

<p>1 Monday, 10 December 2012</p> <p>2 (2.00 pm)</p> <p>3 STEPHEN MITCHELL (recalled)</p> <p>4 MR POLLARD: Steve, thanks for coming back. Similar ground</p> <p>5 rules, as you will know. Richard, do you just want to</p> <p>6 run through those again?</p> <p>7 MR SPAFFORD: Yes, very briefly. As before, there will be</p> <p>8 a transcript given to you and to Niri this evening for</p> <p>9 any typographical errors. I just remind you the</p> <p>10 confidentiality agreements that you have signed still</p> <p>11 apply. I have been asked by my friend on my left to ask</p> <p>12 you please to speak up.</p> <p>13 A. Yes, I do apologise for that last time. Reading the</p> <p>14 transcript it was the thing that most stuck out, nobody</p> <p>15 could hear what I was saying.</p> <p>16 Questions by MR MACLEAN</p> <p>17 MR MACLEAN: Mr Mitchell, we have shown you a couple of</p> <p>18 documents --</p> <p>19 A. Three.</p> <p>20 Q. -- In the last 20 minutes or so. Can I ask you to take</p> <p>21 the one headed "investigation into a year with the</p> <p>22 Queen". You probably remember what this particular fuss</p> <p>23 was all about, the programme which had been, I think,</p> <p>24 edited in such a way as to make it look as if the Queen</p> <p>25 was --</p> <p style="text-align: center;">Page 1</p>	<p>1 risk of the BBC, or to the BBC?</p> <p>2 A. That is my understanding. I have to say I hadn't seen</p> <p>3 this document before. But --</p> <p>4 Q. The same document, page 20. At the foot of the page,</p> <p>5 under the heading "editorial oversight":</p> <p>6 "At the point of commissioning independent and</p> <p>7 in-house productions alike, the commissioning executive</p> <p>8 concerned should decide whether the programme carries</p> <p>9 sufficient editorial or reputational risk to go on the</p> <p>10 Managed Risk Programme List. Inclusion on it should</p> <p>11 mean that the programme effectively carries a 'handle</p> <p>12 with care notice, not so that BBC staff tread softly,</p> <p>13 but to ensure that through all editorial, promotional or</p> <p>14 commercial activities staff are aware of the possible</p> <p>15 risks attached to that programme and act accordingly.</p> <p>16 This list should be more actively managed in the</p> <p>17 divisions."</p> <p>18 Two questions. First of all, I think you agreed</p> <p>19 last time, but if you didn't please correct me, that</p> <p>20 inclusion on the Managed Programmes Risk List for</p> <p>21 whichever risks are appropriate, whatever that might be,</p> <p>22 does mean that once something is on the list, it is</p> <p>23 effectively carrying a handle with care notice; is that</p> <p>24 fair summary?</p> <p>25 A. Correct.</p> <p style="text-align: center;">Page 3</p>
<p>1 A. This was the trailer of the Queen walking in, or rather</p> <p>2 walking out.</p> <p>3 Q. Exactly.</p> <p>4 A. Yes.</p> <p>5 Q. A report was produced. If you turn, please, to page 7,</p> <p>6 this report said that:</p> <p>7 "The BBC has a Managed Programmes Risk List..."</p> <p>8 That should, of course, be Managed Risk Programme</p> <p>9 List:</p> <p>10 "... that is monitored at senior editorial meetings</p> <p>11 in the BBC. This list is mainly to track programmes</p> <p>12 that have identifiable editorial dangers such as uncover</p> <p>13 filming, possible defamation or issues of taste."</p> <p>14 Pausing there, I think that concurs with the</p> <p>15 understanding you gave us last time of the MRPL, does</p> <p>16 it?</p> <p>17 A. It does.</p> <p>18 Q. Then look at the next sentence:</p> <p>19 "However it is also intended to cover reputational</p> <p>20 risk to the BBC. Had this series been on the list, it</p> <p>21 is possible extra questions might have been asked about</p> <p>22 its progress and editorial oversight."</p> <p>23 I think you told us last time that your</p> <p>24 understanding of the MRPL was it would not extend to</p> <p>25 programmes or pieces where the risk was a reputational</p> <p style="text-align: center;">Page 2</p>	<p>1 Q. This document led to, as we understand it, this analysis</p> <p>2 by the BBC Trust, which you see is published in May</p> <p>3 2008. The programme about the Queen, I think, was shown</p> <p>4 in 2007, I think. But anyway, this document I have just</p> <p>5 shown you led to this one. If you can turn in that one,</p> <p>6 please, to page number 12 -- let me just put this in</p> <p>7 context for you. If you go to page 3 under the heading</p> <p>8 "introduction", first of all:</p> <p>9 "On 18 July 2007, following the evidence of a number</p> <p>10 of serious breaches of editorial standards on BBC</p> <p>11 programmes which had come to light in the preceding</p> <p>12 months, the Director General of the BBC [that was</p> <p>13 Mr Thompson obviously] announced a series of new</p> <p>14 measures in response to demands for action from the</p> <p>15 Trust. Among these was the commissioning of an</p> <p>16 independent enquiry into the incident involving</p> <p>17 a misleading launch trailer of the documentary series</p> <p>18 about the Queen made by an independent company. The BBC</p> <p>19 adopted the recommendations of the enquiry conducted by</p> <p>20 Will Wyatt in full."</p> <p>21 And that is the document I have just shown you; that</p> <p>22 was Mr Wyatt's document. Then:</p> <p>23 "The Trust has commissioned this independent</p> <p>24 progress review of the implementation of the new</p> <p>25 measures known as the action plan and the implementation</p> <p style="text-align: center;">Page 4</p>

1 (Pages 1 to 4)

<p>1 of the Wyatt recommendations."                  2 Then if you turn to that context, you will see this                  3 document is produced by Mr Neil, Ms Simon and Mr Sutor.                  4 You see that from page 4. It is sometimes referred to                  5 as the Neil Report.                  6 A. Ron Neil is the man who wrote the Neil report after                  7 Hutton.                  8 Q. Which I think you and one or two other people have                  9 referred us to as well. So it is the same Mr Neil?                  10 A. It is.                  11 Q. If you go to page 12, under the heading "Managed Risk                  12 Programme List":                  13 "The BBC system for the MRPL is in the process of                  14 being overhauled and is to become a more actively                  15 managed tool."                  16 Pausing there, do you have any recollection of the                  17 MRPL being overhauled as a result of this report?                  18 A. I am afraid I don't, no.                  19 Q. "It is now viewed as a standing item for the Editorial                  20 Standards Board."                  21 And I think I showed you last time an example of the                  22 highest level of the MRPL list that went to the                  23 Editorial Standards Board, do you remember?                  24 A. Yes.                  25 Q. "Rather than a Journalism board to emphasise the fact                  Page 5</p>	<p>1 throughout the project."                  2 I am afraid I don't know, Mr Mitchell, you might                  3 know, who is the "she" who was the head of editorial                  4 standards in 2008?                  5 A. I am afraid I don't know.                  6 Q. That would be Mr Jordan's predecessor, would it, or?                  7 A. I don't recognise the title, I think the problems that                  8 this was addressing happened in Vision.                  9 Q. This is under Vision, that is quite right.                  10 A. And there may be a role within the Vision area which is                  11 the head of editorial standards who regards herself as                  12 a trouble-shooting resource.                  13 Q. I see. I see. Right.                  14 Then the third document, which I think is more                  15 recent, you might well not be familiar with this third                  16 document, which is a BBC commissioning document and it                  17 is a guide for independent production companies. So it                  18 is not your neck of the woods, I entirely accept that.                  19 If you go to page 11 of 11 at the back, you will see                  20 that it is dated copyright BBC 2012. Do you see at the                  21 very end?                  22 A. Um-hm.                  23 Q. Okay? At the very bottom. So this is a pretty up to                  24 date document. If you go to page 5 of 11, Managed Risk                  25 Programme List, this is in the context of Vision                  Page 7</p>
<p>1 that it is relevant to all parts of the BBC. Programmes                  2 on the MRPL are flagged up for special attention                  3 throughout their production life including any                  4 promotional activity."                  5 Then this:                  6 "Reputational risk to the BBC has been promoted much                  7 higher up the agenda".                  8 I think it must follow, mustn't it, from your                  9 evidence, that if that did happen, that reputational                  10 risk was being promoted much higher up the agenda, if                  11 that was happening somewhere in the BBC, it didn't come                  12 to your attention?                  13 A. I think -- and I don't -- honestly I don't quite                  14 understand what that sentence means. But I would go                  15 back to my previous answer that no, I'm not aware of                  16 this document, so it probably wasn't brought to my                  17 attention, no.                  18 Q. Right. Then if you look at the next heading "Vision",                  19 just below, there are some bullet points. I want you to                  20 look, please, at the third bullet point at the top of                  21 page 13:                  22 "The head of editorial standards tells us that in                  23 the future when programmes are put on the MRPL, she will                  24 have a one-to-one relationship with the named executive                  25 producer to ensure risk management in mitigation                  Page 6</p>	<p>1 because, of course, it is concerned with Vision having                  2 independent production commissioning.                  3 A. Yes.                  4 Q. "BBC Vision maintains a Managed Risk Programme List.                  5 You will know that your programme has been put on the                  6 list either because this will be specified in your                  7 commissioning specification or because your                  8 commissioning executive will have informed you. The                  9 Managed Risk Programme List operates as an early warning                  10 system to highlight programmes with specific editorial                  11 risks, intrinsic or reputational risks rather than                  12 regular concerns around health and safety, competitions,                  13 voting or awards which are managed through different                  14 procedures."                  15 Does that accord with your understanding of the                  16 purpose of the list, that sentence?                  17 A. Sorry, would you --                  18 Q. Do you see on page 5?                  19 A. Yes.                  20 Q. I just read the sentence bang in the middle of page,                  21 beginning "the Managed Risk Programme List operates                  22 ..."?                  23 A. Yes.                  24 Q. I'm just asking if that accords with your understanding                  25 of the purpose of the list?                  Page 8</p>

2 (Pages 5 to 8)

<p>1 A. I'm clear what the purpose of the list is from my 2 perspective, which is the one I described to you last 3 time. It does not involve highlighting risks to the 4 reputation of the BBC. 5 Q. You see there is a heading then, "Intrinsic risks", just 6 below that? 7 A. Yes. 8 Q. You see what that says. Then there is a heading 9 "Reputational risk": 10 "This would be any programme which although not 11 ostensibly about a difficult topic could damage the 12 reputation of the BBC, not intrinsically risky but still 13 a programme which could attract a lot of press or public 14 attention." 15 So the author of this document appears to have 16 a very different understanding of the nature of the 17 risks that are included in the list compared with your 18 position. 19 A. It would seem so. Yes, as I say, I haven't seen these 20 documents. This is a commissioning document from 21 Vision. 22 Q. I appreciate that. 23 A. These follow from a mistake, problem in Vision. That's 24 why I hadn't seen them before. So my understanding of 25 what the list is for is the one I gave to you last time.</p> <p style="text-align: center;">Page 9</p>	<p>1 with journalism in mind, and obviously at some point was 2 extended to be BBC wide following these problems in 3 other to parts of the BBC. I'm assuming therefore that 4 my understanding, knowledge of what that list is for, 5 predates this elevation to another board and predates 6 what Vision were doing in terms of using it as a device 7 to highlight reputational risk. 8 I'm trying to answer your question: did any ever 9 explain what this risk was for? I imagine if, when this 10 list was first introduced as part of BBC Journalism, not 11 affecting radio or television TV, that at that point we 12 had a discussion – although I am afraid I can't 13 remember, it would have obviously predated 2008 – and 14 at that point we would have had a discussion, I assume, 15 or there would have been a trickle down of what this 16 list is for. 17 I'm absolutely clear in my mind that it was for the 18 reasons, it was there for the purposes that I described 19 to you, which are the risks of – legal risks, risks of 20 taste and so forth. 21 I'm not resiling from the need to flag up issues of 22 reputational risk to the BBC. I'm merely saying that my 23 understanding of what this list is for was narrower than 24 this. And the reason that I spoke to Helen about 25 whether she might not need to talk to George Entwistle</p> <p style="text-align: center;">Page 11</p>
<p>1 MR POLLARD: Did you or have you seen like a definition of 2 the MRPL which either doesn't include reputational 3 damage or excludes it, or have you just assumed it 4 that -- 5 A. I probably did see a definition of the list, or 6 I probably had the list explained to me when, if you 7 read – I can't remember which of these documents it 8 was, where it spoke about it now being a corporate list 9 for the Editorial Standards Board? You remember that? 10 You read it out to me. 11 Q. One of these I have just shown you? 12 A. It describes the fact that it is now going to go to 13 the Editorial Standards Board -- 14 Q. 13 of this one? 12 and 13, yes? 15 A. Okay. 16 Q. Second bullet point of 12. 17 A. There you are: 18 "It is now reviewed as a standing item at the 19 Editorial Standards Board rather than the Journalism 20 board." 21 I think that is an indication that this list 22 originated within another BBC structure, BBC Journalism, 23 which was headed up by a man called Mark Byford, the 24 deputy Director General overseeing all Journalism. 25 I think the managed list came from the journalism board</p> <p style="text-align: center;">Page 10</p>	<p>1 about the Savile film was me pursuing the management 2 line even though, you know, editorially it wasn't ready 3 from my point of view to be on the managed programme 4 list. 5 MR POLLARD: So this specific action point, as it were, of 6 promoting reputational risk higher up the agenda, which 7 presumably means it was on the agenda to be promoted 8 higher up, that never reached you. 9 A. I have no recollection or I would not have told you what 10 I told you last time. My clear understanding of this 11 list is that it is to manage editorial risks 12 effectively. 13 MR POLLARD: Although a sort of thumb through the list that 14 we've had a look at shows that there were things flagged 15 as having reputational risk on it. 16 A. I can only tell you what happens in News, and the reason 17 that we put – well, you have spoken to other people in 18 News. 19 MR POLLARD: Yes. 20 A. That is my understanding. If someone, you know, is -- 21 I mean, the key person in this, surely, is David Jordan, 22 who owns the Managed Risk Programme List. He would 23 probably be able to help you more as to what the 24 overview was when the purpose of the list was 25 communicated and so forth. My clear understanding is we</p> <p style="text-align: center;">Page 12</p>

