will arrange for it to be
 8 posted."
 9 So you were the one who finally signed off the blog
 10 and the made arrangements for it to be posted, weren't
 11 you?
 12 **A. No. I -- I mean in this email chain I'm the last one in**
 13 **the email chain and, er -- and Peter Rippon is content**
 14 **and will arrange for it to be posted. Not me,**
 15 **I wouldn't know how to get a blog posted.**
 16 Q. In fact we see that one of the problems that the BBC has
 17 later in October is that there is some technical
 18 difficulty in unposting a blog. I'm not suggesting that
 19 you are the man who has to press whatever buttons have
 20 to be pressed but you see if you have your statement to
 21 hand at page 262 you say:
 22 "The editor's blog is a site where editors from
 23 across BBC News explain stories and share their dilemmas
 24 and other issues with the public. Their blogs are not
 25 always overseen or checked by management and I don't
 Page 188

1 believe that the detailed supervision of a blog lies
 2 within my responsibilities."
 3 Pausing there, I'm not doubting that for a moment,
 4 but this was no ordinary blog, was it?
 5 **A. No, it wasn't an ordinary blog.**
 6 Q. What we can see from these emails I have just shown you
 7 is that, whatever the position might ordinarily be, of
 8 not being overseen or checked by management, this blog
 9 was gone through by you and by Helen Boaden really
 10 rather carefully.
 11 **A. It was gone through, certainly.**
 12 Q. And the reason for that was that this was going to be
 13 a very important public statement of the BBC's position,
 14 ahead of the ITV broadcast that you all knew was coming
 15 on the 3rd.
 16 **A. I didn't see it like that. I saw it as Peter's -- going**
 17 **back Peter, if you recall, is feeling exposed and under**
 18 **pressure in the newspapers and this was Peter's**
 19 **opportunity to make his position clear, that he had not**
 20 **come under and buckled under undue pressure. That is**
 21 **the best recollection I have as to what this blog was**
 22 **about. What I was looking for in the blog was that we**
 23 **didn't stray into the territory in the briefing note.**
 24 Q. About?
 25 **A. About the --**

Page 189

1 Q. The Lithium or drugs?
 2 **A. -- whatever the details of the weaknesses or otherwise**
 3 **of the witnesses.**
 4 Q. Had anybody said to Mr Rippon that he better make sure
 5 he got this absolutely right because this document was
 6 going to be relied on by all the senior management at
 7 the BBC? It was going to be used as a crutch by the
 8 Director General when he got to Parliament. Essentially
 9 to say:
 10 "We all relied on the editor's blog and if there are
 11 any inaccuracies it is all his fault and he's the editor
 12 of the programme."
 13 **A. Well, I didn't say that to Peter.**
 14 Q. Mr Rippon thought he had been asked to, essentially, jot
 15 down his recollections as best he could in a bit of
 16 a hurry and he had done his honest best to do so.
 17 **A. Indeed, he had.**
 18 Q. But this blog takes on a significance and an importance
 19 over the next couple of weeks that had never been made
 20 clear to Mr Rippon, isn't that fair?
 21 **A. Well, I don't know whether anyone else put it in the**
 22 **terms that you described.**
 23 Q. Well, you know what the Director General said when he
 24 got to the parliamentary committee as well as I do,
 25 don't you?

Page 190

1 **A. Yes, but I just explained that what I thought this blog**
 2 **was about was Peter Rippon's opportunity to put his case**
 3 **into the public domain after having been named and**
 4 **almost traduced by various people. I was not thinking,**
 5 **as it were, of this as being the foundation stone of an**
 6 **appearance at a Select Committee or anything like that.**
 7 Q. Right, so let me ask you this, then: Would you agree
 8 that, as matters transpired the blog was put to a use
 9 and an importance was attached to it, which you had not,
 10 for your part, foreseen in the morning of 2 October? Is
 11 that fair?
 12 **A. Well, I -- I think that is fair, because I -- how could**
 13 **I have foreseen the way events were going to unfold**
 14 **after 2 October?**
 15 Q. You had more or less encouraged -- perhaps for good
 16 reason and it may be understandably -- but you had more
 17 or less encouraged Mr Rippon not to tell the whole truth
 18 in the blog, hadn't you, for the reasons we have
 19 discussed?
 20 **A. Not to give the full details behind his decision.**
 21 Q. We have the final version of the blog at page 277.
 22 It still has -- the problem about the key witness
 23 confusion that we discussed is still there and it makes
 24 a number of points. For example at the bottom of 277:
 25 "The key witness told us the police had investigated

Page 191

1 the claims but the case had been dropped on the grounds
 2 that he was too old."
 3 If that is a reference to [REDACTED] it is not
 4 accurate. And over the page:
 5 "We had no evidence that anyone from the Duncroft
 6 home could or should have known about the allegations."
 7 Which again it might be said is not entirely
 8 accurate, given what [REDACTED] had said:
 9 "We had no evidence against the BBC. In her
 10 original statement, our key witness said she was
 11 perfectly certain the BBC had no idea whatsoever of the
 12 goings on."
 13 Which is true, it is one of the points he did make,
 14 but of course there were allegations about the episode
 15 in the dressing room:
 16 "Did we withhold information to the police? No. We
 17 are confident ..."
 18 This is the one that got, as it were, under
 19 Liz MacKean's skin in particular:
 20 "... That all the women we spoke to had contacted
 21 the police independently already. We also had no new
 22 evidence against any other person that would have helped
 23 the police."
 24 Which it might be said is also not the case given
 25 the [REDACTED] allegation, because once you appreciate that

Page 192

1 [REDACTED] had not been to the police then the police
 2 did not have that allegation either, unless the victim
 3 had been to the police and Newsnight hadn't got that
 4 evidence:
 5 "I did discuss it with my bosses in News, the same
 6 way I do any contentious story we are working on. I was
 7 told in the strongest terms that I must be guided by
 8 editorial considerations only, I must not let any wider
 9 considerations about the BBC affect my judgment."
 10 And so on.
 11 At page 187, this is an email that I think I showed
 12 you earlier. This is the Ben Webster one. You remember
 13 we looked at this?
 14 "As I said, there were discussions as per normal in
 15 the editorial processes but it was not referred up or
 16 sideways or wherever. Peter took the decision as editor
 17 of the programme".
 18 So the press is being told that this was purely
 19 Mr Rippon's decision, isn't it? Unsullied even by the
 20 proper -- the proper discussions he might have had with
 21 you as his line manager, as someone whose editorial
 22 judgment he highly respected?
 23 The BBC line is that if there has been a cock up
 24 here, it is Mr Rippon's cock up and only Mr Rippon's
 25 cock up?

Page 193

1 **A. I don't think this is about a cock up. This is just an**
 2 **email about an editorial process.**
 3 Q. All right --
 4 **A. It was the normal editorial process.**
 5 Q. All right, let's not use the pejorative terminology
 6 I just used. What is being said is that the editorial
 7 decision which has been, to say the least questioned in
 8 the ITV programme that is coming up the following day
 9 the BBC is very keen to point out that that decision was
 10 only Mr Rippon's decision and this line has been fed to
 11 Mr Webster at the time suggesting it was a decision
 12 taken by Mr Rippon without having referred it up or
 13 sideways or wherever, which simply was not true, because
 14 he discussed it with you for a start?
 15 **A. He had discussed it with me and it was his decision**
 16 **after discussing it with me.**
 17 Q. So this line was not true. It's not -- I appreciate
 18 it's not your line --
 19 **A. I know you are not.**
 20 Q. -- I am not attacking you.
 21 **A. I am trying to put myself in the seat of Helen Deller.**
 22 **I think she is responding -- her second thing, which is**
 23 **"pressure", is no internal pressure, I think that's what**
 24 **she's referring to. But you will need to ask her that.**
 25 Q. In the same bundle at 345 -- again we mentioned this