3 (Pages 9 to 12)

<p>1 use this at the programme level, the departmental level,                  2 I can get an overview of where our risky journalism is                  3 being followed through, and that goes to the editorial                  4 board of the News board, and then goes to the Editorial                  5 Standards Board. And my clear understanding of that                  6 process is it is an editorial process. When there's                  7 a reputational issue, as indeed there may well have been                  8 with Saville, I go and I have a conversation with Helen,                  9 and Helen, I understand, has a conversation with                  10 George Entwistle. That's a separate process.                  11 Relying on this list, you have seen it yourself,                  12 Nick, this is a big list with a lot of entries on it and                  13 their entries are quite brief. So the original                  14 Newsnight entry, I think, spoke about legal risk and                  15 risks of taste. It is a two-word entry. It is not --                  16 in my view anyway, it is not an effective management                  17 tool that, you know, if it is on that list then suddenly                  18 the whole of the BBC is alerted to it. It's a process                  19 by which editorial risks are flagged up for various                  20 people at various levels.                  21 MR MACLEAN: Let me put to you a question which I put to                  22 Helen Boaden I think the day after. Last time we saw                  23 you, we had not seen a whole range of people. One of                  24 the people we had not seen last time was Helen Boaden                  25 because we saw her the following day.</p> <p style="text-align: center;">Page 13</p>	<p>1 MR POLLARD: As far as you understood it, at that time. But                  2 you are saying that is not the reason that you took it                  3 off the list. If I'm understanding you right, the                  4 reason, the principal reason that you took it off the                  5 risk is because after a conversation with Peter Rippon,                  6 you formed the view that actually the story just wasn't                  7 ready to run. They didn't have enough material?                  8 A. I think Peter was ambivalent about whether it was going                  9 to be strong enough. I can't -- as I say, I can't swear                  10 to the dates of these conversations, but I think he had                  11 doubts about the original testimony and he was                  12 interested in pursuing the police/CPS issue. My                  13 recollection is, therefore, that it wasn't yet ready.                  14 MR MACLEAN: You told us last time, I think -- we can show                  15 you the transcript if necessary -- you had the meeting                  16 with Sara Beck weekly?                  17 A. Yes.                  18 Q. And I think we pinned down last time that on a Monday,                  19 I think you said --                  20 A. We do normally meet on a Monday.                  21 Q. And the relevant Monday here was in all probability                  22 21 November.                  23 A. We tried to get to which date that would have been, yes.                  24 Q. And you will remember that that was the day before the                  25 email from Liz Gibbons to Sara Beck saying "I know Peter</p> <p style="text-align: center;">Page 15</p>
<p>1 A. Okay.                  2 Q. I said to her -- let me ask you the same question: one                  3 might think that if ever there was a piece which needed                  4 to be -- that Vision ought to have known about, it would                  5 be a piece of accusing somebody of being a paedophile                  6 file when that person was a BBC star and, in                  7 circumstances where, as it happened, the programme had                  8 by that stage gathered information that some of the                  9 abuse had taken place at the BBC. So this would be --                  10 one might have thought this would be a paradigm story to                  11 be on the Managed Risk Programme List."                  12 What would your answer to that question be, that the                  13 Newsnight Saville piece would be a paradigm story to be                  14 on the MRPL?                  15 A. Well, the reason it wasn't on was that we hadn't got --                  16 Peter hadn't got enough evidence in his head for him to                  17 be confident that we were going to go ahead with it. It                  18 was about timing. And it was about editorial risk. And                  19 we would have put it on had it been going forward, and                  20 we didn't put it on.                  21 MR POLLARD: Sorry, I'm not quite grasping this. I do                  22 understand the point you just made about your view is                  23 this, the MRPL, isn't designed in News term for                  24 reputational risk; correct?                  25 A. As far as I understand it, Nick --</p> <p style="text-align: center;">Page 14</p>	<p>1 and Steve talked about the Vision issues", with                  2 a capital V and small i, in A2, page 276? You                  3 remember --                  4 A. I vaguely remember that.                  5 Q. Let me show you. A2/276 --                  6 A. It is okay, I can remember the spirit of it, unless you                  7 want me to go over the wording again.                  8 Q. It looks, therefore, as though you had had a discussion                  9 with Mr Rippon on either the Tuesday morning, the 22nd,                  10 or more likely on Monday 21st, around about then?                  11 A. I --                  12 Q. It would appear, yes?                  13 A. Well, I mean, I --                  14 Q. We can see, can't we -- the best evidence is probably                  15 A2/276 -- that on 21 November at 14.37, Liz Gibbons is                  16 sending the list, copying it to Peter Rippon. And                  17 Jimmy Saville is still on it.                  18 A. Yes.                  19 Q. And then at 9.41 the following morning, Sara Beck                  20 sending it back, "Just so you know, have taken                  21 Jimmy Saville off for now," and that was presumably                  22 pursuant to your discussion with her on the Monday,                  23 because it was your decision, "and will put back on when                  24 it is imminent. The document goes quite far in Vision                  25 et cetera and we thought it might be best to keep off</p> <p style="text-align: center;">Page 16</p>

4 (Pages 13 to 16)

<p>1 just for now."                  2 And you were one of "we"?                  3 A. I imagine so, reading the email, yes.                  4 Q. So when you look at those two emails, somewhere between                  5 2.30 on the Monday afternoon and 9.40 on the Tuesday                  6 morning, it would appear that you have had a discussion                  7 with Sara Beck which leads to the decision to take the                  8 piece off the list, and then looking at the top email,                  9 you had had a discussion with Peter Rippon about the                  10 Vision issues and one might infer, might one, that that                  11 discussion with Peter Rippon had preceded the decision                  12 to take the piece off the list?                  13 A. There would have been discussions with Peter in order                  14 for me to be informed in order to take the thing --                  15 Q. Exactly. So the likelihood is, isn't it, that the                  16 discussion with Peter Rippon took place at some point on                  17 the Monday. There would be a discussion with Sara Beck                  18 at some point on the Monday, which led to the decision                  19 to take the Newsnight piece off the MRPL, as reflected                  20 by this email on the Tuesday?                  21 A. You can draw that conclusion. I genuinely can't                  22 remember the time or the day of the conversations that                  23 I had with Peter Rippon.                  24 Q. If we go back to my question about paradigm, I want to                  25 make sure, like Nick, I have a firm grasp of precisely                  Page 17</p>	<p>1 read you one of the things he said, again this is after                  2 you came last time:                  3 "I think it is important to understand what the                  4 Managed Risk Programme List is and what it isn't. The                  5 Managed Risk Programme List cannot, for example, cope                  6 with live programmes."                  7 That is obviously right, isn't it?                  8 A. It is.                  9 Q. "So live programme risk is dealt with by the editorial                  10 policy."                  11 A. Sorry, as this is on the record, some live programmes do                  12 go on the list, in that there is a project which is                  13 going to be a live transmission and it has considerable                  14 risk to it, so you would put it on. So, for instance,                  15 last week, I believe, Five Live were doing an outside                  16 broadcast at an animal research centre where there were                  17 obviously significant safety risks.                  18 Q. Right.                  19 A. And that would have gone on because it had been planned                  20 for several -- that could possibly have gone on because                  21 it had been planned for, you know, several weeks or                  22 months.                  23 Q. All right. So he said:                  24 "Live programme risk is dealt with by the editorial                  25 policy advice that exists for live programmes, and which                  Page 19</p>
<p>1 what your evidence is.                  2 Are you saying that the Newsnight piece would be                  3 a paradigm story for the MRPL, provided it was                  4 definitely going to happen? Is that it? Or have                  5 I still not got it?                  6 A. It was flagged up as having legal and taste issues, and                  7 the programme felt that was sufficient for it to be on                  8 the list, and therefore it would have been on the list                  9 had it been -- had the editor been more confident in it                  10 going ahead, yes.                  11 Q. So what you are saying is that, is this right, the piece                  12 came off the list because in the discussion you had with                  13 Peter Rippon, he didn't evidence sufficient confidence                  14 in the piece running?                  15 A. I don't want to -- I know you need certainty, and I'm                  16 sorry my memory isn't what it should be to conversations                  17 I had a year ago. What I think I said to you last time                  18 was there are normally two reasons to take something off                  19 that list. One it has already been transmitted and,                  20 two, it's not yet ready to go ahead. And I, obviously,                  21 the latter would seem to me the obvious reason not to                  22 put it on that list, not to leave it on that list, for                  23 now.                  24 Q. One of the limitations of the list, as Mr Jordan                  25 pointed -- Mr Jordan explained to us that -- let me just                  Page 18</p>	<p>1 sits on our website under our guidance, and it also                  2 cannot deal with fast turnaround News stories."                  3 That is right, isn't it?                  4 A. It can be -- it is --                  5 Q. It is inapt?                  6 A. Far be it from me to question David Jordan, but if you                  7 define the list as the corporate list, which is a hard                  8 paper list which has gone through all these levels, then                  9 of course it can't cope with fast turnaround because                  10 I think that board that David chairs only meets once                  11 a month or something.                  12 Q. Right.                  13 A. But in terms of the programme department list or any                  14 other department list, then, you know, fast turnaround                  15 things do sometimes come on to the list and go off the                  16 list.                  17 Q. He then says:                  18 "Anything that is a fast turnaround News story would                  19 not be part of it because clearly it wouldn't have time                  20 to get into the system, which is only compiled once                  21 a month by my office on the basis of material that is                  22 fed up to it by each of the output divisions."                  23 That is obviously right?                  24 A. Yes.                  25 Q. From his perspective. But wasn't the effect of you                  Page 20</p>

5 (Pages 17 to 20)

<p>1 taking the story off the MRPL with a view to putting it 2 on much closer to transmission, if it ever reached that 3 stage, in effect to convert what was a story with a long 4 lead time, which could have been on this list for 5 a period of time, into something that would give 6 consumers of the list a very short period of time to 7 react to it?</p> <p>8 A. But the reason for my decision was that those consumers 9 of the list would have been seeing something that 10 wasn't -- that was just annotated there, but wasn't yet 11 ready. The editor wasn't yet ready.</p> <p>12 MR POLLARD: But there were, I think in total either 10 or 13 11 other items on the list from Newsnight and very few 14 of them were ready for transmission. They were projects 15 in progress where research was underway and some of 16 them, I think, were a lot less nearer completion than 17 the Savile story.</p> <p>18 A. I think they were probably more ready in Peter's mind. 19 He was more confident of them. So one of -- I haven't 20 got that list in front of me, but one of the items, for 21 instance, is an undercover trip to Burma.</p> <p>22 MR POLLARD: Yes.</p> <p>23 A. Peter knew we were going to do this at some stage. It 24 was, of course, not yet -- we weren't quite sure when 25 and how and so forth, so that -- that is my</p> <p style="text-align: center;">Page 21</p>	<p>1 *Tottenham spying allocations. Possible 2 investigation into allegations that Tottenham Hotspur 3 splied on West Ham to get info on Olympic stadium bid." 4 Transmission date to be confirmed. Next one: 5 "Internet tracking. Possible collaboration with 6 Bureau of Investigative Journalism [about whom we have 7 heard a bit more lately] on company selling technology 8 to oppressive regimes to monitor dissidents." 9 Again, transmission date to be confirmed. So at 10 least half of these Newsnight stories are described as 11 no more than possibilities, aren't they?</p> <p>12 A. I think the possibility is around the date of 13 transmission, not about the editor's confidence in the 14 work that was going on there.</p> <p>15 Q. Why do you say that?</p> <p>16 A. Well, I mean, I can't -- I don't know the detail of each 17 of these projects, but it seems to me that Peter was 18 having doubts about the Savile project, about which way 19 it was going and how much time it would take him to 20 pursue, which he wasn't having about the tax avoidance 21 high-profile publicly -- sorry, that's not -- the 22 phone-hacking story, which is a story that Newsnight had 23 been -- they had already done a film on phone-hacking. 24 They had a particular angle in mind, and they were 25 pursuing it.</p> <p style="text-align: center;">Page 23</p>
<p>1 recollection, the difference between the Savile project 2 and other projects.</p> <p>3 MR MACLEAN: Let me show you bundle 4, at page 29,010. Are 4 you looking at a bit of the list? A4/029,010. I think 5 we looked at this last time. It is part of the MRPL 6 when it gets to Mr Jordan's level.</p> <p>7 If you go to page 009, the page before, that's the 8 start of a BBC2 entries; do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Bottom of 009 is BBC2, News and current affairs. So if 11 we go over the page, then, to look at Newsnight stories: 12 "Newsnight Burma" is described as: 13 "Possible undercover trip to Burma with Sue Lloyd 14 Roberts currently on hold." 15 And the channel transmission date or slot is TBC, 16 isn't it, "to be confirmed"?</p> <p>17 A. Um-hm.</p> <p>18 Q. In other words, it didn't exist; there wasn't one, 19 right?</p> <p>20 A. There wasn't, no.</p> <p>21 Q. If we look at some of these other Newsnight stories: 22 "Newsnight [second one] phone-hacking. Possible 23 update on phone-hacking story, transmission date TBC."</p> <p>24 A. Um-hm.</p> <p>25 Q. Next one, but one:</p> <p style="text-align: center;">Page 22</p>	<p>1 Now, it is still possible that for legal reasons it 2 would not have gone ahead, but Peter, I think, had more 3 serious doubts about the Savile project and wasn't quite 4 sure which direction it was going to go.</p> <p>5 Q. Do you think that your decision to take the Savile story 6 off the MRPL was a mistaken one?</p> <p>7 A. Um, no, I don't. Because with the information I had, it 8 wasn't a project that was hard enough and going strong 9 enough in the editor's mind to be put on the list.</p> <p>10 Q. You remember that the Newsnight story got a bit of 11 a boost, didn't it, on 25 November when the information 12 came through confirming that there had been a police 13 investigation. Do you remember that? We talked about 14 that last time.</p> <p>15 A. Yes.</p> <p>16 Q. I can show you the email if you want. Do you remember, 17 25 November?</p> <p>18 A. I don't remember the date, but I do remember the boost, 19 yes.</p> <p>20 Q. Which led to Mr Rippon's email of 25 November, which, 21 for the record, is bundle A3/12: 22 "Excellent, we can then pull together the 23 transmission plan." 24 Remember? A3/12, 25 November. He's responding to 25 the email the page before, which you can see further</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 down page 12 as well, from Mr Jones to Mr Rippon saying                  2 they had got confirmation that there had been a police                  3 investigation. They didn't know why it had been                  4 dropped, yet, but they knew that there was a police                  5 investigation, so that was an important step forward,                  6 and Rippon says:                  7 "Excellent, we then pull together the transmission                  8 plan."                  9 So why didn't you put the Newsnight story back on to                  10 the list at your next meeting with Sara Beck, which was                  11 presumably on 28 November?                  12 A. Well, this -- I mean, I wasn't aware of a transmission                  13 plan. I mean, I didn't see the draft script. The                  14 programme knew that it was no longer on the list.                  15 I think probably --                  16 Q. Yes, from A2/276, that is right.                  17 A. And if Peter wanted it to be back on the list for                  18 Liz Gibbons in the Newsnight case, I guess they could                  19 have come back and put it back on the list.                  20 MR POLLARD: Peter Rippon told us specifically that he                  21 didn't know that the story was being taken off the list.                  22 A. No.                  23 MR POLLARD: He said actually that the specific topic of                  24 taking the story off the list wasn't discussed at the                  25 meeting that you had with him. That that was something</p> <p style="text-align: center;">Page 25</p>	<p>1 If the editor isn't that confident about whether or not                  2 this project is going, there seems to be no point in                  3 putting it on a list that's going to go further,                  4 including to the level above.                  5 MR MACLEAN: And the concern about it going "quite far",                  6 that could be ameliorated, couldn't it, by using some                  7 sort of opacity or code in the inclusion in the list,                  8 couldn't it?                  9 A. Occasionally we do that for reasons of items not leaking                  10 out. So if there's a particularly sensitive piece of                  11 journalism, one we're -- well, I was working on with                  12 Panorama, which involves undercover army work in                  13 Northern Ireland a few years ago, we wouldn't put the                  14 specific topic in detail and named on that, I don't                  15 think, because of the risk to sources.                  16 Q. Yes, somebody else gave us an example, I think a current                  17 story of the tax affairs of some very prominent                  18 businessmen, Panorama working on it at the moment, as                  19 I understand it.                  20 A. Yes.                  21 Q. And that's another example of a piece which wouldn't be                  22 fully described on the list, but it would be described                  23 in sufficient detail so that somebody in, for example,                  24 Mr Jordan's position would know what the risk was and                  25 could get if a firm grip of it?</p> <p style="text-align: center;">Page 27</p>
<p>1 that you did afterwards. Is that right?                  2 A. I imagine so. The person who put the items on the list                  3 was his deputy, Liz Gibbons, so I think she was aware                  4 that it was no longer on the list and she --                  5 MR POLLARD: Yes.                  6 A. -- she was the normal point of contact, with Sara Beck,                  7 for putting items on to the list.                  8 MR POLLARD: The other issue that I struggle with in                  9 connection with this is that I think it is clear that                  10 your explanation for why you took it off the list was                  11 that the editor wasn't satisfied it would actually run.                  12 That's clear. But that seems to bear no relation to the                  13 only bit of documentary evidence we've got at the time,                  14 which is the email between Sara Beck and Liz Gibbons                  15 which actually sets out in a couple of emails, it would                  16 appear, the reason why it was taken off the list, which                  17 is:                  18 "Peter and Steve talked about the Vision issues and                  19 we thought it would be a good idea to keep it off                  20 because the list goes quite far -- in Vision et cetera."                  21 That wouldn't seem to have any bearing on the reason                  22 that you have given us.                  23 A. Well, except obviously the point about this list is it                  24 does go far and it raises, as you were describing                  25 earlier, people are interested in what's on the list.</p> <p style="text-align: center;">Page 26</p>	<p>1 A. And we would -- with the Savile story we may well, you                  2 know, have talked about -- I mean, there isn't very much                  3 detail in "Savile investigation".                  4 Q. Quite.                  5 A. That possibly would have been a way going forward, had                  6 Peter decided to press on with the project.                  7 Q. Did you and Peter Rippon have a discussion to the effect                  8 that there should be Chinese walls between whatever                  9 Vision was doing with Jimmy Savile, on the one hand, and                  10 what News was doing on the other? Do you remember such                  11 a discussion?                  12 A. I don't remember that. I do remember Peter -- I do seem                  13 to recall -- sorry, I think I recall telling Peter that                  14 he should not be worried about the wider BBC in terms of                  15 pursuing his journalism.                  16 Q. Yes, but this is a slightly different point. We were                  17 told by Liz Gibbons, as it happens, when I asked her                  18 what the Vision issues were from A2/276, the email that                  19 we have just looked at, she said this. I said:                  20 "I'm just asking you about what the Vision issues                  21 were."                  22 And she said:                  23 "So what I meant by that was that I -- that Peter                  24 had already suggested to me that the idea would be that                  25 there would be 'Chinese walls' between what we were</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 doing and what Vision were doing. So when she came back                  2 to me [this is Sara Beck] and said 'This is being taken                  3 off the MPRL because it goes quite high in Vision'                  4 I said 'Okay, that makes sense' because it corroborates                  5 what Peter had told me about his conversation with                  6 Steve.                  7 "Question: So the 'Chinese walls', that was                  8 an expression you think was used to you by Peter Rippon?                  9 "Answer: I believe so. It could be that it was --                  10 it was something I have -- it was certainly --                  11 I certainly had a sense that this would proceed as,                  12 certainly in terms of, you know, straightforward                  13 dealings that it would not be mentioned to --                  14 "Question: It wouldn't be mentioned?"                  15 And she said later on that:                  16 "As I explained before, the conversation that I'd                  17 had with Peter where he'd suggested that Steve and he                  18 had talked and that the view was that there should be                  19 Chinese walls between the two projects."                  20 A. I don't know what the Vision project -- first of all,                  21 I think you are asking me to understand what Liz is                  22 saying she understood from a conversation. All I can                  23 say -- let me just be clear. You know, I read what the                  24 chairman said in his speech last week about silos and,                  25 you know, baronies within the BBC. In News, we don't</p> <p style="text-align: center;">Page 29</p>	<p>1 a discussion with Mr Entwistle.                  2 "Answer: Yes. But I think Steve was just aware                  3 that actually it would be a kindness to George -- the                  4 irony of this has not escaped anybody of course -- he                  5 [that is you] felt it would be a kindness to George to                  6 tip him off early because he would have to change the                  7 schedule if the investigation went ahead as we thought                  8 it would. And he could start thinking about that                  9 earlier rather than later."                  10 Does that accord with your recollection about                  11 a kindness to George?                  12 A. It doesn't sound like me. I don't mean to be flippant.                  13 That doesn't sound like a phrase I would use, but I                  14 don't recall it.                  15 Q. So in your mind, having taken the Newsnight story off                  16 the list because it wasn't sufficiently ready for                  17 transmission, the substitute mechanism --                  18 A. It wasn't sufficiently ready in the editor's mind. He                  19 wasn't sure whether it was going to get transmission,                  20 yes. It's not just about the date.                  21 MR POLLARD: So the purpose of you mentioning the story to                  22 Helen wasn't so that she could pass it on to George                  23 and --                  24 A. It is. I'm aware of an investigation going on here                  25 which the editor has mentioned to me a couple of times</p> <p style="text-align: center;">Page 31</p>
<p>1 behave in that way, as a silo. We have to be distant                  2 from the rest of the BBC when we're doing journalism                  3 about the BBC. But the idea that we were in some way                  4 trying to keep this from Vision isn't borne out, surely,                  5 by the fact that I talked to Helen and she talked to                  6 George. And George was Head of Vision.                  7 Q. Well, I think last time you told us about your -- I'm                  8 going to come to Helen Boaden's recollection of her                  9 discussion with you. Well, let me do that now. What                  10 she said was that she had a conversation with you on                  11 23 November, which would be the Wednesday, I think.                  12 Just let me tell you precisely what she said. She said                  13 that you said to her that:                  14 "Steve told me -- my memory is that it was Steve who                  15 told me we need to alert George to the Savile                  16 investigation."                  17 I think that's consistent with your recollection; is                  18 that right?                  19 A. I think so.                  20 Q. Then a little bit later on I said:                  21 "When Steve Mitchell told you about the need to                  22 inform Mr Entwistle, wasn't that rather the point of the                  23 Managed Risk List; that Vision would have known what                  24 News was up to via that mechanism?"                  25 In other words, there wouldn't be a need for</p> <p style="text-align: center;">Page 30</p>	<p>1 and he's not that convinced, as we discussed last time.                  2 I think it's a management role, not a kindness, to tell,                  3 you know, to tell George that we are looking at this                  4 story, and it's partly to do with the Christmas                  5 schedules, but I'm not, you know, I'm not cognisant of                  6 the detail of what the Christmas schedules involved.                  7 I think I mentioned that to you last time. I think                  8 Peter has said maybe there are tribute programmes or                  9 something.                  10 MR POLLARD: You draw a distinction between the story being                  11 likely enough to make it worthwhile tipping                  12 George Entwistle off, but not likely enough to be worth                  13 putting on the MRPL.                  14 A. I think so. Because at some point -- I'm assuming at                  15 some point Peter, Newsnight, are going to make this                  16 story work one way or the other. They are looking at                  17 different options and, therefore, it seems to me                  18 sensible to do that as early as possible. But this                  19 conversation with Helen, Helen's conversation with                  20 George, are towards the end of November, beginning of                  21 December. As far as I'm aware -- and as I say, I don't                  22 understand the -- I don't have the detail of the                  23 schedule in my head -- we're talking about a Christmas                  24 schedule literally towards the end of December.                  25 So at this stage I imagine I was thinking this is</p> <p style="text-align: center;">Page 32</p>



<p>1 not going anywhere at this stage, but it is quite                  2 possible Newsnight will come back to me and say, "Okay,                  3 we've got the police angle, or we've got something else,                  4 and we're going to work with it", and that's the                  5 conversation I'm having with Helen and Helen is having                  6 with George, that this work is going on.                  7 MR MACLEAN: If there had been confirmation from the CPS                  8 that they had dropped the investigation because Savile                  9 was old and infirm, which is what Liz Gibbons was                  10 suggesting, and what Peter Rippon, in particular, became                  11 interested in -- you remember the discussion we had last                  12 time about the "key point" and so on.                  13 A. Um-hm.                  14 Q. If that had come about -- we know it didn't -- the                  15 overwhelming likelihood is that the Newsnight piece                  16 would have run on 7 December, isn't it?                  17 A. Well, it's a hypothetical. I don't -- you have to --                  18 I didn't, at that time, have the detail that I have now,                  19 looking back, as to possible transmission dates and all                  20 of that.                  21 Q. But if we just test your hypothesis or your view about                  22 how this system works --                  23 A. It is my recollection, chaps -- I do want to help here                  24 but I don't quite understand what it is you are trying                  25 to get me to recall a year ago.                  Page 33</p>	<p>1 A. Then it gets to the monthly occasion when it goes to the                  2 News board and to the Editorial Standards Board.                  3 Q. You see, it might be thought that at the very least one                  4 important potential way in which Vision would have been                  5 less likely to commit the error, if it was an error, of                  6 running tributes to Jimmy Savile, one way in which it                  7 would have been less likely to do that would have been                  8 if you hadn't taken Newsnight's piece off the list.                  9 Because then it would have got to Mr Jordan in good                  10 time, and he might have been able to do something                  11 about it.                  12 A. David Jordan doesn't run the schedules. He's looking at                  13 the editorial risk that I described.                  14 Q. Well, as it happens, because of a decision you took,                  15 David Jordan never saw the Newsnight story on the                  16 Managed Risk Programme List, did he?                  17 A. He did not, no.                  18 Q. So whatever he might have done, if it had been on, he                  19 wasn't able to do because he didn't know it was there?                  20 A. David Jordan did not know it was on the programmes                  21 department list, and it never went any further than the                  22 programmes department list.                  23 Q. Do you remember having three conversations with                  24 Helen Boaden from, as it were, the beginning to end of                  25 this Newsnight story in November and December last year?                  Page 35</p>
<p>1 Q. I'm not trying to get you to recall anything,                  2 Mr Mitchell. I'm just trying to test your understanding                  3 of how this works. One way of testing it is to say,                  4 "All right, let's assume that the story had stood up in                  5 the way that Mr Rippon was looking for".                  6 A. Yes.                  7 Q. Let's assume, contrary to the facts, that the CPS                  8 produced a letter saying, "We didn't pursue the Savile                  9 story because he was too old and too infirm." If they                  10 had done that, the overwhelming likelihood is that this                  11 story would have broadcast on 7 December, right?                  12 A. As I say, I don't know about the date.                  13 Q. Take that from me, that's the assumption.                  14 A. Okay.                  15 Q. It would follow from that, wouldn't it, that having                  16 taken this piece off the MRPL on Monday, 21 November,                  17 there were only two more Mondays for you to put it back                  18 on again before the transmission took place, weren't                  19 there?                  20 A. You can put things -- as I understand it, Liz can put                  21 things -- any editor or nominee can put things on to the                  22 Managed Programme List at any time.                  23 Q. Yes.                  24 A. So she could have put it forward at any time.                  25 Q. But it is never going to get --                  Page 34</p>	<p>1 A. Not in that sort of detail, no. I have talked to Helen                  2 quite a lot.                  3 Q. I think she told us she had three conversations. One on                  4 23 November, which we have referred to, the one about                  5 the kindness to -- what I think of as the kindness to                  6 George conversation. And then she recalled a second                  7 conversation on 5 December when you told her that                  8 Mr Rippon had, to use her words, "re-nosed the story".                  9 Do you remember that?                  10 A. Again, I may have talked to her about following the                  11 police angle. I'm not sure I would have used the phrase                  12 "re-nosed the story". Is that what are you referring                  13 to?                  14 Q. Yes.                  15 A. Or rather is that what Helen is referring to?                  16 Q. She used the expression, which was news to me, of                  17 "re-nosing" the story. The verb to "re-nose" was                  18 a Boadenism, if I can put it like that. Do you                  19 recognise that?                  20 A. I don't recognise it in any sense, but I understand what                  21 she's trying to convey.                  22 Q. I also said to her:                  23 "So your position would be that middle week ..."                  24 This is the second of the three meetings she                  25 remembered with you:                  Page 36</p>