Page 194

1 earlier -- you were in contact with Helen Deller at
 2 about this time. We see an email from you to her on
 3 2 October at 7.30 in the evening:
 4 "If we need it, that's fine Helen. And for briefing
 5 Paddy and I were discussing the fact that a request for
 6 material from Newsnight is unlikely as the new rape
 7 allegation that has sparked the BBC offer to cooperate
 8 with the Met only emerged today and isn't one that
 9 Newsnight were aware of when they were pursuing the
 10 Savile story. Finally of course, we have already said
 11 that the police were aware of the allegations by the
 12 women that Newsnight talked to, so would have been able
 13 to talk to those women themselves."
 14 Now, in fact that email is completely inaccurate,
 15 isn't it? Because the rape allegation -- that's the
 16 [REDACTED] allegation, yes? The rape allegation that
 17 was made was that --
 18 **A. Where was that allegation made?**
 19 Q. Well it is going to be made by ITV in the broadcast the
 20 following day.
 21 **A. So this is pre-publicity material?**
 22 Q. It is all being trailed, yes.
 23 **A. All right.**
 24 Q. So it may be that you are not to be criticised for this
 25 Mr Mitchell --

Page 195

1 **A. No, I'm not. I just want to help you and therefore**
 2 **I need to understand what it is you are --**
 3 Q. But as it happens the two points you are making in this
 4 email, the two main points are that 1), this was a new
 5 rape allegation that had only come that day and
 6 Newsnight hadn't been aware of. And 2), that the police
 7 were aware of the allegations because Newsnight --
 8 because the police had spoken to the women Newsnight
 9 spoke to. In fact neither of those points was accurate.
 10 **A. Well, I can't be sure about the first one.**
 11 Q. It's in the web memoir, remember?
 12 **A. Sorry?**
 13 Q. It's in the web memoir. Do you remember I showed you
 14 that earlier on?
 15 **A. I see.**
 16 Q. Remember?
 17 **A. Yes, but I'm trying to make that connection from that**
 18 **web memoir to a trailer for an ITV programme.**
 19 Q. Take it from me that that's the connection.
 20 **A. Okay. Then in that case that's not accurate and**
 21 **certainly I now know that all the women had not talked**
 22 **to the police.**
 23 Q. Yes. Now, we are nearly finished, Mr Mitchell. Please
 24 take bundle 8 and go to page 42. This is an email
 25 from -- I want you to look at the email by the higher of

Page 196

1 the two hole-punches. Do you see at 9.52 on 3 October,
 2 Mr Rippon -- it is actually an email he sends to
 3 Mr Paxman. You may not have seen this before.
 4 Just read the couple of lines beginning:
 5 "It wasn't corporate, honestly".
 6 Have you read that?
 7 **A. "I guess I may have been guilty of self-censorship. In**
 8 **the end I just felt ..."**
 9 Q. Yes, I don't want you to read it out.
 10 **A. I'm just checking that's the one you want --**
 11 Q. Yes, it is, that sentence, "I guess", is the one I'm
 12 interested in. He's musing to Mr Paxman that he may
 13 have been guilty of self-censorship. I wonder if you
 14 have any observation about that?
 15 **A. I don't think I'm in a position to comment on what he**
 16 **may have been thinking.**
 17 Q. You have experience of a number of editors in the course
 18 of your career. Would Mr Rippon be at the more cautious
 19 end of the spectrum, if I can put it like that?
 20 **A. I think that would be fair.**
 21 Q. And you would say, would you, appropriately cautious?
 22 **A. I would say absolutely appropriately cautious.**
 23 Q. Okay.
 24 MR SHAN: Just to clarify, what did Mr Rippon say he meant
 25 by self-censorship?

Page 197

1 MR MACLEAN: I don't think that's a legitimate question for
 2 you.
 3 MR SHAN: You are asking Mr Mitchell to comment on what he
 4 means by it, but it would be helpful for him to answer
 5 if he could understand.
 6 MR MACLEAN: Off the top of my head, I'm not sure what he
 7 said.
 8 You would say he was at the cautious end of the
 9 spectrum? And appropriately cautious?
 10 **A. I did say that.**
 11 Q. Yes. I know you did. Now, same bundle, page 38. When
 12 this blog was published, the following day, Liz MacKean
 13 sent you an email, copied to Mr Rippon, essentially
 14 saying it was wrong in an important respect. Do you see
 15 at page 38?
 16 **A. Okay, yes.**
 17 Q. Mr Rippon's response is at page 41. He says:
 18 "This isn't what Meirion told me on Monday."
 19 And you intervene at page 46. You say, in effect --
 20 my paraphrase -- that you want them to sort this out.
 21 (Discussion aside).
 22 The answer to your question is we have not got there
 23 yet with Mr Rippon. We have spoken to him about some of
 24 it, but we have not covered all the period with him.
 25 But we will do. So I am afraid the answer is that there

Page 198

1 isn't one.
 2 Page 46, you say you want it sorted.
 3 **A. Um-hm.**
 4 Q. Now you didn't copy -- you say:
 5 "You will notice I have not copied the producer in
 6 on this correspondence."
 7 **A. Um-hm.**
 8 Q. That's because you didn't want him to see it, obviously?
 9 **A. No, no. It isn't, and I rang him later in the day.**
 10 **This is about my inability to use this device properly.**
 11 Q. I see, you couldn't -- I see?
 12 **A. I couldn't get his name up again instead of pressing --**
 13 **you don't want to know the details.**
 14 Q. It is reply and reply to all. Okay, we won't get into
 15 the IT.
 16 Anyway, the message is that you wanted them to sort
 17 this out. They told you, didn't they, that they had all
 18 agreed -- I think we can go to page 53 -- within about
 19 20 minutes Mr Rippon sends an email to Liz MacKean.
 20 He'd had a chat with Mr Jones.
 21 "He and I [that's Jones and Rippon] agree on the
 22 fundamental point we do not have anything that would
 23 help a police investigation."
 24 And then Mr Jones sent an email at 57 to you and to
 25 Mr Rippon and to Liz MacKean:

Page 199

1 "Already talked to Peter about this. It is
 2 inaccurate. Our on-camera interviewee for instance who
 3 talked about oral sex with Jimmy Savile and [REDACTED]
 4 having sex with an underage girl was never passed to
 5 police. We always had more information than
 6 Surrey Police passed to CPS."
 7 And so on.
 8 So it became pretty clear, didn't it, that there
 9 were problems with this blog within 24 hours. Is that
 10 fair?
 11 **A. That's fair.**
 12 Q. And that you knew that?
 13 **A. I did.**
 14 Q. And it was pretty clear that Jones and MacKean were
 15 pretty steamed up about what they saw as the important
 16 errors in the blog. Is that a fair summary?
 17 **A. It is.**
 18 Q. If we go to 88, the one thing that, as I say, all three
 19 of them -- they didn't agree about much, Mr Rippon on
 20 the one hand, and Mr Jones and Ms MacKean on the other,
 21 but what they did agree about, at least so they told
 22 you, was that:
 23 "We are all agreed that we have never had any
 24 information about anyone alive that the police should
 25 have been told about."