9 (Pages 33 to 36)

<p>1 "... didn't give you any reason to think that the 2 story wasn't going to go ahead, it had just been 3 re-nosed?" 4 And she said: 5 "It had been re-nosed and Peter was slightly more 6 comfortable with it because it felt, I suspect, more 7 like a Newsnight to him." 8 In other words, she had the sense -- in fact, more 9 than the sense -- that at this middle meeting, you gave 10 her the impression that Mr Rippon was more comfortable, 11 rather than less, with the prospects of this story 12 running? 13 A. Well, if the re-nosing that she records was about the 14 police -- 15 Q. Yes. 16 A. -- CPS angle, then Peter was more comfortable with that 17 as a Newsnight story. 18 Q. Then she says that there was a third conversation in the 19 week of 12 December -- you going on holiday on 15 or 16, 20 I think it was -- where you told her the story had been 21 dropped because Mr Rippon could only get one woman on 22 tape. He thought she lacked credibility partly because 23 she was looking for a book deal and there were hearsay 24 problems with the other women, and essentially Mr Rippon 25 had concluded that the story couldn't be sustained? Page 37</p>	<p>1 it to be on that. 2 Setting that on one side, it seems to me that your 3 reason for taking it off the list comes down completely, 4 if I'm right, to the discussion that you had with 5 Peter Rippon on the 21st and it can only really have 6 been justified if he was pretty clear to you -- and 7 I think you are saying that he was pretty clear to 8 you -- the chances of him going ahead with this story 9 were slim. Is that right? Because it had been on the 10 list and to actively take it off, and leave the other 11 ten pretty speculative stories on there -- some less so 12 and some more so -- but to take it off, you would have 13 to be pretty clear, as a result of that conversation, 14 that the Newsnight editor thought, "This isn't going to 15 happen any time soon". Is that a fair summary? 16 A. I think "any time soon" would be a fair summary. 17 I don't now have the chronology in front of me as to 18 whether I had seen it on the list and left it on the 19 list and then on the following week taken it off the 20 list, but I can only think the reason that I would take 21 it off the list, unless somebody has suggested another 22 one, would be that, you know, he was not that confident 23 of it going ahead. 24 MR POLLARD: I think the difficulty I have with that is I 25 don't think we have any evidence that -- separately from Page 39</p>
<p>1 A. And I think by then the police -- 2 Q. Yes, on the 9th. 3 A. -- line had fallen down. 4 Q. Is that right, is that? 5 A. Again I wouldn't swear to the timing, but those sort of 6 dates would probably fit. 7 Q. So you don't dissent from the notion that there were 8 probably three specific occasions on which he discussed 9 this with Helen Boarden, the first being the one which 10 led to the discussion between her and Mr Entwistle, the 11 last one being the story had been dropped for various 12 reasons why Peter Rippon was not content to run it, and 13 the middle one being the re-nosing and Mr Rippon being 14 more comfortable if the key point stood up, which, in 15 the end, it didn't? 16 A. But it was -- a sequence like that would make sense, 17 yes. 18 MR POLLARD: If I could just bring it down to its very 19 basics in my own mind, I think it is fair to say that 20 the other relevant witnesses that we've talked to about 21 the MRPL, because it is clearly going to be an important 22 issue in what we report on, they all believe that on the 23 face of it the Savile story was an absolute prime 24 candidate to be on the list. And they believe that the 25 reputational issues involved would amplify the need for Page 38</p>	<p>1 what you say -- that was Peter Rippon's view at or about 2 the date that you and he had that conversation. 3 A. Well, he did have doubts about the story from the start 4 which I am sure he's told you about and I think 5 I mentioned. This was not -- as I say, this was not 6 a story we spent a lot of time discussing. We never got 7 to the point when we were going through the real 8 risks -- reputational, legal and so forth -- in detail 9 with a -- with, you know, somebody from the lawyers or 10 getting to a script. It was a series of conversations 11 that Peter and I were having about a range of subjects 12 and in those conversations he didn't -- you know, he was 13 not persuasive of me, to me, that this was any time now. 14 MR POLLARD: So he would be cooler towards that story than 15 any of the other ten or eleven on the list, because that 16 was the only one you took off the list? 17 A. The one I remember him most talking about was the issue 18 about the public employees being paid through service 19 companies and I do remember we had quite a detailed 20 conversation about that. This one did not -- it does 21 not stick in my mind. 22 MR MACLEAN: Can I just press you a little bit more about 23 the Vision issues and Liz Gibbons' recollection of the 24 Chinese walls term? 25 Now you got a little agitated with me the last time Page 40</p>

<p>1 I asked you this --</p> <p>2 A. In that case I apologise.</p> <p>3 Q. Her recollection is of a conversation she had with</p> <p>4 Peter Rippon in which she recalls Peter Rippon saying to</p> <p>5 her that you and Peter Rippon had had this discussion</p> <p>6 about Chinese walls. The suggestion being that News</p> <p>7 should pursue its agenda, ie the Newsnight/Jimmy Savile</p> <p>8 story, in isolation from whatever Vision was doing.</p> <p>9 That's what a Chinese wall gives rise to, yes?</p> <p>10 A. I agree.</p> <p>11 Q. Now I just want to understand what you are saying about</p> <p>12 this. Do you say that you did have a conversation,</p> <p>13 whether using the expression "Chinese walls" or not,</p> <p>14 with Peter Rippon to the effect that it was important</p> <p>15 that News did its thing and Vision did its thing without</p> <p>16 reference the one to the other?</p> <p>17 A. I don't recall having a conversation in those terms.</p> <p>18 What I do recall -- and I think it was in the note that</p> <p>19 Peter wrote about, you know, his recollection of these</p> <p>20 conversations -- was being clear to him that if this</p> <p>21 project were to go ahead and if it did have implications</p> <p>22 for the rest of the BBC, including Vision, that</p> <p>23 shouldn't sway him from taking his decision to press on</p> <p>24 with the story.</p> <p>25 Q. Right.</p> <p style="text-align: center;">Page 41</p>	<p>1 November.</p> <p>2 So I understand what you say about News getting on</p> <p>3 with its thing without regard to the rest of the BBC and</p> <p>4 without being pressured by the rest of the BBC but,</p> <p>5 having taken the story off the MRPL, the only mechanism</p> <p>6 which was allowed for in the way that you and</p> <p>7 Helen Boaden conducted things, for putting Vision in the</p> <p>8 picture if I can use that expression, was the Boaden</p> <p>9 conversation with Entwistle, wasn't it?</p> <p>10 A. The management conversation which goes from me to Helen</p> <p>11 to George and beyond if necessary, of course, that's --</p> <p>12 that's always an avenue that's open between News and the</p> <p>13 rest of the BBC.</p> <p>14 Q. So the mechanism -- I'm not suggesting you chose the</p> <p>15 particular awards lunch part of the mechanism -- but the</p> <p>16 mechanism which was settled upon by News, by you and</p> <p>17 Helen Boaden, to put Vision in the picture was a few</p> <p>18 seconds' conversation at a Christmas lunch to draw to</p> <p>19 the attention of the Director of Vision the fact that</p> <p>20 Newsnight was investigating whether one of these iconic</p> <p>21 BBC stars was in fact a particularly nasty paedophile?</p> <p>22 A. You have obviously talked to Helen about how she decided</p> <p>23 to talk to George and to Vision?</p> <p>24 Q. Yes, we did, of course.</p> <p>25 A. But I mean --</p> <p style="text-align: center;">Page 43</p>
<p>1 A. I don't think that's, you know, necessarily using the</p> <p>2 phrase "Chinese walls", but that's what I would</p> <p>3 understand about the role of News when it is covering</p> <p>4 stories which potentially impact on the reputation of</p> <p>5 the BBC.</p> <p>6 Q. Right, I understand that. That comes back to the</p> <p>7 question of whether it would be appropriate for Vision</p> <p>8 to lean on News and all that kind of stuff?</p> <p>9 A. Which is where most of the controversies sort of started</p> <p>10 off.</p> <p>11 Q. Well, it's where there has been a lot of controversy</p> <p>12 since, but --</p> <p>13 A. Yes.</p> <p>14 Q. -- on 21 November, that's what I'm trying to get at --</p> <p>15 A. No, no, I understand.</p> <p>16 Q. -- on 21 November nobody could foresee what happened --</p> <p>17 A. Indeed, not.</p> <p>18 Q. -- in the subsequent twelve months. So I want to press</p> <p>19 you on what was going on in the discussion between you</p> <p>20 and Peter Rippon on 21 November.</p> <p>21 Put yourself in Mr Entwistle's shoes, or in the</p> <p>22 shoes of somebody commissioning tributes in Vision. In</p> <p>23 fact the Jimmy Savile/Jim'll Fix It thing was</p> <p>24 commissioned and I think recorded, I think, on</p> <p>25 19 December. The wheels were in motion for that through</p> <p style="text-align: center;">Page 42</p>	<p>1 Q. I understand --</p> <p>2 A. -- you made a couple of assumptions in your question.</p> <p>3 One of them was, you know, you started by saying it's</p> <p>4 not my -- you know, I can't have a view about what Helen</p> <p>5 did, and then you say "but the only avenue was</p> <p>6 an 11 second conversation". Well, of course I can't</p> <p>7 answer for Helen's actions.</p> <p>8 Q. But to the extent that you may have suggested to her</p> <p>9 that she should have a quick word with George as</p> <p>10 a kindness to him, she might say "Well, that's what</p> <p>11 I did. I had a quick word with him at the awards</p> <p>12 lunch" --</p> <p>13 A. Sorry, is that a question or a comment?</p> <p>14 Q. Well, to the extent that what you were doing was telling</p> <p>15 her that she might want to have a word with</p> <p>16 Mr Entwistle, which was the burden of your conversation</p> <p>17 with Helen Boaden -- whether you said as a kindness or</p> <p>18 not doesn't matter -- but you drew this to</p> <p>19 Helen Boaden's attention, all right? Right so far?</p> <p>20 A. Yes.</p> <p>21 Q. In the expectation, is this right, that she would take</p> <p>22 some sort of information to Mr Entwistle; is that right?</p> <p>23 A. Yes.</p> <p>24 Q. You now know --</p> <p>25 A. Well, she would consider whether she wanted to take</p> <p style="text-align: center;">Page 44</p>

11 (Pages 41 to 44)

<p>1 information to Mr Entwistle. I don't think I -- you                  2 know, I work for Helen; I don't tell her "This is what                  3 you should do".                  4 Q. All right. Fair enough. You now know what she did do,                  5 which was to have this discussion at the awards lunch.                  6 A. Yes.                  7 Q. And so far as we are aware -- and I think so far as you                  8 are aware -- there was no other conversation: that's                  9 what she did, she had a discussion with Mr Entwistle at                  10 the awards lunch.                  11 Was that the sort of communication which you were                  12 expecting Helen Boaden to have with Mr Entwistle or did                  13 you -- do you think that was sufficient or insufficient?                  14 Or what did you think when you discovered that                  15 Helen Boaden had relayed this information to                  16 Mr Entwistle at the awards lunch?                  17 A. I don't -- I don't really think I sat in judgement over                  18 whether that was sufficient or insufficient.                  19 Q. So if I asked you to do that now, what would you say?                  20 Would you say that was fair enough --                  21 A. I don't think it is appropriate for me to comment on                  22 what she did. You surely should ask her.                  23 Q. We have asked her, Mr Mitchell, but you were the one who                  24 relayed the information to her because you thought it                  25 was sufficiently important for her to be aware of it,                  Page 45</p>	<p>1 Vision's Christmas schedule -- if there was -- then the                  2 sooner they find out about that the better, right?                  3 A. If there was a problem, the sooner the better. But it                  4 is not difficult to change a schedule.                  5 Q. No?                  6 A. It happens quite a lot.                  7 Q. Right. Now it may be time for a short break in just                  8 a moment, but just before we do that, Helen Boaden -- we                  9 asked Helen Boaden obviously about the discussion she                  10 had with Mr Entwistle at the lunch. I asked her what                  11 her assumption was, if you like, when she had                  12 the discussion with Mr Entwistle about whether the piece                  13 was likely to go ahead or not:                  14 "I certainly didn't -- I mean I absolutely didn't                  15 say to George I didn't think anything would come of it                  16 I said you will need to change your Christmas schedule                  17 if it goes ahead."                  18 And I then asked her whether it was her working                  19 assumption that it would go ahead. I said,                  20 "Implicit in that was the working assumption that                  21 Mr Entwistle should -- that was your as it were working                  22 assumption --"                  23 She said:                  24 "It was the only reason I had the conversation."                  25 So Ms Boaden's knowledge of the piece only came from                  Page 47</p>
<p>1 for her then to decide what to do with it. You now know                  2 what she did do with it. I'm asking you whether you                  3 have any observations on what she did. Whether it came                  4 as a surprise to you to discover what she did, or                  5 whether you have any other comment? Or you don't think                  6 anything about it?                  7 A. Well, I knew that she had had a conversation on that                  8 occasion. That's all I know. I don't remember                  9 discussing with her how long that went on. I just don't                  10 remember those -- you know, I don't remember, as it                  11 were, whether she told me how long it had lasted or any                  12 of the detail of what went on between the two of them.                  13 Q. On these Vision issues, did you have a concern that if                  14 the Newsnight piece did become more broadly known within                  15 Vision, that Vision would start to, as it were,                  16 interfere or try to wade in where it wasn't wanted?                  17 A. No. No, I don't remember ever having that sort of                  18 problem with -- with Vision or indeed with Audio and                  19 Music, which are the two other bits of the BBC we                  20 regularly do journalism about.                  21 Q. Yes. So was there any motivation to keep the                  22 information away from the channel controllers of BBC1 or                  23 BBC2?                  24 A. Not that I'm aware of, no.                  25 Q. You presumably accept that if there was a problem for                  Page 46</p>	<p>1 what you had told her she told us?                  2 A. I think she had a conversation with --                  3 Q. With Peter Rippon?                  4 A. -- Peter herself at some point earlier in the saga, yes.                  5 Q. You are quite right --                  6 A. But mainly she spoke to me about it.                  7 Q. I stand corrected. You are quite right, she had had                  8 a discussion with Peter Rippon on one evening.                  9 Do you remember we looked at a document on the                  10 second to last page of bundle 3? We looked at this very                  11 interesting page for a number of reasons. We looked at                  12 the email on 29 November last time. You remember                  13 I asked you quite a lot of questions about emails from                  14 Peter Rippon to you on 29 November?                  15 A. I do.                  16 Q. This was the last one that day at 19.30, when he said he                  17 would send a script to you this time tomorrow, and                  18 I think we discussed last time the fact that he never                  19 did that. And then your email on Saturday 3rd:                  20 "Not sure where you are with this."                  21 So you enquiring of Rippon what the state of play                  22 was:                  23 "Helen told George E about it yesterday, but said                  24 she didn't think anything would come of it."                  25 Now that is perhaps a slightly curious sentence to                  Page 48</p>

12 (Pages 45 to 48)

<p>1 follow on from the one before. Because you are asking                  2 Mr Rippon where he is with this, and yet go on to say                  3 that Helen told Mr Entwistle about it yesterday, but she                  4 didn't think anything would come of it. I think that's                  5 not quite -- not really at all -- what she told us.                  6 Can you help us any further with how you came to                  7 write that sentence?                  8 A. No, I haven't -- I think you showed this to me last                  9 time.                  10 Q. I did. I'm showing it to you again because we've had                  11 Ms Boaden since.                  12 A. And I don't recall -- I think I said to you then, but                  13 I certainly can say it now, I don't recall the                  14 conversation I had with Helen after the awards lunch.                  15 So I don't know what was in my mind when I sent Peter                  16 that -- sorry, I got diverted. I don't remember what                  17 was in my mind when I sent Peter the email reference                  18 to -- he didn't say. And I wasn't sure where we are                  19 with this because I hadn't heard from Peter.                  20 Q. From Peter, yes. What is the "it" in the second                  21 sentence, "Helen told George B about it yesterday"?                  22 The "it" must be the story there:                  23 "But said she didn't think anything would come of                  24 it."                  25 A. I genuinely don't recall sending the email.</p> <p style="text-align: center;">Page 49</p>	<p>1 in Peter Rippon's shoes and I have a conversation with                  2 you, as my line manager, and you say, "Look, it is                  3 really important you get on and do your journalism.                  4 Don't you worry what the corporate side of the BBC                  5 thinks or Vision thinks or anything, you just get on and                  6 do your job", I understand that. I don't understand how                  7 I'm protected, or how it facilitates my doing my job to                  8 take the Newsnight piece off the MRPL. That seems to me                  9 irrelevant to me doing my job, isn't it?                  10 A. I didn't take it off in order to protect Peter.                  11 Q. Right. But the purpose of things being on the list is                  12 so that one part of the BBC can see what another part of                  13 the BBC is doing?                  14 A. The purpose of the list is that people who are involved                  15 in assessing journalistic and editorial risk are aware                  16 of where those risks are. That is my view of it.                  17 I understand that you --                  18 MR SHAN: Can I just observe, I think we are talking at                  19 cross-purposes here. Stephen is saying that he didn't                  20 view that list as a mechanism to let other parts of the                  21 BBC know about reputational risk. You are proceeding on                  22 the basis that that is the reason for the list and that                  23 taking it off would have the consequences you said. So                  24 I just make that observation.                  25 Also, the purpose of the conversation with</p> <p style="text-align: center;">Page 51</p>
<p>1 MR SHAN: Can I just ask one clarificatory question about                  2 the questions you have been asking about Chinese walls                  3 and the list?                  4 Are you suggesting that Mr Mitchell took the entry                  5 off the list because he wanted to keep it from Vision?                  6 MR MACLEAN: Well, that's the burden of what Liz Gibbons                  7 says.                  8 MR SHAN: Right. Do you want to answer that, Stephen?                  9 A. I can only repeat that I don't -- we don't go around not                  10 telling Vision things because we're News and they are                  11 Vision. The only thing I'm keen on is that the editors                  12 or the programme makers are not influenced by concerns                  13 about the BBC any more than they would be influenced                  14 about concerns about another broadcaster, if they were                  15 doing a story about Sky, that's what I understand.                  16 There would be no purpose in trying to -- this list,                  17 I come back to the purpose of list, the list is not, in                  18 my view, used in this way to share risk to the BBC.                  19 I did share the possibility of a risk to the BBC by                  20 telling Helen, talking to Helen and she talking to                  21 George. So the two things -- I genuinely am puzzled by                  22 that I don't -- I have been in the BBC a very long                  23 time. It's not my way of working to regard the other                  24 parts of the BBC in some way as a threat or the enemy.                  25 MR MACLEAN: I don't understand, Mr Mitchell, how -- if I'm</p> <p style="text-align: center;">Page 50</p>	<p>1 Helen Boaden on the 23rd was for Helen to speak to                  2 George Entwistle --                  3 MR MACLEAN: That is not quite what Mr Mitchell said,                  4 actually, I think what he said was -- he can speak for                  5 himself in a second -- he had a conversation with                  6 Helen Boaden and what, if anything, she did with that                  7 information is a matter for her.                  8 MR SHAN: It is a matter for her. All I'm saying is that it                  9 is contradictory to an assertion that he took the entry                  10 off the list to keep it from Vision.                  11 A. I suggested -- I mentioned George's name. I didn't say                  12 to her, "Whatever you do, don't tell George Entwistle".                  13 On the contrary.                  14 MR MACLEAN: Having a conversation with Mr Entwistle would                  15 be one way, wouldn't it, of bringing to the attention,                  16 in some shape or form, of the Director of Vision that                  17 Newsnight was up to something. How much detail Helen                  18 went into is a different question, but it would prevent,                  19 wouldn't it, the information going quite far in Vision                  20 unless Mr Entwistle himself put it quite far in Vision.                  21 So it might be thought that having that conversation                  22 with Mr Entwistle was a way of putting only the Head of                  23 Vision in the picture, but keeping the information from                  24 the rest of Vision because of some concern about what                  25 Vision might do if it got that information.</p> <p style="text-align: center;">Page 52</p>

13 (Pages 49 to 52)

<p>1 A. I genuinely can't follow your logic. If that is what                  2 you say might be thought then by all means think it, but                  3 I can only say what I have said to you a number of times                  4 now: the Risk List is about editorial risk for those                  5 interested in editorial risks. And the conversations                  6 with Vision go on all the time about -- as a management                  7 channel of communication. The two are separate and                  8 different and I do not go around trying to keep                  9 information from the rest of the BBC.                  10 Q. So what's the explanation for the reference to the                  11 document going "quite far in Vision"? What does that                  12 have to do with it?                  13 A. Well, I didn't say that, did I?                  14 Q. From Sara Beck's email, she is informing Liz Gibbons                  15 that -- on the face of it, she's informing Liz Gibbons                  16 of the upshot of a conversation she'd had with you the                  17 day before which led you to make the decision to take                  18 the thing off the list.                  19 A. But that's because it -- at this stage, it is not strong                  20 enough as an editorial project to be an editorial risk                  21 that we need to put on that list that goes to the News                  22 board and then to the Editorial Standards Board.                  23 Q. Why is the observation that the document goes quite far                  24 in Vision, why is that remotely relevant then?                  25 A. Why are you asking me about something that someone else</p> <p style="text-align: center;">Page 53</p>	<p>1 have justified Savile going back on to the MRPL shortly                  2 before transmission?                  3 A. Well, first of all, I didn't -- I was not, at this                  4 stage, aware. It was not a progressed -- it had not                  5 progressed far enough as a project.                  6 Q. Let's assume it had.                  7 A. For me to be aware that Roger Law was happy or                  8 otherwise -- all I could see was that the programme team                  9 had entered it on to the list with a legal risk and with                  10 a risk of taste. I don't -- I don't write -- that's                  11 not -- not my authorship. The entry is put on by the                  12 programme. I take a look at that risk. I talk to Sara                  13 about the risks, but I don't recall being aware whether                  14 or not there was no longer a legal risk.                  15 Q. But you weren't, as it were, tied to the risk as                  16 identified by the programme passing it up. If you had                  17 spotted some other risk you would have said so and                  18 amended the list accordingly.                  19 A. I would have talked to Peter about risk.                  20 Q. Okay.                  21 MR POLLARD: Shall we have a pause?                  22 MR SPAFFORD: Ten minutes.                  23 MR POLLARD: Thank you.                  24 (3.43 pm)                  25 (A short break)</p> <p style="text-align: center;">Page 55</p>
<p>1 said?                  2 Q. Because she is acting as your agent in cipher in                  3 recording this conversation that she had with you to                  4 Liz Gibbons the following day. It's not somebody that                  5 you have never met in your life --                  6 A. No, I understand that --                  7 Q. -- this is Sara Beck.                  8 A. I understand that and I understand Sara's relationship.                  9 But you asked me to explain the way Helen dealt with the                  10 information I gave her and now you are asking me to                  11 explain what Sara's interpretation of a conversation                  12 with me was.                  13 Q. What would the risk have been that would have                  14 justified -- let's assume for the moment that                  15 reputational risk to the BBC doesn't qualify to put                  16 a piece on to the MRPL, which is your understanding of                  17 the position. Let's assume for the moment that that's                  18 right.                  19 We discussed last time that Mr Law had seen                  20 the script of this Newsnight piece and he hadn't                  21 raised -- we haven't heard any evidence that he or                  22 anybody else in legal had raised any legal problem with                  23 the story that Meirion Jones wanted to run. Okay?                  24 Let's assume that for a moment.                  25 So your understanding of the list, what list would</p> <p style="text-align: center;">Page 54</p>	<p>1 (3.55 pm)                  2 MR MACLEAN: If you still have bundle 2/276, back to our old                  3 friend, the Vision issues, email, what downside or risk                  4 or vice would there have been about leaving the                  5 Jimmy Savile piece on the MRPL following 21 November?                  6 A. Let me just work this one through, I'm sorry. I'm                  7 getting a bit tired.                  8 Q. Let's assume you hadn't taken it off the list on                  9 21 November. It simply stayed there. What was the                  10 downside of that?                  11 A. Well, it would have engaged more people, perhaps at the                  12 News board level, in needless activity in terms of                  13 preparation for the thing going ahead. It would have --                  14 there's a lot of business on those lists, there's a lot                  15 of business we're doing. You try to manage the amount                  16 of that and adding to it unnecessarily when a thing                  17 isn't ready, that would have been, I guess, one of the                  18 main downsides.                  19 Q. What, in practical terms, would have been required of                  20 whom in terms of needless activity?                  21 A. Well, if you take a project and you share it with the                  22 rest of the News board, then the rest of the News board                  23 would want, possibly need to get engaged, and then need                  24 to go back and ask questions about how we're going to                  25 roll the thing out, where it's going to make most of an</p> <p style="text-align: center;">Page 56</p>

14 (Pages 53 to 56)