Page 200

1 That's what they say to you.
 2 **A. That's what Peter's email says, yes.**
 3 Q. Did you question that and wonder whether that was right
 4 about -- vis-a-vis [REDACTED] for example?
 5 **A. I didn't at the time. I need to give you a little bit**
 6 **of context. I'm on leave with pressing personal**
 7 **matters, I'm out of London and I'm joining in an email**
 8 **conversation via a Blackberry. And therefore I really**
 9 **want to sort out what it is that we are agreed upon and**
 10 **for Peter and the press office to decide what -- what**
 11 **they want to do with that agreement. And I will return**
 12 **to the fray when I'm able.**
 13 **So I'm not querying the detail of this, but I think**
 14 **I am realising at this point that there is a fundamental**
 15 **problem, not with the blog -- though clearly there is --**
 16 **but with the relationship between Meirion, Liz and**
 17 **Peter Rippon.**
 18 Q. Just focusing on the blog for the moment. What this
 19 email says is -- I think the word "I" is missing "will
 20 brief" -- because it has been punched through:
 21 "... Will brief the press office to stop using the
 22 everyone we spoke to had spoken to the police line; some
 23 had, some had not."
 24 And then another line instead is suggested. Wasn't
 25 it obvious that the blog, having been put up the day

Page 201

1 before, really needed to be fixed? Changed, amended,
 2 corrected?
 3 **A. Well, what I didn't want to do was to rush into -- from**
 4 **a remote distance -- changing that blog and then**
 5 **discovering there were other problems with it. Because**
 6 **I was now discovering there's a dysfunctional team**
 7 **behind the narrative that I'm being given.**
 8 Q. If you look at your witness statement at paragraph 25,
 9 you refer to that afternoon, that is 3 October:
 10 "I received an email from Peter Rippon with
 11 a revised and what appeared to be an agreed line."
 12 I think that's a reference to this email we have
 13 just been looking at?
 14 **A. I think so.**
 15 Q. You could see that Jones and MacKean and Deller were
 16 copied in. Then you say at 26:
 17 "So far as I was concerned, the blog had addressed
 18 the main issue. That is the reason why Peter dropped
 19 the investigation. Any dispute over other details in
 20 the blog was being addressed with press office
 21 involvement. That continued to be my view for the rest
 22 of the week. I didn't hear any more ...(Reading to the
 23 words)... include a link to the blog. I remained
 24 concerned however that what I now realise was
 25 a fractured relationship between Peter Rippon and the

Page 202

1 producer and reporter. At this time, and in the
 2 following days, my main concern was the argument over
 3 why Peter Rippon had dropped the investigation."
 4 And then you say you meet Liz MacKean, 27. Was that
 5 meeting with Liz MacKean a direct consequence of the
 6 realisation that there was a fractured relationship?
 7 **A. It was.**
 8 Q. So that was your attempt to address that fracture?
 9 **A. It was to begin to look into that relationship.**
 10 Q. She told you, according to your statement, that she
 11 thought that the BBC as a whole, and Mr Rippon in
 12 particular, were not being honest about why the
 13 investigation had been dropped. So she was accusing
 14 Mr Rippon of mendacity?
 15 **A. That is my recollection of what she told me.**
 16 Q. How did that strike you as a suggestion?
 17 **A. It was a very -- you know, a serious point she was**
 18 **making. And I again tried to persuade her that there**
 19 **had been no pressure on Peter Rippon to make his**
 20 **decision and he had made it for the reasons that he had**
 21 **given. She didn't agree with that.**
 22 Q. Did it strike you as being -- quite apart from being
 23 a serious allegation to make -- really matters had come
 24 to something when an experienced reporter on Newsnight
 25 was accusing her editor of dishonestly presenting the

Page 203

1 facts to the public?
 2 **A. It was a serious matter.**
 3 Q. This fracture is pretty compound, isn't it?
 4 **A. It's -- I'm now facing a very serious situation, yes.**
 5 Q. If you look at page 429 of bundle 8, there's a piece
 6 from somebody called Rod Liddle, who one knows to be
 7 a newspaper columnist who used to work for the BBC,
 8 I think. That is passed by Allegra Stratton to Liz
 9 Gibbons saying, "Do you think I should do another blog
 10 along similar lines?" And she says, "Maybe yes." And
 11 he says, "Let's see how it looks in a day or two. Now
 12 does not feel right."
 13 If you then go to bundle 9 and go to 64, this is
 14 late at night, you see, on 4 October. That email was
 15 11 o'clock at night. If you go to the following
 16 afternoon, page 64, I think you had had a discussion, it
 17 looks like, with Mr Rippon earlier that day along with
 18 Helen Boaden, because he's thanking you for the chat.
 19 **A. Yes.**
 20 Q. So what was the nature of that discussion?
 21 **A. I think -- from what I recall [REDACTED]**
 22 **about the way that his decision-making is being talked**
 23 **about in the newspapers.**
 24 Q. It's not something that you referred to in paragraph 26,
 25 which is where naturally this event would feature in

Page 204

1 your chronological trot through the facts from your
 2 perspective.
 3 **A. The --**
 4 **Q.** One would rather be forgiven, reading paragraph 26, for
 5 thinking that you didn't really have much involvement
 6 from 3 October until Monday 8th, whereas in fact you
 7 spoke to Mr Rippon on the 5th?
 8 **A.** Well, if that's the impression my statement gives,
 9 I didn't -- there is no, as it were, point at which I am
 10 not involved in many things --
 11 **Q.** Right?
 12 **A.** -- to do with this. So I was trying to be brief in my
 13 statement. I was not trying to --
 14 **Q.** Right. [REDACTED] and perhaps
 15 not surprisingly. In particular he had been getting
 16 texts from all sorts of people and those people were
 17 taking the view that he was, or might be being hung out
 18 to dry. Is that right?
 19 **A.** That's the gist of this.
 20 **Q.** Did you think those concerns were justified in terms of
 21 what the BBC was -- more broadly was doing and saying?
 22 **A.** I didn't think that was the case and that was what Helen
 23 and I told him in the meeting.
 24 **Q.** Can I just show you one -- I will come back to it.
 25 Now, your response to that we see at page 66:
 Page 205

1 "The point we have been making is that you made this
 2 decision, irrespective of what the rest of the BBC
 3 thought, with mine and Helen's support. As Helen
 4 explains, that is different from saying the rest of the
 5 BBC is happy with that decision because by definition
 6 they were not party to it and are not equipped, even
 7 now, to judge what they thought about it. Have a look
 8 at the draft of my message."
 9 That's a reference to your weekly --
 10 **A.** Staff message.
 11 **Q.** -- staff message. He replied at 67 -- this a draft of
 12 your staff message at the bottom of page 67. In it you
 13 made the point that you say, do you see about 7 or 8
 14 lines from the bottom:
 15 "As to the merits of Peter's decision... "
 16 Do you see that paragraph?
 17 **A.** Yes.
 18 **Q.** "He explains his thinking in a blog earlier this week."
 19 And then there is a link to the blog:
 20 "I was happy with his decision then and I remain so
 21 now."
 22 Rippon's point is that -- he was suggesting that you
 23 changed "happy with" to "support".
 24 **A.** Yes.
 25 **Q.** Did you make that change?
 Page 206

1 **A.** I didn't make that change, but I wouldn't want you to
 2 read anything into that. I think the logistics of
 3 writing this message is that it is a draft that passes
 4 to and fro between myself and someone else who will have
 5 a look at it. Then it goes to usually my PA or somebody
 6 who can do the logistics of the links and so forth.
 7 I don't know at what point I read Peter's suggestion
 8 that I replaced "happy with" with the word "supported".
 9 I'm not sure. But I don't think it sort of impacted on
 10 me in time for me to be changing the draft at that
 11 point.
 12 **Q.** If it was to be suggested to you that by this time you
 13 are keen, if you can, to distance yourself from
 14 involvement in what Mr Rippon had done or decided in
 15 2011, by keeping the focus on him as much as possible,
 16 what would you say to that suggestion?
 17 **A.** I would say that a number of people have questioned
 18 Peter Rippon's decisions in 2011 with the benefit of
 19 20/20 hindsight. I refuse to apply 20/20 hindsight to
 20 Peter's decision. I think he took it for the right
 21 reasons and for honourable reasons as a good editor.
 22 And I'm not prepare to distance myself from his
 23 decision.
 24 **Q.** So if I asked you now whether you did support his
 25 decision -- I think we touched on this earlier --
 Page 207

1 **A.** I supported it in 2011.
 2 **Q.** Yes.
 3 **A.** That's the point of -- the point of what I am trying to
 4 say is I want to be clear as to what I was feeling at
 5 the time that Peter was making his decision in 2011. He
 6 came to me with the reasons for not doing -- not
 7 pursuing the investigation. The reasons he gave to me
 8 I was happy with and therefore supported if he would
 9 have preferred that word, and that's the way I feel
 10 about that decision then.
 11 **Q.** Right. I think we need to have one more short break,
 12 but let me just show you, if I can, just to finish this
 13 topic off, page 80, same bundle. By 5 October the
 14 Director General is taking a personal interest in
 15 matters. We see that from the first line.
 16 **A.** Yes.
 17 **Q.** Mr Entwistle. And Helen Deller suggests a timeline:
 18 "Approximately a week after Savile's death Newsnight
 19 reporter approached Newsnight editor with suggestion of
 20 a Savile paedophile story. Editor not convinced,
 21 reporter revisited, suggested Surrey Police issue in mid
 22 Nov. Work started to stand this up. Editor alerts head
 23 of news programmes of possible contentious story."
 24 That is a reference to you, I think?
 25 **A.** It is.
 Page 208

1 Q. "Mid-late November head of news programmes updated on
 2 progress."
 3 And then -- that timeline in fact was very much
 4 approximate. If you go over the page, to page 94, it is
 5 Mr Rippon's response. He makes some comments:
 6 "I think we should say editor not convinced in
 7 Newsnight story, and then editor more convinced when
 8 police angle develops."
 9 And then, at page 103, you are sent to the -- you
 10 were sent this and you say, "Fine with me". Do you see?
 11 **A. Yes.**
 12 Q. But still at this stage you didn't ask or go back to --
 13 you didn't ask to see the material that Newsnight had
 14 gathered back at 2011. Was everybody still writing
 15 these pieces without anybody ever having gone back to
 16 check what the source material that Newsnight had
 17 gathered actually said?
 18 **A. Well, I'm assuming Peter is familiar with the material.**
 19 **And that's where I am still being informed.**
 20 Q. So to the extent -- is this right -- that the source
 21 material had been interrogated in order to produce the
 22 account, the factual account, if anybody had done that,
 23 so far as you were concerned, it was Mr Rippon when he
 24 produced the chain of events and more or less the same
 25 time the blog?

Page 209

1 **A. Um, sorry, you better repeat the question. I do**
 2 **apologise.**
 3 Q. Well, in terms of -- to the extent that the source
 4 material had been investigated --
 5 **A. Source material being the original --**
 6 Q. The original --
 7 **A. -- interviews and --**
 8 Q. Yes. All of that material.
 9 **A. Yes. The only person I believe who was familiar with**
 10 **all of that is Peter Rippon.**
 11 Q. But he hadn't actually ever said in this process that he
 12 had done that exercise when he produced the chain of
 13 events?
 14 **A. No.**
 15 Q. So that is supposition on your part?
 16 **A. It is an assumption on my part.**
 17 Q. That somehow between 8.43 in the morning and 12.15 in
 18 the afternoon when he was asked to produce the chain of
 19 events, he had gone away, looked at all that material
 20 and produced --
 21 **A. No, no, I'm sorry, I'm misleading you. I'm assuming**
 22 **he's familiar with the material --**
 23 Q. Because his programme did a story about it 11 months
 24 before?
 25 **A. And because he's been involved in -- in some**

Page 210

1 **considerable controversy with, you know, replying to the**
 2 **press and so forth for some time.**
 3 Q. But it wouldn't be fair to expect him, from a standing
 4 start, to have all the facts in his head in October from
 5 a story back in November the year before, would it?
 6 **A. Not all the facts, no. But the main facts I would**
 7 **imagine, given the grief that this was now giving him,**
 8 **I -- it never occurred to me that he didn't have the**
 9 **main facts in his head.**
 10 Q. I mean, if one was to ask me the facts of a case I did
 11 11 months ago, I might not have any idea. But your real
 12 point is that because of, as you put it, the grief this
 13 was causing him, is this right, you supposed that at
 14 some point once the grief had started, Mr Rippon, as it
 15 were, must have gone back and checked the source
 16 material?
 17 **A. Well, in all the exchanges that he and I and others have**
 18 **had been involved in, there had never been any**
 19 **suggestion that he wasn't sure of his basic facts.**
 20 Q. Except that he had been asked to produce the chain of
 21 events to the best of his recollection. Which was
 22 liable to be imperfect, wasn't it, after such a passage
 23 of time?
 24 **A. Is that the Helen Deller note?**
 25 Q. I don't think so.

Page 211

1 **A. Is that my --**
 2 Q. I think we need a short break. I will show you in that
 3 few minutes.
 4 (5.13 pm)
 5 (A short break)
 6 (5.21 pm)
 7 MR MACLEAN: I will try to take this as quickly as we can,
 8 but it is obviously important that we cover the ground
 9 and at the end, if there is anything we have missed that
 10 you want to say, you will have a chance.
 11 **A. Okay.**
 12 Q. I just wanted to show you in bundle 16, this is a little
 13 bit later in the chronology, 22 October. Which I think
 14 is the day the blog gets corrected, in fact.
 15 **A. Sunday? Monday, sorry, 22nd.**
 16 Q. Yes, the day that the blog gets corrected?
 17 **A. Yes.**
 18 Q. I just wanted to show you something that you might not
 19 have seen before and to ask for your observation. Do
 20 you remember we had a discussion a little bit earlier --
 21 page 52 -- about Mr Rippon's concern that he was being
 22 hung out to dry? And you suggested that that wasn't
 23 right, that he was not being hung out to dry and you and
 24 Helen Boaden had essentially reassured him, my word, not
 25 yours?

Page 212

1 I want to ask you to look at this document, page 52.
 2 It is the text of a text. It is from a Mr Payne to --
 3 well, it's Mr Mylrea's text, I think. I think it is
 4 from Mr Payne to Mr Mylrea:
 5 "Think I'm going to need to brief hard today. That
 6 PR blog was the basis for all our position on this.
 7 Only way to protect GE et cetera. Would be good to know
 8 if they had any corroborating views besides just that."
 9 What role does Mr Payne play?
 10 **A. I don't know, I'm sorry.**
 11 Q. Okay?
 12 **A. I don't know the name.**
 13 Q. And Mr Mylrea is a director of public affairs, as we can
 14 see from this. He's on -- you draw a distinction, he's
 15 on the corporate side rather than the News?
 16 **A. Indeed.**
 17 Q. Would you agree that this text, at least read in
 18 isolation, tends to suggest that Mr Rippon's fears about
 19 being hung out to dry, at least by the corporate part of
 20 the BBC, were well founded?
 21 **A. To be honest I -- I just can't read into what -- I don't**
 22 **know what Payne is. I don't know, you know, what the**
 23 **context --**
 24 Q. Mr Rippon is being used as a fall guy to try to protect
 25 the Director General of the BBC.

Page 213

1 **A. Well, if hung out to dry means --**
 2 Q. Fall guy.
 3 **A. -- being the fall guy, I don't see the evidence in this**
 4 **text. But you would need to ask others about it. What**
 5 **this says is, "Needs to brief hard that the PR blog was**
 6 **the basis for all our positions on this". If that was**
 7 **the truth of the case then it's not -- it's not about**
 8 **Peter being hung out to dry, it's about whether the**
 9 **briefing was adequate.**
 10 Q. Isn't that a slightly, if I may say so, naive reading of
 11 this text? That it is obvious that Mr Rippon is being
 12 used as the first line, the second line and possibly the
 13 third line of Mr Entwistle's defence to save his job?
 14 **A. I'm looking at the word "naive" here. I think it would**
 15 **be naive of me to try to give you a view about what to**
 16 **read into a text that I have never seen and I don't know**
 17 **who sent it.**
 18 Q. Okay. All right. Look in bundle 9, if you still have
 19 it, page 175. Mr Rippon sent a note round his own
 20 staff, didn't he, on 5 October? Do you remember seeing
 21 that? Beginning, "Quite a week." Are you familiar with
 22 that or not?
 23 **A. I'm not familiar with it, but that doesn't mean that**
 24 **I have not seen it. If I can just read it --**
 25 Q. If you are not familiar with it, I'm not going to spend