<p>1 impact, what resources we would need to put against it.                  2 Those sorts of activities would follow from a project                  3 going ahead.                  4 Q. But what about the risk of the downside of if                  5 Jimmy Savile was on this list when it got to Mr Jordan's                  6 board, for example, and was seen by a wider range of                  7 people in other parts of the BBC. Would there have been                  8 a downside to that?                  9 A. Less of an immediate downside. There would be fewer                  10 people on that – at that board level, I think, who                  11 would necessarily have got involved in managing the                  12 risks identified.                  13 Q. You see, I'm still puzzled, Mr Mitchell, by the                  14 reference to "the document goes quite far in Vision,                  15 et cetera, and we thought it might be best to keep it                  16 off just for now."                  17 Now that is Sara Beck's recollection of the                  18 reasoning process that you and she had arrived at the                  19 day before. I'm still puzzled as to why the document                  20 goes quite far in Vision is relevant, unless the concern                  21 is to stop people in Vision from knowing what News is up                  22 to.                  23 A. Well, as I say, we didn't not want people in Vision to                  24 know what News was up to. That's why I told Helen and                  25 Helen told George, who was in charge of Vision.</p> <p style="text-align: center;">Page 57</p>	<p>1 George is the Director of Vision. Telling George means                  2 you are telling everybody in Vision or not, depending on                  3 what he chooses to do about that. It's not                  4 a question – you know, I deal with, for instance, the                  5 controller of BBC1 and controller of BBC2. We have open                  6 and sensible discussions about all sorts of things.                  7 These are professional colleagues. They are not people                  8 that I'm worried about being – pressurising us to do                  9 things or not to do things.                  10 Q. You see, another possible interpretation is that there                  11 was concern on your part not to do anything that might                  12 interfere with Vision's pursuit of the Savile tribute                  13 programmes for whatever reason?                  14 A. I beg your pardon?                  15 Q. One possible explanation is that there was a concern on                  16 your part not to do anything that might interfere with                  17 Vision's pursuit of the Savile tribute programmes?                  18 A. Well, I hope you are not putting that interpretation                  19 on it. I'm not at all concerned with the Vision's                  20 tribute programmes at this stage. All I know is that                  21 they are possibly scheduling them and that they might                  22 have not to schedule them if this goes ahead.                  23 Q. Right. Unless you want to say anything else about the                  24 MRPL, I am proposing to move on.                  25 A. The only thing I would say is it is – I genuinely</p> <p style="text-align: center;">Page 59</p>
<p>1 Q. But why not – so far as Vision was concerned, if there                  2 was nothing to worry about, about the document going                  3 quite far in Vision, because they weren't going to try                  4 and exercise some pressure on what News was doing, then                  5 why was there a concern about the document going quite                  6 far in Vision? Why is it a problem?                  7 A. The problem was not about the going – the idea of the                  8 Savile piece going too far in terms of Vision putting                  9 pressure on us, otherwise we wouldn't have told, surely,                  10 George Entwistle, that we were doing it.                  11 Q. Unless the concern was that George Entwistle would know                  12 not to put pressure, but other people in Vision might                  13 not be so circumspect?                  14 A. In my experience, that makes – sorry, I have never,                  15 ever, come across – I can't begin to understand what                  16 that would refer to. I have never come across anyone                  17 putting pressure on News in that sense. So –                  18 Q. In other words, one possible explanation for being                  19 concerned about the document going quite far in Vision,                  20 on the one hand, but provoking or prompting a discussion                  21 between Helen Boaden and George Entwistle on the other,                  22 might be that, well, George is somebody we can trust to                  23 play the game by the correct rules, but I'm not sure                  24 about some of the other characters in Vision?                  25 A. No, I don't – honestly, I just don't recognise that.</p> <p style="text-align: center;">Page 58</p>	<p>1 hadn't seen the way that other parts of the BBC use the,                  2 or think they should use this list. The list for me is                  3 about the issues that I have talked about, which are                  4 about editorial risks and those risks you could break                  5 down into editorial policy, legal risks, safety risks.                  6 Those are the things that we're trying to highlight. It                  7 works as a list at various levels, so those risks are                  8 assessed by people who would be interested in those                  9 risks at each stage of it going through. That's my                  10 clear understanding.                  11 I was absolutely clear that Peter Rippon and the                  12 Newsnight team should not be concerned about whatever                  13 corporate plans were made, whatever corporate planning                  14 was in train, and that turned out to be the nub of the                  15 issue when the controversy started after Christmas; the                  16 allegation, the very serious allegation, that someone                  17 like me – and I think last time you said that had been                  18 specifically put to you – put pressure on Peter Rippon                  19 because of the rest of the BBC, and therefore presumably                  20 I had been put under pressure by someone else in the                  21 BBC. I was never put under pressure and I can't recall                  22 a time that I have been put under pressure not to do                  23 journalism about the BBC. And I didn't put pressure on                  24 Peter Rippon as a result of any concerns about the BBC.                  25 I'm just anxious that you understand what I think that</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

<p>1 list is for.                  2 You can take a view as to whether I should have put                  3 it on or not put it on. You can certainly take a view                  4 as to if it had been on a 40-page list, that might have                  5 had an impact somewhere else and that is absolutely, of                  6 course, what you are here for. But I want to be clear                  7 that I genuinely, looking back -- and I have looked back                  8 as much as I can -- the reasons for what I did about                  9 that list and what I think that list is for are the ones                  10 I have given you.                  11 Q. Okay. I understand.                  12 I will come shortly, I hope, to the question of the                  13 allegations that were made in the press in the last few                  14 months. But would you agree that it follows, I think,                  15 from what you have been saying that the allegation that                  16 was put about that there was improper pressure put on                  17 Peter Rippon, whether by you, or you and other people,                  18 or even other people but not you, was a very serious and                  19 particularly toxic allegation to level at people in the                  20 management of BBC News?                  21 A. It was. It was -- it cuts -- it goes to the heart of                  22 our impartiality in terms of our journalism. If we                  23 can't be impartial in the way we treat the BBC, then the                  24 audience level of trust in us would be, um, questioned.                  25 Then the second -- of course it's about, therefore about                  Page 61</p>	<p>1 origin, must it not?                  2 A. Someone who certainly knew quite a lot about what was                  3 going on in this story, yes.                  4 Q. We asked you last time -- and we asked Mr Rippon as well                  5 on more than one occasion when he came to see you us,                  6 because he's been to see us more than once as well --                  7 about the events of 29 and 30th. You will remember                  8 those emails we looked at?                  9 A. I do.                  10 Q. We can look at them again if you like. No doubt having                  11 thought about it carefully since we saw you last, do you                  12 have any further or better recollection of the events of                  13 29 November than you did last time?                  14 A. I have thought about it and I have no, um, clear                  15 recollection of talking to Peter on the 29th. I have                  16 seen the emails.                  17 Q. Yes, okay. So I think the burden of your evidence last                  18 time was that you simply couldn't remember whether there                  19 had been a conversation or not. I spent quite a lot of                  20 time trying to persuade you that there probably was                  21 a conversation between you and Peter Rippon on                  22 29 November following his email, you remember the one                  23 which was, on the face of it, more enthusiastic for the                  24 project than before, and you said you simply couldn't                  25 remember whether there was a conversation or not; is                  Page 63</p>
<p>1 the reputation of the management of BBC News. It is                  2 also about the reputation of our editors. Our editors,                  3 you know, have to be confident that they are                  4 independent, or, beings with experience and a role to do                  5 the journalism that they do. To suggest that they in                  6 some way buckle under corporate pressure is a serious                  7 allegation against them as well.                  8 Q. And it became -- that was an allegation, I assume, when                  9 it was made and ventilated in the press, that people                  10 like you in senior News management positions felt really                  11 very strongly about?                  12 A. For the reasons I have just outlined, yes.                  13 Q. We discussed this briefly last time. I think we may                  14 have to discuss it in a little more detail shortly, but                  15 it was obvious, wasn't it, that these allegations had                  16 originated from within the BBC?                  17 A. Um, not necessarily so. The number of people involved                  18 in this investigation, some were working in the BBC and                  19 some were attached for this project and then went                  20 elsewhere.                  21 Q. I'm not necessarily suggesting it has to be somebody who                  22 is an employee of the BBC. But what I am suggesting is                  23 that it is obvious, isn't it, that these allegations had                  24 originated from person or persons who had been working                  25 on this particular story. That must have been the                  Page 62</p>	<p>1 that right?                  2 A. That is still the case, yes.                  3 Q. I think we may have seen last time in bundle A8/96 --                  4 we're moving now to October and this is actually --                  5 MR SHAN: Sorry, what page?                  6 MR MACLEAN: 96. I'm going to take a couple of steps back                  7 in a minute to the blog and the chain of events, but                  8 this is 3 October. This is the day that ITV broadcast                  9 Exposure, all right? You remember at lunch time that                  10 day they had a trail, I think, on the ITN News and they                  11 ran a clip from [redacted] making what I call the                  12 [redacted] allegation, you remember? You see that at                  13 the bottom of page 96:                  14 "This is what she told us."                  15 This is Mr Rippon to you and he's giving a quote now                  16 from what [redacted] told Newsnight:                  17 "I can remember seeing him having sex with one of                  18 the girls from Duncroft in Jimmy Saville's dressing room,                  19 which was packed with lots of people."                  20 And you say "understood." And then he said:                  21 "And off the record, I was really uncomfortable                  22 about whether we could believe her or not", and you say                  23 "I know".                  24 How did you know that he was really uncomfortable                  25 about whether we could believe her or not?                  Page 64</p>



1 A. I think that refers back to the doubts that he had about  
 2 the original testimony of some of the women.  
 3 Q. So you would have acquired that knowledge back in 2011  
 4 during your discussion with Peter Rippon, probably the  
 5 one on the 21st, which is I think the only one we can  
 6 pin down?  
 7 A. I don't know if it was on the 21st, but I do know that  
 8 Peter talked about the doubts that he had when he told  
 9 me that he was not progressing with the investigation.  
 10 Q. He said he was really uncomfortable about whether we  
 11 could believe her or not, and you understood that he was  
 12 really uncomfortable about the believability of  
 13 [REDACTED]  
 14 A. I don't know whether my reply is entirely specific. It  
 15 clearly looks as though I knew about [REDACTED] but  
 16 I don't know whether actually that's what I meant.  
 17 I knew that he had doubts about some of the  
 18 contributors. It may have been -- when I think back,  
 19 I think he told me about his doubts about [REDACTED]  
 20 specifically, and therefore that would follow from that.  
 21 But at this remove, I can't be that sure.  
 22 Q. That is precisely the point, or one of the points, isn't  
 23 it, that you and Peter Rippon agreed couldn't be  
 24 mentioned publicly in the blog, isn't it?  
 25 A. Er, this -- some of the detail around what his

1 could believe the key witness?  
 2 A. Yes. He wanted -- he had doubts about both her -- well,  
 3 you and I, we know what the doubts are, and we did  
 4 not -- he and I did not want to put those doubts into  
 5 the public domain in detail.  
 6 Q. I'm just pressing you, because I think it is obvious  
 7 but, I mean, tell me if you do disagree with my summary  
 8 of it, which is that it follows that the blog was an  
 9 incomplete account of Rippon's thought process, doesn't  
 10 it? Because there were important parts of the story  
 11 missing. Deliberately missing?  
 12 A. That, you could say, was important, yes. I mean,  
 13 I haven't got the blog in front of me now, but I know we  
 14 didn't put in the detail of some of his concerns about  
 15 her, yes.  
 16 Q. And that means that as an organ of exposition of  
 17 Mr Rippon's thought process, the blog was from the very  
 18 first deficient, wasn't it?  
 19 A. Well, it was mainly there to -- for Peter to get on the  
 20 record the reasons for, you know, sort of why he was --  
 21 we were arguing that he did not come under inappropriate  
 22 pressure and he took the decision for editorial reasons.  
 23 That was what he was trying to get across. Not to give  
 24 an absolute detailed account of what he thought about  
 25 each of the witnesses.

1 discomfort was, why he was uncomfortable with her, yes.  
 2 Q. In particular this point, that he didn't actually  
 3 believe the key witness?  
 4 A. Well, he didn't think she was reliable.  
 5 Q. Right, okay.  
 6 A. And the reasons for that I think we discussed last time.  
 7 Q. Yes.  
 8 A. And I don't think he was keen and I wasn't keen that we  
 9 put that into the blog.  
 10 Q. So I think we discussed this last time. It follows from  
 11 that that the blog was only ever going to be, at best,  
 12 an incomplete account of Peter Rippon's thought process?  
 13 A. We weren't going into the full detail. I don't think  
 14 he -- I don't think he -- no, he didn't want to go into  
 15 the full detail and I completely understand that.  
 16 I mean, I don't think he should have done. The full  
 17 detail of what his doubts were about her.  
 18 Q. Yes. So you agree that it was an incomplete account of  
 19 Peter Rippon's thought process?  
 20 A. Well, it didn't have that -- those details about his  
 21 doubts, yes.  
 22 Q. So there were bits missing?  
 23 A. You can always add to any narrative, of course.  
 24 Q. But these weren't bells and whistles, these were some of  
 25 his important aspects of discomfiture about whether he

1 Q. Do you remember how this expression "editorial reasons"  
 2 came about?  
 3 A. I don't. I have thought about that. It may have come  
 4 about in the first press response which was before  
 5 Christmas. I don't know. I guess you guys are probably  
 6 more familiar with this than I am now. I think  
 7 I remember it being there when the, um, press office  
 8 started dealing with the inquiries in the New Year.  
 9 Q. I think Helen Boaden told us that the expression  
 10 "editorial reasons" was, to use her word, an euphemism  
 11 that she wasn't entirely comfortable with. Do you  
 12 remember any discussion with her about that?  
 13 A. No.  
 14 Q. What she said was she remembered the conversation, she  
 15 thought, with Mr Mylrea, along the lines:  
 16 "We can't possibly be negative about any of the  
 17 women because it's not an environment where this is  
 18 possible, and that's why we came up with that rather  
 19 measly and mealy mouthed editorial reasons which, of  
 20 course, tells us you nothing."  
 21 That's what Helen Boaden told us. Do you agree that  
 22 the expression "editorial reasons" was a measly and  
 23 mealy mouthed alternative to telling the truth, which  
 24 was that there was concern about the believability of  
 25 the women?