Page 214

1 time on it.
 2 **A. Okay.**
 3 Q. Go in the same bundle to 366. Towards the top of page
 4 there is an email from Helen Deller:
 5 "Thanks Paddy, not sure how to deal with this now.
 6 Think there needs to be disciplinary. Not sure we can
 7 keep referring people to blog."
 8 Now, then there is a reference to Mr Feeney:
 9 "Let's have a chat a bit later, I'm amazed about the
 10 brazenness of his briefing."
 11 I'm not going to ask you to speculate about who is
 12 doing the briefing, what I am going to ask you about is,
 13 "Not sure we can keep referring people to the blog."
 14 You became aware, presumably this is 7 October, that
 15 there was good grounds for thinking that the blog was
 16 unreliable and inaccurate in a number of respects,
 17 didn't you?
 18 **A. I was aware there was a difference between the reporter,**
 19 **the producer and the editor over that aspect of the**
 20 **blog. And I was aware they had reached an agreement,**
 21 **which I didn't fully -- I hadn't fully investigated.**
 22 Q. Just look at your statement, please, at paragraph 28.
 23 You say on 9 October you learn from Lucy Adams, who is
 24 director of people, HR:
 25 "... Informed me that the Director General had asked

Page 215

1 Ken MacQuarrie, who is the director of BBC Scotland, to
 2 investigate complaints made by Liz MacKean and/or
 3 Meirion Jones to the Director General alleging that the
 4 blog was incorrect."
 5 And then you say:
 6 "Mr MacQuarrie is a member of the management board
 7 of the BBC, interviewing at the behest of the Director
 8 General. It appeared to me that the attempts I was
 9 making to understand the differences between the members
 10 of the Newsnight team had been overtaken by a corporate
 11 process involving the DG."
 12 And I think you contacted Mr Rippon and Ms MacKean
 13 keen and Meirion Jones to make this clear.
 14 So the implication that I took from your statement
 15 was that once you learn Mr MacQuarrie was on the case,
 16 you essentially downed tools, so far as you were
 17 concerned, in exploring the question of correcting the
 18 blog. Is that fair?
 19 **A. I think in terms of the blog, it's correct to say that**
 20 **I was, um, expecting that to be resolved once the**
 21 **differences between those people had been resolved.**
 22 **Downing tools is rather harsh. I was trying to resolve**
 23 **consequential matters such as when Liz came to see me**
 24 **she wanted to talk about her career as well as her**
 25 **problems with the Newsnight film.**

Page 216

1 When obviously I realised the relationship with
 2 Meirion had broken down -- with Peter Rippon and Meirion
 3 had broken down, I was concerned about where Meirion was
 4 going to be to be working. In other words, I was still
 5 trying to be, as it were -- execute my role as head of
 6 department.
 7 Q. You still had a managerial role for these people?
 8 A. I did.
 9 Q. Who were employees in your --
 10 A. And I don't think at this point, which is the 7th, I'm
 11 still editorially involved in Newsnight.
 12 Q. Right. But, is this fair then -- I don't think there is
 13 anything between us really?
 14 A. No, no, I'm agreeing with you. So far as the blog was
 15 concerned I felt we had a position that was far from
 16 perfect but it needed proper work to sort out and that
 17 work was now going to -- was being directed by the
 18 corporate centre.
 19 Q. So is this fair: you still had obviously managerial
 20 responsibility for Liz MacKean and Mr Jones. They were
 21 both members of BBC staff working for, as it were, one
 22 of your programmes. But so far as the blog and the
 23 public face of the BBC and all the stuff that was going
 24 on in the press, certainly by 9 October you took the
 25 view that was corporate process was dealing with that

Page 217

1 and they would do whatever it was they were going to do?
 2 A. Yes, I think I probably still got involved via the press
 3 office in response to, you know, new newspaper stories
 4 going through. To be honest, that day, 9 October, was
 5 somewhat confusing.
 6 Q. Why was it more confusing than any others?
 7 A. Because I became aware of the MacQuarrie initiative and
 8 I had to do quite a lot of work to try to establish
 9 under what auspices Ken MacQuarrie was operating.
 10 I wanted to do that in order to inform Peter Rippon, so
 11 there was a degree of toing and froing involving
 12 a number of people before I sorted that out.
 13 Q. And so the auspices, as you put it -- in other words
 14 whether he was under the auspices of the corporate side
 15 or the news side, is that the question?
 16 A. No, sorry, what I mean by that is -- I hesitate to do
 17 this because at this time of night it is going to sound
 18 like BBC bureaucracy, but I think we have a duty of care
 19 and fair treatment of staff. Peter Rippon is and was
 20 a member of staff reporting directly to me. I became
 21 aware that two of his members of staff, that I was
 22 already aware were in disagreement with him, were
 23 talking to a process that had been set up by the
 24 Director General. I merely wanted to inform Peter what
 25 was going on. And it was -- it was in order to do that

Page 218

1 that I needed to establish the auspices of what is going
 2 on here, and that's what -- that took me a bit of time.
 3 Q. Did you have a role in, as it were, allowing Mr Jones to
 4 go off and work for the Panorama that was broadcast?
 5 A. I did, yes. I had an initial -- I played an initial
 6 part in that because the Panorama team wanted to do
 7 a programme about Jimmy Savile and asked if they could
 8 use Meirion Jones. The role that they outlined to me
 9 was that they were looking at the wider issues around
 10 abuse in the 1970s, rather than the programme that
 11 actually came to air of course, and wanted to be able to
 12 use Meirion for his contacts with the women that had
 13 talked to him and to Liz for the Newsnight film, with
 14 a view to doing a Panorama programme.
 15 Q. As it turned out, would you accept that Mr Jones in fact
 16 became pretty much the chief witness for the prosecution
 17 against Newsnight?
 18 A. I would very much believe that, yes.
 19 Q. That was hardly fair to Mr Rippon, was it?
 20 A. Nor indeed to -- sorry, I was quite clear with the
 21 Panorama team that they needed to be clear, as things
 22 went on, whether they were using Meirion Jones as
 23 a producer supplying contacts, or whether they were
 24 using Meirion Jones as a contributor. I had, by the
 25 11th or 12th October, resiled -- recused myself from

Page 219

1 editorial control of any journalism to do with the
 2 Savile story.
 3 Q. Yes.
 4 A. And therefore it was -- once I'd had that conversation
 5 it was for the people then responsible for Panorama, and
 6 the editorial chain set up in parallel, which involved
 7 a man called Peter Horrocks, to decide how appropriate
 8 the use of Meirion was in the context of the programme
 9 they were then making.
 10 So I'm trying to describe a two stage process. One,
 11 here's Meirion Jones, a good current affairs producer
 12 and his -- sorry, Panorama wanting to make a Panorama
 13 about child abuse in the 1970s, and institutional
 14 attitudes towards it and can they use Meirion for his
 15 contacts? And that fits with my wish to find Meirion
 16 a berth. And then there is a second stage at which it
 17 becomes clear, I think, to those running Panorama that
 18 they are going to do a programme about the BBC and the
 19 Newsnight decision. And at that point someone else has
 20 to take a view about Meirion's view -- Meirion Jones'
 21 role.
 22 Just to finish that thread --
 23 Q. Yes, go on.
 24 A. If I might, I was also, when Liz MacKean came to see me,
 25 which was, I believe, on 8 October, [REDACTED]

Page 220

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 Q. Why did it take as long as it did before the blog was
 17 corrected, in your opinion? If I have understood it,
 18 your substantive involvement in that process ended on or
 19 about 9 October and it -- the blog was corrected on
 20 22nd.
 21 Why did it take that period of time?
 22 A. Well, I'm hoping that Nick will explain that to me
 23 later --
 24 Q. It is a puzzle to you, is it?
 25 A. -- in his report. It's not -- I can't comment on the
 Page 221

1 period of time. I can only say that the changing of the
 2 blog, the -- bear in mind the blog hasn't been corrected
 3 in that it still sits there. It has not been changed.
 4 There is a statement alongside it. I'm not privy to the
 5 evidence gathering that led to that decision on -- well,
 6 the decision was taken on the 21st and then announced on
 7 the 22nd.
 8 Q. But if we look at bundle 12, for example, at page 127,
 9 if you go to 128, just at the end of the thread, there
 10 is an email to you from somebody called Karen Wightman
 11 and she was working on Panorama, wasn't she?
 12 A. She is an executive producer on Panorama, yes.
 13 Q. And it is copied to Tom Giles who is the editor on
 14 Panorama.
 15 A. He is.
 16 Q. And Clive Edwards --
 17 A. He is the head of TV current affairs, a commissioner.
 18 Q. This is an email to you saying essentially: we are
 19 Panorama and we are in the process of gathering this
 20 information, we would like to give you the opportunity
 21 to brief us.
 22 An opportunity which I think you declined, is that
 23 right?
 24 A. It is.
 25 Q. If you go to 127, you sent this on to Paddy Feeney, who
 Page 222

1 was the head of communications in the News group, who
 2 says:
 3 "Thanks. By the way, DG press briefing now 6 pm,
 4 it's alleged."
 5 Which rather suggests that things were moving rather
 6 fast, I think; is that right?
 7 A. It does look like that.
 8 Q. Then you say:
 9 "By the way, what is your thinking re the blog?"
 10 And he says:
 11 "Once we have an enquiry with a chair, there's
 12 an argument for removing it from the website anyway. If
 13 that happens in the next few days, worth considering?"
 14 That rather suggests that you and Mr Feeney still
 15 have some, as it were, executive role in the removing of
 16 the blog, doesn't it?
 17 A. I don't believe I felt I had an executive role here.
 18 I mean I was just enquiring as to -- trying to find out
 19 what was going on, because, as I say, Ken MacQuarrie had
 20 begun work on the 9th. I had assumed that that was
 21 feeding into whatever considerations were going on at
 22 the corporate centre about the blog. And I, and Paddy,
 23 as part of the communications team, would be involved in
 24 those discussions.
 25 Q. Let me show you just a couple more emails, Mr Mitchell.
 Page 223

1 Bundle 13, page 156. If you go to 157, I think this is
 2 an email -- let me just -- take it at 156. An email
 3 from you to Lucy Adams in HR:
 4 "I have growing concerns about some emerging
 5 internal matters concerning the Newsnight investigation
 6 and what followed, which in normal circumstances would
 7 have prompted me to investigate further."
 8 That's a reference to the fact that by this stage
 9 you don't have responsibilities for Savile matters, is
 10 that --
 11 A. It is.
 12 Q. -- what that is a reference to?
 13 "My consideration of what I should do about them was
 14 interrupted by the announcement of the inquiry by
 15 Ken MacQuarrie and the subsequent decision to set up an
 16 independent investigation into the management of the
 17 Newsnight investigation."
 18 That is us, I think, as it turns out. You have
 19 various concerns and the first one is that there was an
 20 allegation, by one of the women involved, that the BBC
 21 had revealed details of her identity and contact numbers
 22 without her permission. That was a reference to
 23 a complaint by [REDACTED] wasn't it?
 24 A. It was, yes.
 25 Q. You thought that was a rather serious matter?
 Page 224

1 **A. I did.**
 2 Q. And did you have any view -- I'm not asking you to tell
 3 me what the view was -- did you form a view as to what
 4 the likely source of that problem was?
 5 **A. I remember sending an email to Peter Rippon and**
 6 **Meirion Jones and saying, "Is this true, this**
 7 **allegation, this claim by [REDACTED]?" I think Peter replied**
 8 **something to the effect of, "I'll leave that one to**
 9 **Meirion". And I think Meirion said something to the**
 10 **effect of, "My responsibility but better talked about or**
 11 **something, rather than emailed about." And I am afraid**
 12 **I failed to follow that up as events rather overtook me.**
 13 Q. The second area of concern, over the page, was that she
 14 had been informed by text that her interview was not
 15 going to be shown.
 16 **A. Yes.**
 17 Q. It was Meirion Jones who sent that text, wasn't it?
 18 **A. I believe it was.**
 19 Q. You believe so?
 20 **A. Yes.**
 21 Q. Another area of concern was about whether --
 22 **A. Sorry, I'm mistaken here. I do apologise. I'm getting**
 23 **rather tired. Okay. I think the exchange of emails**
 24 **that I have just described was actually about the**
 25 **informing by text.**

Page 225

1 Q. The texting, not the leaking --
 2 **A. I do apologise. That's what I think the exchange was**
 3 **about. The release of the details, I don't know who was**
 4 **responsible for that.**
 5 Q. In the same bundle at page 215, Mr Rippon had got
 6 a letter from Panorama, and so did you, asking for his
 7 input. He sent it on to you and said, "Did you get one
 8 of these?" Which you had, I think?
 9 **A. I had, yes.**
 10 Q. Then you and he liaise about how to respond, is that
 11 right?
 12 **A. Yes.**
 13 Q. We see at 221 that Mr Rippon sought advise from, amongst
 14 others, Mr Mylrea, didn't he?
 15 "Can you suggest how I respond to this?" At 18.22,
 16 do you see in the middle of the page?
 17 **A. It says Peter Rippon to --**
 18 Q. To Mylrea.
 19 **A. -- the press team, yes.**
 20 Q. "Can you suggest how I respond to this?"
 21 It may be that Mr Rippon was unaware that Mr Mylrea
 22 was -- well, might be thought less supportive of his
 23 position, certainly if there was any clash between his
 24 position and that of the Director General. But that's
 25 another matter, not a matter for you.

Page 226

1 Then you got a letter, bundle 14. I think this is
 2 the penultimate bundle reference from my point of view.
 3 Bundle 14 at page 52, it starts at 51, from
 4 Karen Wightman. Panorama sent you on the 17th a whole
 5 list of questions. It must have been obvious to you
 6 when you got those questions that Mr Jones was not being
 7 used by Panorama in the role that you had envisaged. Is
 8 that a fair summary?
 9 **A. By the -- the initial use of him as a producer.**
 10 Q. Yes.
 11 **A. That certainly suggests that's not now the case.**
 12 Q. And this letter and these questions show that it must
 13 have made it clear to you, if it was not already clear,
 14 which it may have been, that Panorama was planning
 15 a programme which one might think was a prosecution of
 16 Newsnight?
 17 **A. Er, having been responsible and still being responsible**
 18 **for Panorama I would say they were planning a piece of**
 19 **robust journalism about a matter of some public concern**
 20 **which involved the Newsnight programme.**
 21 Q. And you -- what did you do with this? I think it's
 22 right that you declined to get involved in answering
 23 Panorama's questions?
 24 **A. I did.**
 25 Q. And so, I think, did Mr Entwistle, Ms Boaden and

Page 227

1 Peter Rippon, who all got similar, but not identical
 2 letters?
 3 **A. Well I can't speak for the Director General, but I know**
 4 **that Helen and I had a meeting with the press office and**
 5 **we decided not to engage in detail in the Panorama**
 6 **programme.**
 7 Q. Right. And in bundle 15, page 16, on 20 October -- so
 8 this is pretty close to the day when the blog gets
 9 corrected, the BBC produce something called a corporate
 10 statement. Do you remember that? They produce
 11 something called a corporate statement, which -- did you
 12 have an involvement in drafting it? You will see it at
 13 page 17.
 14 **A. Er, let me just refresh my memory. I think I did, but**
 15 **let me just -- yes. That roughly speaking is where, um,**
 16 **certainly Helen and I and the press person that we were**
 17 **dealing with -- I can't recall who it was -- that**
 18 **statement was more or less what we were thinking of.**
 19 Q. Then you say in this -- finally from my point of view,
 20 going back to your statement, just to finish off, the
 21 last page, the next day, the 21st, you say:
 22 "I was told by Helen Boaden that the Director
 23 General wanted the blog changed. Following various
 24 exchanges involving the press office, HR and director of
 25 editorial standards I spoke to the Director General.