<p>1 A. Again, you are asking me to comment on a colleague's use 2 of words and I'm not very comfortable with doing that. 3 Q. Sorry, you have to speak up. 4 A. I'm not very comfortable with commenting on other 5 people's interpretations and use of words. 6 Q. Now the chain of events. I asked you some questions 7 about the chain of events last time. You will remember 8 that I showed you the email from 2 October at 8.43 in 9 the morning, asking Mr Rippon to put together the chain 10 of events. That is in bundle 7 at page 178, I think it 11 is. 12 I don't want to go over all the ground we went over 13 last time about this, but you remember seeing this 14 email: 15 "Good idea for you to draft a briefing note for our 16 use on a decision-making process which commissioned the 17 decision not to proceed as best as you can recall." 18 You will remember that you then said at page 180: 19 "For now I want Helen and George to know the full 20 story from you." 21 Then when Mr Rippon did produce the blog, which he 22 did at page 191 at 12.15 -- sorry, the chain of events, 23 not the blog -- you then replied at 198: 24 "Thanks, Peter, as discussed this is for Helen and 25 I and we will not be on passing. It is in effect the Page 69</p>	<p>1 before the story was canned -- been focusing on a very 2 specific approach as opposed to that was always the 3 focus of the investigation, which is how some other 4 people, Mr Jordan for example, later presented the BBC's 5 position? 6 A. If I had thought that this email was going to be looked 7 at, I would have added in a bit more detail. 8 Q. So -- 9 A. In an inquiry like this, I would have added in a lot 10 more detail, of course. 11 Q. Along those lines? My additions would -- 12 A. Possibly, yes. 13 Q. I'm just trying to get -- 14 A. No, I understand what you're trying to get -- 15 Q. I'm trying to understand, is it some things that one 16 person said meaning X is then perhaps taken up later by 17 somebody else and presented as being Y? 18 A. Indeed. 19 Q. I'm just trying to explore with you whether you really 20 understood that Newsnight's focus had always been on the 21 CPS, or whether, as Mr Rippon told us, that was the key 22 point he was focusing on at the end and that was the 23 reason why the story was canned? 24 A. I was under the impression that he -- I think you 25 mentioned earlier he had a boost in terms of the way he Page 71</p>
<p>1 detail behind our existing public position, namely that 2 Newsnight had focused on a very specific approach and, 3 when that didn't stack up, dropped the project on 4 editorial merit." 5 It is 198. All right? That's your email to 6 Mr Rippon, copied to Helen Boaden. Then the next 7 sentence deals with the point we have just been 8 discussing: 9 "The blog will obviously have to steer away from 10 some of the elements of witness reliability but in 11 essence can follow the same lines." 12 What would you say if I were to suggest to you that, 13 in fact, the chain of events doesn't say that Newsnight 14 had focused on a very specific approach? That that 15 wasn't the focus of the story? Or do you say that the 16 chain of events does support the suggestion that 17 Newsnight had focused on a very specific approach and, 18 if so, why? 19 A. Well, I think the specific approach is the, um, CPS. 20 And that's, when that didn't stack up, that's why Peter 21 decided not to proceed. 22 Q. So I appreciate this is an email between colleagues. 23 It's not to be read like a statute, but a more accurate 24 way of putting it would have been to say namely that 25 Newsnight had, at the end of the process -- and shortly Page 70</p>	<p>1 approached the story when he saw the possibility of the 2 police or CPS angle. 3 Q. Yes. 4 A. And so, he starts in one place and it then accrues this 5 added interest for him, and when that added interest 6 falls away, his doubts return about the original, er, 7 testimony and so forth. 8 Q. You said that, at page 198: 9 "As discussed, this is for Helen and I and we will 10 not be on passing." 11 Now there was a suggestion we saw earlier, a few 12 pages earlier, that it might go to Mr Entwistle, but I 13 don't think it did, is that right, the chain of events? 14 A. I don't think that did, unless Helen passed it on to 15 George. 16 Q. So did you in fact on pass the chain of events to 17 anybody else? 18 A. I don't -- I don't recall forwarding it to anyone else, 19 but -- 20 Q. Can you think of anybody else that might have had 21 a legitimate interest in seeing the chain of events as 22 opposed to the blog? 23 A. Well, not -- not at that time, I couldn't, otherwise 24 I would have passed it on. 25 Q. You had a discussion with Mr Mylrea, do you remember, on Page 72</p>

1 2 or 3 October?  
 2 A. No, I -- I'm sorry, I don't recall that.  
 3 Q. No.  
 4 A. It's not that it didn't happen. I just don't -- don't  
 5 recall it. Did we discuss this last time?  
 6 Q. No, I don't think we did actually because I am afraid  
 7 I hadn't spotted this point last time, otherwise I would  
 8 have put it to you.  
 9 A. That's okay.  
 10 Q. In bundle 8, page 81, you see there is Mr Rippon's email  
 11 to you at 12.14. Then the following day, at 13.41, you  
 12 sent it to Mr Mylrea:  
 13 "As discussed --"  
 14 A. All right. If you had told me that earlier, I would  
 15 have answered the previous question --  
 16 Q. I was asking for your recollection. You couldn't  
 17 remember. It's not a memory test.  
 18 A. Oh good.  
 19 Q. So what was the purpose of sending this to Mr Mylrea?  
 20 A. I imagine at this point that Paul is dealing with an  
 21 increasing number of press inquiries, so I guess this  
 22 would have helped him inform the response.  
 23 Q. So the blog was already up, wasn't it? By the --  
 24 A. Yes, the blog went up, I think, on 2 October.  
 25 Q. Did you tell Mr Rippon, to whom you had represented on  
 Page 73

1 the 2nd, at page 198, that you would not be on passing,  
 2 that in fact you were sending his chain of events to  
 3 Mr Mylrea?  
 4 A. I don't think I did tell him, no.  
 5 Q. You should have done, shouldn't you?  
 6 A. Well, I should have done if I had, um, recalled that,  
 7 that I had said earlier that we wouldn't be on passing,  
 8 I can't see any reason why Peter would object to it, but  
 9 it would have been a courtesy to let him know.  
 10 Q. At the very least, yes, it would have been courteous.  
 11 So the purpose of sending this to Mr Mylrea was so  
 12 that he could then draw on the chain of events as  
 13 necessary in fending off the press inquiries; is that  
 14 a fair summary?  
 15 A. That is what I imagine was behind me sending it to him,  
 16 yes. I can't recall exactly.  
 17 Q. So would it be fair to say that once you sent the chain  
 18 of events to Mr Mylrea, that it, as well as the blog,  
 19 had, as it were, entered the bloodstream of the press  
 20 office operation?  
 21 A. Well, Paul is head of the corporate press office  
 22 operation.  
 23 Q. You see, if the blog was going to be the detail behind  
 24 the public position, with in effect a slightly sanitised  
 25 version of the chain of events, it's a little difficult  
 Page 74

1 to understand why you should have sent this to  
 2 Mr Mylrea?  
 3 A. Well, I think the blog, as I think we discussed last  
 4 time, was there because of Peter's anxiety to get his  
 5 position, as it were, out in public. And it's an  
 6 editor's blog. It's a personal account of an editor to  
 7 the, you know, the world as to what went on here.  
 8 I think that's never going to be the whole story,  
 9 because of constraints, whether they are, you know,  
 10 anxieties about detail or just because of space.  
 11 I think the background in the Savile narrative has  
 12 a bit more detail in there which, um, the press office  
 13 can use, or indeed they can both use to refer to press  
 14 inquiries or to brief people who are talking on behalf  
 15 of the BBC. I think are used in two different ways.  
 16 Q. Okay, I understand.  
 17 Just let me ask you a little later -- we touched on  
 18 this last time and I'm not going to go over it all  
 19 again -- you remember having a discussion with  
 20 Liz MacKean you told us about, which I think you said  
 21 was on the 8th?  
 22 A. I think it was, yes.  
 23 Q. She, I think, thought it was on the 3rd. For what it is  
 24 worth, it seems likely that you are right and she's  
 25 wrong. But do you remember whether there was only  
 Page 75

1 one -- it doesn't perhaps matter what the date was --  
 2 was it one conversation with Liz MacKean or two?  
 3 A. I think there was only one conversation with Liz.  
 4 I think I, on the 3rd -- on the 3rd, the day after the  
 5 blog was published, I was on leave out of the office,  
 6 and I think the exchanges were just with email, although  
 7 I think I did pick up the telephone with Melron because  
 8 of the problem with the email on the BlackBerry.  
 9 Q. Yes, I remember.  
 10 A. But I think the conversation with Liz was the only  
 11 conversation that I had at that period and it was -- it  
 12 was the -- I am sure it wasn't on the 3rd.  
 13 Q. Right.  
 14 A. Because I did it -- sorry, I am getting rather tired,  
 15 I do apologise. [REDACTED]  
 16 [REDACTED]  
 17 [REDACTED]  
 18 [REDACTED]  
 19 [REDACTED]  
 20 [REDACTED]  
 21 [REDACTED]  
 22 A. But I do recall sitting opposite Liz in my office. It  
 23 was a face-to-face meeting, whereas I think the  
 24 conversation on the 3rd that I had with Melron and with  
 25 Peter were on the phone, and I don't think I had  
 Page 76

19 (Pages 73 to 76)

<p>1 a conversation with Liz on the phone on the 3rd.</p> <p>2 MR MACLEAN: I will show you the emails if you like, but she</p> <p>3 sent you an email, copied to you and Peter Rippon, on</p> <p>4 the morning of the 3rd.</p> <p>5 A. Yes.</p> <p>6 Q. That's the one which, I think, eventually -- or not</p> <p>7 eventually, within 40 minutes -- you sent an email to</p> <p>8 her and to Peter Rippon saying:</p> <p>9 "I'm out of London today, but it's important you</p> <p>10 guys sort this out".</p> <p>11 We discussed that last time.</p> <p>12 A. We did.</p> <p>13 Q. That is why I say it looks as if her recollection of</p> <p>14 a meeting with you can't be right --</p> <p>15 A. No, no, it definitely wasn't a meeting.</p> <p>16 Q. -- on the 3rd. It was probably on the 8th. All I want</p> <p>17 to find out is if we're missing a meeting, but it sounds</p> <p>18 as if the answer is no, we're not?</p> <p>19 A. No, no, and I'm pretty sure I didn't have a phone</p> <p>20 conversation with her on the 3rd either. I think it was</p> <p>21 just with Meirion because of the technology.</p> <p>22 Q. You told us last time about the discussion you had with</p> <p>23 Liz MacKean. You had had a discussion in September with</p> <p>24 Meirion Jones, which we discussed last time?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 77</p>	<p>1 8th and I think you told us last time you heard about</p> <p>2 that on the 9th. And we discussed last time -- and</p> <p>3 I suggested to you that you had at that stage</p> <p>4 downtooled, an expression you took issue with --</p> <p>5 A. Gosh, I am sorry, if I have been --</p> <p>6 Q. No, no. My job is to put things to you and if you</p> <p>7 disagree with them --</p> <p>8 A. I do remember that also was a slightly temperamental</p> <p>9 moment.</p> <p>10 Q. I am sure there is no need for an apology, Mr Mitchell.</p> <p>11 What I want to just probe you about a little bit</p> <p>12 more is to the extent that you had, by the time</p> <p>13 MacQuarrie came on the scene, had a discussion with</p> <p>14 Liz MacKean, that wasn't something that you furnished</p> <p>15 either to MacQuarrie or indeed to George Entwistle or</p> <p>16 the corporate centre at the BBC, it was?</p> <p>17 A. I do not remember talking to -- I certainly don't</p> <p>18 remember talking to George about it. I may have</p> <p>19 mentioned it to Lucy Adams. I may have not spoken</p> <p>20 specifically about Liz but about the fact that I was</p> <p>21 conscious that there was a -- a very strong difference</p> <p>22 of opinion between Liz and Meirion and Peter Rippon.</p> <p>23 And I may have spoken -- I know I had a conversation</p> <p>24 with Ken MacQuarrie, but I can't remember what day that</p> <p>25 was. It was a passing, um, conversation. And it may</p> <p style="text-align: center;">Page 79</p>
<p>1 Q. Unless you want to, I don't want to go back into that.</p> <p>2 A. I do remember we discussed that, because Nick told me it</p> <p>3 wasn't long ago, [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 Q. You then told us last time that the next day after you</p> <p>7 had spoken to Liz MacKean, you said on the 8th, and</p> <p>8 let's assume you are right, it was the 8th, that the</p> <p>9 next day you were told by I think Lucy Adams in HR that</p> <p>10 Mr MacQuarrie was now on the scene. Do you remember?</p> <p>11 A. I'm not sure -- again, I have been trying to think about</p> <p>12 this. I'm not sure whether Helen had told me prior to</p> <p>13 that conversation with Lucy Adams, or whether Lucy's was</p> <p>14 a conversation where I first learned of it. I think it</p> <p>15 may have been either.</p> <p>16 Q. Since we saw you last, Mr Entwistle has explained to us</p> <p>17 that what hit him quite hard as being quite significant</p> <p>18 was an email he got from Liz MacKean on the 8th, which</p> <p>19 I think he said -- cutting a slightly long story</p> <p>20 short -- led him to set up the MacQuarrie process. That</p> <p>21 8th was a Monday, it was the day Mr Entwistle had been</p> <p>22 on The Today Programme in the morning, and he had had</p> <p>23 an email from Mr Jones dated the previous Friday, but it</p> <p>24 had not reach Mr Entwistle, for various reasons, until</p> <p>25 the 8th. So he sets up the MacQuarrie process on the</p> <p style="text-align: center;">Page 78</p>	<p>1 have -- it may have touched on the difference between</p> <p>2 the reporter, producer and the editor, but I don't think</p> <p>3 I talked to them in detail about a conversation I had</p> <p>4 had with Liz.</p> <p>5 Q. You didn't see Mr MacQuarrie's one-page document that</p> <p>6 went to Mr Entwistle, did you?</p> <p>7 A. At the time I didn't. I didn't. I was not privy to the</p> <p>8 MacQuarrie process at all.</p> <p>9 Q. You see, Mr Entwistle expressed, I think some regret</p> <p>10 might be the right word, that -- I asked him whether he</p> <p>11 had known about your discussion with Liz MacKean. What</p> <p>12 he said -- I said that you, once you knew Mr MacQuarrie</p> <p>13 was involved, could have dropped an email or come to see</p> <p>14 Mr Entwistle and said, "I don't know what Ken MacQuarrie</p> <p>15 is doing, but when he reports to you, you should be</p> <p>16 aware of X, Y and Z that I have picked up from</p> <p>17 Liz MacKean". And he said, Mr Entwistle said:</p> <p>18 "I genuinely think it would have been useful for me</p> <p>19 to know. As I say, of all the things that I saw in here</p> <p>20 [ie in the papers we sent to Mr Entwistle which were</p> <p>21 similar to the ones we sent you] that were most</p> <p>22 surprising to me about what had been going on that I had</p> <p>23 not known, it was a level of that conversation."</p> <p>24 And I said to him:</p> <p>25 "Is this right, you are really expressing</p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