Page 228

1 The Director General told me the blog was inaccurate.
 2 It needed to be corrected and Peter Rippon was to stand
 3 aside. In other words to accept suspension from his
 4 duties."
 5 Now it wasn't news to you that the blog was
 6 inaccurate and needed to be corrected, was it?
 7 **A. No, I -- I knew that that section of the, um, blog**
 8 **referring to how many women had spoken to the police had**
 9 **been an issue of dispute between the reporter, the**
 10 **producer and the editor. I assumed at some point that**
 11 **they had agreed their position and that at some point**
 12 **that would need to be reflected in the BBC's public**
 13 **position. And I'm not sure that I would agree that the**
 14 **blog needed to be corrected, that's a solution that**
 15 **I never -- never got to.**
 16 Q. There was a suggestion, last paragraph of your
 17 statement, that there was going to be a corporate
 18 statement. And Mr Entwistle wanted you or Helen Boaden
 19 to put your names to that statement, didn't he?
 20 **A. Yes, that was, um -- I imagine what George had in mind**
 21 **was what actually appeared. In other words the**
 22 **statement that sits alongside the blog pointing out**
 23 **there are inaccuracies and these are the ones -- these**
 24 **are the things that the blog should say.**
 25 Q. Um-hm --

1 **A. Sorry, go on.**
 2 Q. No, no, go on.
 3 **A. No, no.**
 4 Q. And you resisted the notion that you or Helen Boaden
 5 should put your names to the statement?
 6 **A. I did.**
 7 Q. Because you say:
 8 "Neither of us had been given the evidence of the
 9 inaccuracies he said existed."
 10 Which I find slightly curious because you discussed
 11 them with Liz MacKean for a start?
 12 **A. Well, at this stage, bear in mind I hadn't seen what the**
 13 **inaccuracies they were addressing were, or what the**
 14 **corrections or what the statement was to be. This had**
 15 **gone on in the, er, the days between in between the blog**
 16 **being published and the 21st and I'd not been privy to**
 17 **that. I assumed that they had worked through the blog**
 18 **in detail and had detailed points which they put to**
 19 **Peter Rippon and Peter Rippon had accepted --**
 20 Q. I see, so --
 21 **A. I'd not been privy to that. That's what I mean by this.**
 22 **It doesn't mean that I wasn't aware of that discrepancy.**
 23 Q. So is this fair: from the 9 October, when you learned
 24 about Mr MacQuarrie, the question of the blog and what
 25 should happen to the blog had disappeared from your

1 visibility, because it was being dealt with on another
 2 side of the fence?
 3 **A. I had -- I had assumed --**
 4 Q. Is that a fair way --
 5 **A. I had assumed that MacQuarrie would speak to the people**
 6 **involved in the decision not to run the film and the --**
 7 **both Meirion and Liz confirmed that they talked to him**
 8 **and -- at some length. So I assumed they would have**
 9 **addressed all their concerns including the blog.**
 10 Q. So your concern was that not having had visibility,
 11 still less control of this process, you weren't
 12 prepared, as it were, there and then to sign up to
 13 a statement which was a product of a process you had not
 14 been involved in?
 15 **A. No, I couldn't see the logic of that, and the Director**
 16 **General accepted that.**
 17 Q. Was he cross with that or did he accepted that perfectly
 18 calmly, he thought it was a good point?
 19 **A. Yes, he accepted it perfectly calmly.**
 20 MR MACLEAN: Thank you. That is all, I think, I want to ask
 21 you. It may be that Nick has some questions.
 22 (5.49 pm)
 23 Questions by MR POLLARD
 24 MR POLLARD: One point, if I may, which requires two
 25 references. If you can get bundles A7 and A14, please?

1 It is about the MPRL again, which is, I think, quite
 2 a significant issue.
 3 If you look in A7 at page 198, this is the sort of
 4 statement of events, the Savile narrative, which Peter
 5 has written. Then just at the bottom of the page there,
 6 in that last paragraph:
 7 "At this stage we put the story on the MPRL."
 8 I just wondered what you thought about that line in
 9 that statement, bearing in mind what had actually
 10 happened to the Savile reference on the MPRL? It would
 11 seem that that simple half a phrase "at this stage we
 12 put the story on the MPRL" isn't really the whole story,
 13 is it? Because I think your point is that it was taken
 14 off.
 15 **A. It -- it was put on and it was taken off, yes.**
 16 MR POLLARD: Yes. But it doesn't --
 17 **A. It doesn't say that.**
 18 MR POLLARD: -- say that. I mean, it gives in many ways
 19 a completely opposite impression, does it not?
 20 **A. Er, I hadn't thought of it like that. But, um, it**
 21 **doesn't -- it certainly doesn't tell the full story of**
 22 **it being taken off again.**
 23 MR POLLARD: Okay. Then if you have a look at A14, at 379,
 24 again on the subject of the MPRL you see an exchange
 25 between David Jordan and Julian Payne, heading "Managed

1 lists". They had obviously had a conversation about
 2 this and you will see Julian Payne has obviously had
 3 a press query about this.
 4 He says:
 5 "Hi David, regarding our recent conversation am
 6 I correct in assuming it ..."
 7 In other words the Savile story. Okay, yes, so if
 8 you go to page 369, you will see the original query from
 9 the times reporter, Alexi Mostrous. He's obviously had
 10 a chat with Julian Payne. If you just read that lower
 11 email, Alexi Mostrous to Julian Payne. They have
 12 obviously had a chat about the Savile story on the MPRL.
 13 The third paragraph makes it clear that Julian has
 14 described the process:
 15 "You said however that the November and December
 16 lists categorically contain no mention of either
 17 Jimmy Savile or the Newsnight investigation into his
 18 affairs."
 19 And then Julian Payne effectively says yes, that's
 20 right. Then it would appear that he has a conversation
 21 with David Jordan about this because that email is
 22 15.49. Then if you look at 379, Julian talks to
 23 David Jordan:
 24 "Regarding our recent conversation, am I correct in
 25 assuming it never featured on the list?"
 Page 233

1 David Jordan says "Correct, never."
 2 And then on 381, Julian goes back to Alexi Mostrous
 3 and says "No, you aren't missing anything Alexi, it was
 4 never on there".
 5 Now I appreciate you didn't send that email and the
 6 discussion appears to be between Julian Payne and
 7 David Jordan, but it's a pretty fundamental difference
 8 of account. Your internal statement account is saying
 9 we put it on the MPRL and Julian Payne saying on the
 10 record it was never on there.
 11 A. Okay.
 12 MR POLLARD: There is a big issue with this list, is there
 13 not?
 14 A. Clearly it is for you guys to decide whether it's a big
 15 issue. But I do think there's a slight misunderstanding
 16 here about the managed risk programmes list.
 17 What David Jordan and Julian Payne are talking about
 18 is the, um, corporate -- the pan-BBC Managed Programmes
 19 List, which is circulated to senior. That's the hard
 20 copy. If you remember the three tiers --
 21 MR POLLARD: Yes.
 22 A. -- there is the live departmental lists across News --
 23 MR MACLEAN: It's the one we looked at earlier, isn't it?
 24 Behind the email to Jordan about the editorial board?
 25 A. Then there's the hard copy that goes to the News board,
 Page 234

1 and this pan-BBC one is the one above that which
 2 David Jordan is responsible for. So it is -- David is
 3 correct: This never reaches -- the Savile story never
 4 reaches that top list, the pan-BBC list. Nor, in fact,
 5 as we were discussing -- was it only today, earlier --
 6 did it reach the News board list.
 7 MR MACLEAN: Yes.
 8 A. When Peter says "I put it on the MPRL", he's thinking of
 9 the interaction between his deputy Liz and Sara Beck
 10 within that department --
 11 MR POLLARD: Except it's clear that it was taken off that
 12 list after a conversation between you and Peter.
 13 A. I'm not sort of resiling from my role in taking that
 14 off. I'm just saying that it -- you must not read into
 15 what David is saying that there's -- he's saying
 16 absolutely categorically it wasn't on the pan-BBC list.
 17 MR POLLARD: Okay. We will obviously ask him about this.
 18 Is it your contention that David Jordan will not
 19 have known that it was ever on the list? So in other
 20 words, did --
 21 A. I don't know for sure, but it would be unlikely that he
 22 would know. Coming to this again, it is an electronic
 23 version which is confined to a few people who can access
 24 it to put material on or take material off at
 25 a programme and departmental level.
 Page 235

1 MR MACLEAN: So the one he sees --
 2 A. The one he sees --
 3 MR MACLEAN: -- it is never on?
 4 A. -- it's never on. That's the pan-BBC one that goes to
 5 the Editorial Standards Board.
 6 MR MACLEAN: And the one below that it was never on?
 7 A. The one below that, which is the news -- pan-News one
 8 which again hardens once a month, it never reaches that
 9 level either.
 10 MR POLLARD: So at the risk of sounding slightly improper in
 11 the process, it seems incredible to me that it reached
 12 19 October this year and a press officer could say,
 13 thinking he was telling the whole truth to a Times
 14 reporter, "It was never on the list", when the truth is
 15 it was -- because this has been discussed at various
 16 parts of newspapers -- that it was on the list and taken
 17 off at an early stage; is that right?
 18 A. I think it -- it is beginning to sound as though I'm
 19 disappearing up myself. I think it depends on how --
 20 sorry, how you define the Managed Risk Programmes List.
 21 I think David Jordan thinks of it only as that hard copy
 22 that reaches the heads of the whole of the BBC. I don't
 23 think he regards the process of feeding into that as
 24 being part of the final list.
 25 MR MACLEAN: You see if you look at 369, Alexi Mostrous, one
 Page 236

1 doesn't know what information he has, but he's asking
 2 about managed lists. That's the subject of his email.
 3 **A. "Managed lists that circulated on a monthly basis to all**
 4 **heads of department ...(Reading to the words)... BBC**
 5 **management."**
 6 **Is that it, the third paragraph down?**
 7 MR MACLEAN: Yes, that's right. "You said ..." so he's had
 8 a discussion with Payne already.
 9 "You said that the managed Risk Lists
 10 were circulated on a monthly basis to all heads of
 11 department and senior BBC management."
 12 And then the reply from Payne to Mostrous is in
 13 terms of the pan-BBC Managed Risk Programme List is
 14 circulated to senior management. So it may be that
 15 Mr Payne is being rather careful in his language here by
 16 defining what he's dealing with as the pan-BBC Managed
 17 Risk Programme List, but he does say in the next
 18 paragraph:
 19 "On the point of when it was on the list, I said it
 20 was possible that the programme had been on the list
 21 some time before that, but if it was it should have
 22 remained on it right up to its transmission date which
 23 would have meant November/December, or certainly the
 24 month when it would have been on there. Again this is
 25 off the record background briefing."
 Page 237

1 So it might be said that Mostrous is presumably
 2 asking about the MPRL and gets what might be thought
 3 a rather carefully worded response about the pan-BBC
 4 Managed Programme Risk List and an answer which might
 5 be -- it might be that it's true that if it ever made
 6 that highest level then it should remain on to the
 7 transmission date. I don't know whether you are able to
 8 comment on that?
 9 **A. I think I'm getting out of my depth here with you guys.**
 10 **Obviously you are going to have to talk to more people**
 11 **about this email. I was literally genuinely trying to**
 12 **explain how there might be an apparent discrepancy**
 13 **between what Peter was saying about putting something on**
 14 **the list and what David is saying about it never being**
 15 **on the list and that was my view. I don't think**
 16 **probably what we -- what we run within departments,**
 17 **whether mine or any other News department, really**
 18 **constitutes "the list".**
 19 MR POLLARD: Yes.
 20 **A. But you may need to take a view.**
 21 MR POLLARD: Without labouring the point excessively -- and
 22 it is the last point as it were from me -- back on
 23 A7/198, that phrase:
 24 "At this stage we put the story on the MPRL ..."
 25 **A. In Peter's statement?**
 Page 238

1 MR POLLARD: Yes. That was a statement that was being put
 2 together really for your use and Helen's use. So that
 3 would be Helen's state of knowledge, is that right that,
 4 the story was put on the MPRL and Helen was not told,
 5 certainly within this statement, that it was taken off?
 6 **A. No, she certainty was not told one way or the other,**
 7 **I think, until she would have read Peter's note.**
 8 **I don't remember telling her that it was on and then it**
 9 **was off.**
 10 MR POLLARD: Right, okay. Thank you.
 11 MR MACLEAN: It has been a very long day, but thank you very
 12 much for your stamina.
 13 MR SHAN: Can I just clarify a few points? I know everyone
 14 wants to go.
 15 We mentioned about Mr Jones making an allegation
 16 against Mr Mitchell about --
 17 MR MACLEAN: Bosses.
 18 MR SHAN: Yes. Have you managed to find --
 19 MR MACLEAN: What is your --
 20 MR SHAN: I just want to hear the allegation so that
 21 Mr Mitchell can go on the record and answer it.
 22 MR MACLEAN: Yes, he was shown an email, the one about, "If
 23 the bosses aren't happy I can't go to the wall on this."
 24 "Question: And then Liz MacKean says:
 25 '... and told me [ie Rippon] and Mei if the bosses
 Page 239

1 aren't happy I can't go to the wall on this one.'
 2 "Answer: Yes.
 3 "Question: Do you remember Mr Rippon saying that?
 4 "Answer: I can't swear on the words "if the bosses
 5 aren't happy". The phrase that stuck on my head was
 6 "I can't go to the wall on this one" in that context.
 7 "Question: Who would be driving Mr Rippon to the
 8 wall?
 9 "Answer: I assumed at the time it would be Helen
 10 and Steve.
 11 "Question: Why?
 12 "Answer: Because they are up the chain of command
 13 from him.
 14 "Question: I know they are up the chain of command,
 15 but why would that mean they -- is that the only reason
 16 they would be the only ones driving him to the wall?
 17 "Answer: Well, even though I can't rather him
 18 saying "bosses", I had an impression of plural and they
 19 would be the next two up the chain."
 20 MR SHAN: So just to summarise, he is saying that he had
 21 a conversation with Peter Rippon in which Peter Rippon
 22 is saying --
 23 MR MACLEAN: It comes from Liz MacKean's email --
 24 MR SHAN: I see.
 25 MR MACLEAN: -- which records Rippon as saying "If the
 Page 240

1 bosses aren't happy and they aren't ...".
 2 MR SHAN: And that is his supposition on who Liz MacKean
 3 might have meant by bosses?
 4 MR MACLEAN: No, Peter Rippon is recorded by Liz MacKean as
 5 having said "if the bosses aren't happy" --
 6 MR SHAN: So he's giving his own definition of who he thinks
 7 the bosses --
 8 MR MACLEAN: I asked him who were the bosses, and he said
 9 "As I said to you earlier, the bosses are clearly
 10 Mr Mitchell and Helen Boaden" in Jones's mind.
 11 MR SHAN: Just a related point and then Mr Mitchell can make
 12 a statement. Has Mr Rippon said that Mr Mitchell put
 13 any undue pressure on him in making the decision?
 14 MR MACLEAN: I think you should assume that I have put such
 15 points to Mr Mitchell as I think it is appropriate to
 16 put.
 17 MR SHAN: Right. Because I have not heard that allegation,
 18 that's why I just wanted to clarify.
 19 MR MACLEAN: I think you should assume that I have thought
 20 about the questions I have asked.
 21 MR SHAN: In answer to the point that you were part of the
 22 bosses that might have put pressure on Mr Rippon because
 23 of the scheduling issue of the tribute programmes, can
 24 you just state what your answer is to that?
 25 **A. I categorically deny putting pressure on Peter Rippon**
 Page 241

1 over this film, particularly in terms of the Christmas
 2 schedule.
 3 MR MACLEAN: I had rather assumed that was your position but
 4 thank you. Yes?
 5 MR SHAN: That's it.
 6 MR MACLEAN: Okay.
 7 MR POLLARD: Thank you very much for coming and surviving
 8 the day. It has been a long day. Thank you.
 9 **A. If there is anything else, I am sure you will let me**
 10 **know.**
 11 MR MACLEAN: Thank you very much.
 12 (6.06 pm)
 13 (The Inquiry adjourned until 1.30 pm,
 14 Tuesday, 20 November 2012)
 15
 16 MR STEPHEN MITCHELL (called)1
 17 Questions by MR MACLEAN2
 18 Questions by MR POLLARD231
 19
 20
 21
 22
 23
 24
 25
 Page 242