<p>1 frustration now that this material was floating around?"</p> <p>2 And he said:</p> <p>3 "It would have been very useful to have had it."</p> <p>4 Then he said again:</p> <p>5 "It would have been very useful to have had it."</p> <p>6 So Mr Entwistle is expressing some frustration that</p> <p>7 he wasn't furnished with such material as you had</p> <p>8 gathered. First of all, it would have been perfectly</p> <p>9 simple, wouldn't it, to have gone to Mr Entwistle once</p> <p>10 you knew MacQuarrie was in action and said, "Look,</p> <p>11 George, I have had a conversation with Liz MacKean.</p> <p>12 I understand the position to be X, Y and Z. Do you want</p> <p>13 me to set this out in a note to you or go and see</p> <p>14 Ken MacQuarrie or what do you want to do", wouldn't it?</p> <p>15 You could have done that quite easily?</p> <p>16 A. I could have done. As I say, I didn't speak to George</p> <p>17 about it. I did speak to Lucy Adams about the</p> <p>18 difference between the teams and I didn't -- I don't</p> <p>19 know whether I specifically mentioned the Liz</p> <p>20 conversation, but what is the material on the Liz</p> <p>21 conversation that you are talking to George about? In</p> <p>22 the question?</p> <p>23 Q. You had had a conversation with Liz MacKean. You had</p> <p>24 had a conversation a few weeks earlier with</p> <p>25 Meirion Jones and you had come to the view that there</p> <p style="text-align: center;">Page 81</p>	<p>1 important, problems with the blog. That became apparent</p> <p>2 to you certainly by the time you had spoken to</p> <p>3 Liz MacKean on the 8th?</p> <p>4 A. Yes. There are differences between Liz and Meirion and</p> <p>5 Peter Rippon over Peter Rippon's account in the blog.</p> <p>6 Q. In other words, the point you are making is that MacKean</p> <p>7 and Jones had different points to make about the blog?</p> <p>8 A. They didn't --</p> <p>9 Q. They didn't tally?</p> <p>10 A. They fundamentally didn't accept that Peter had not</p> <p>11 acted under improper pressure. Liz told me that Peter</p> <p>12 was running scared of --</p> <p>13 Q. You, presumably? Of you or --</p> <p>14 A. Well, she wasn't specific to me but she felt that Peter</p> <p>15 was not, um -- you know, had decided to drop the</p> <p>16 investigation for whatever reasons she thought, and not</p> <p>17 for the editorial reasons that I knew to be the case.</p> <p>18 Q. Yes. Did she or Meirion Jones ever give any</p> <p>19 corroborating evidence for that view, or did they simply</p> <p>20 assert that that must have been what happened?</p> <p>21 A. They continued to assert it, and I think they continue</p> <p>22 to assert it now. I don't know --</p> <p>23 MR POLLARD: To be specific, they were suggesting that the</p> <p>24 Newsnight investigation had been dropped, shall we say,</p> <p>25 to protect the Christmas schedules or to ensure that the</p> <p style="text-align: center;">Page 83</p>
<p>1 was a fractured relationship in the Newsnight team,</p> <p>2 haven't you?</p> <p>3 A. As a result of the conversations in the first week of</p> <p>4 October, I had realised there was a fractured</p> <p>5 relationship.</p> <p>6 Q. That is precisely the period we're at now.</p> <p>7 A. I did pass on the fact that there was a fractured</p> <p>8 relationship to Lucy Adams, who works with George and,</p> <p>9 as I say, I'm pretty sure I talked to Ken in New</p> <p>10 Broadcasting House about the fact that I realised this</p> <p>11 relationship was there. Of course, I could have sent</p> <p>12 something to George as well. Given that by then I was</p> <p>13 aware that both Liz and Meirion had contacted George</p> <p>14 directly, I think I was probably concerned, one, that</p> <p>15 whatever I was doing had been overtaken by events, and,</p> <p>16 two, these two people were obviously now conversing</p> <p>17 directly with the Director General and with someone he</p> <p>18 had asked to look into their complaints, so I think that</p> <p>19 was probably what was in my mind and therefore the</p> <p>20 little that I had done, the short distance I had</p> <p>21 travelled along the road, was already being, as it were,</p> <p>22 travelled again by Ken MacQuarrie on behalf of</p> <p>23 George Entwistle.</p> <p>24 Q. You formed the view by fairly early in October, didn't</p> <p>25 you, that there were important, or likely to be</p> <p style="text-align: center;">Page 82</p>	<p>1 tribute programmes could go ahead.</p> <p>2 A. If they got anywhere in terms of the logic, that seemed</p> <p>3 to be the logic they wanted to follow. And they --</p> <p>4 I tried with the conversation in September that I agree</p> <p>5 I should have remembered more about, but can't, with</p> <p>6 Meirion and with Liz, I tried with both of them by</p> <p>7 saying, "If people were putting pressure on</p> <p>8 Peter Rippon, it would either be me or I would know</p> <p>9 about it, and absolutely that did not happen", and they</p> <p>10 not only didn't accept my account, but obviously</p> <p>11 contacted, unknown to me at the time, George directly.</p> <p>12 And I believe then put the same points to Ken MacQuarrie</p> <p>13 when they saw him.</p> <p>14 MR MACLEAN: Now can I assume, therefore, that you had</p> <p>15 formed a view by the 8th -- or shortly thereafter -- of</p> <p>16 October, that there were likely to be, perhaps even</p> <p>17 were, important inaccuracies in the blog, on the basis</p> <p>18 of what MacKean and Jones were telling you, or MacKean</p> <p>19 in particular?</p> <p>20 A. I'm not sure I got to this stage of seeing and agreeing</p> <p>21 that there were important inaccuracies. I knew that</p> <p>22 they were arguing that Peter's account wasn't one that</p> <p>23 they agreed with.</p> <p>24 Q. But Liz MacKean in her email goes straight for what one</p> <p>25 might think is one of the more important points. Her</p> <p style="text-align: center;">Page 84</p>

1 email of the 3rd to you, which is to say, "We are  
 2 confident the women we had spoken to had contacted the  
 3 new police already, so we had no new information, was  
 4 wrong, because the police had not in fact contacted our  
 5 interviewee."  
 6 And that was a point which you came fairly quickly  
 7 to understand was probably correct, the point MacKean  
 8 was making to you; is that right?  
 9 A. It seemed to me -- I think Peter had been told something  
 10 different by Meirion the day before he wrote the blog.  
 11 Q. Yes. That's what he said in his email to you of the  
 12 3rd.  
 13 A. Right.  
 14 Q. Let me ask you this. Between 8 October and 22nd, which  
 15 is when the blog was finally corrected, what did you  
 16 understand -- or who did you understand -- to be leading  
 17 whatever process was going on at the corporate heart of  
 18 the BBC, if I can put it like that?  
 19 A. Who do I understand now?  
 20 Q. Who was in the driving seat?  
 21 A. I assume there was a process where Ken MacQuarrie was  
 22 working on behalf of the Director General.  
 23 Q. But you, at the time, didn't have any visibility of that  
 24 process? I think we touched on this last time.  
 25 A. No one from that process contacted me.

1 as most presenters do about their editors. Are you  
 2 asking about something specific to the Savile story?  
 3 Q. Yes. Well, Helen Boaden obviously knew what Mr Paxman's  
 4 view was, because she had had a number of conversations  
 5 with him that we have discussed. I'm asking you whether  
 6 you are familiar with Mr Paxman's view?  
 7 A. On Peter's handling of the Savile story?  
 8 Q. No --  
 9 MR POLLARD: Generally.  
 10 MR MACLEAN: On Mr Rippon's editorship generally.  
 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]

1 Q. Did anybody from BBC Legal contact you or speak to you  
 2 in that process, to get your version of events?  
 3 A. I don't think so, no. Not that I recall, I think I saw  
 4 emails from legal about the, um, submission of material  
 5 to the police, but I don't remember anyone from --  
 6 Q. Did you know that BBC Legal was asking itself what the  
 7 problems were with the blog and how it might be  
 8 corrected?  
 9 A. No, I didn't.  
 10 Q. You didn't have any role in that process?  
 11 A. No.  
 12 Q. I asked you last time about Mr Rippon's -- the views of  
 13 certain other people on the programme about Mr Rippon's  
 14 abilities; do you remember? And you were a little  
 15 reticent to say very much about that; do you remember?  
 16 A. I think you said that someone had spoken to Helen about  
 17 them?  
 18 Q. Yes. Yes. Now we asked Ms Boaden about the  
 19 conversations she had had with Jeremy Paxman.  
 20 A. Oh, right.  
 21 Q. About Mr Rippon. And we had a discussion about  
 22 Mr Paxman's view about Mr Rippon. Do you know what that  
 23 opinion is? What is Mr Paxman's view about Mr Rippon?  
 24 A. Well, I have had a number of conversations with Jeremy  
 25 about Peter Rippon, so I know he has a range of views,

1 [REDACTED]  
 2 [REDACTED]  
 3 [REDACTED]  
 4 [REDACTED]  
 5 [REDACTED]  
 6 [REDACTED]  
 7 [REDACTED]  
 8 [REDACTED]  
 9 [REDACTED]  
 10 [REDACTED]  
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 18 [REDACTED]  
 19 [REDACTED]  
 20 [REDACTED]  
 21 [REDACTED]  
 22 [REDACTED]  
 23 [REDACTED]  
 24 [REDACTED]  
 25 [REDACTED]

SM2

1 A. I think I have -- I mean, I don't spend all the time  
 2 going behind editors to talk to their staff, but  
 3 I encounter quite a few of their staff and I wouldn't  
 4 say they are absolutely negative about him. Far from  
 5 it. You know, I talk to the deputies. He, at that  
 6 time, had two deputies. I don't remember either of them  
 7 being particularly critical, and they were quite  
 8 positive about supporting --

9 MR POLLARD: Do you think it was a divided team?  
 10  
 11  
 12  
 13  
 14  
 15  
 16

17 A. I do, yes.

18 MR POLLARD: -- by saying that. And you were the line  
 19 manager directly responsible for the Newsnight team, so,  
 20 you know, I understand your reluctance to criticise  
 21 either directly or implicitly, a close colleague, but  
 22 I'm keen to get your view of the state of the Newsnight  
 23 team with regard to its contentedness with life and how  
 24 happy they were with their editor.

25 A. Um, I would say there are -- it's fair to say there were

Page 89

1 mixed opinions, and I'm not sure I would go as far as to  
 2 say it was a divided -- I'm sorry, I have forgotten your  
 3 phrase -- there are people who are more enthusiastic  
 4 about Peter and people who are less. Peter's, you know,  
 5 strengths are, in particular, about managing the staff  
 6 and managing people. Sorry, one of his strengths.  
 7 I think I talked about a number of strengths. And  
 8 a number of his staff have, you know, when they are in  
 9 personal or professional difficulty, I have spoken to  
 10 them and they have been very positive about Peter.  
 11 So -- his deputies have always been very positive about  
 12 Peter.

13 Some of his reporters don't think a lot about Peter  
 14 but they come from a perspective where we're trying to  
 15 reduce the number of reporters and to refocus the work  
 16 of reporters, and it's not surprising, therefore, they  
 17 are critical.

18 Jeremy is a national icon, and he sits in an office  
 19 away from the staff a lot of the time. I know that he  
 20 has a view of his own. I know that he will talk to some  
 21 other people on the programme.

22 It's difficult to judge how bad things are or,  
 23 as you say, when you get beyond that, but I have had  
 24 some experience of dealing with an editor who had lost  
 25 the confidence of his entire team -- or 98 per cent of

Page 90

1 them -- and I didn't see that situation in Newsnight,  
 2 and I had managed Newsnight long enough to have had  
 3 a previous editor work for me and views about that  
 4 editor were equally divided.

5 It is a more febrile programme than many that  
 6 I encountered.

7 MR POLLARD: I just have a couple more questions on similar  
 8 lines. The first one was, do you think Newsnight had  
 9 suffered in the sense of being more under pressure by  
 10 the cuts in resources that it had had inflicted on it in  
 11 the past two to three years?

12 A. I didn't get a feeling of Newsnight being stretched for  
 13 resources. The way I work a department is I normally  
 14 have a departmental reserve. If people come to me  
 15 saying, "We would like to do this, but we haven't got  
 16 the staff, we haven't got the resources", and they do  
 17 occasionally, then, you know, the money, the staffing,  
 18 if the editorial need is there, follows. No one from  
 19 Newsnight ever came with that sort of suggestion.

20 I didn't get a feeling when we were going into DQF  
 21 that Peter felt that his proposals were going to stretch  
 22 beyond breaking. Nor indeed did I get that feeling from  
 23 his deputies. What he did say was that we have reduced  
 24 the number of producers far enough. We have to have  
 25 a certain volume of people doing business on a daily

Page 91

1 basis and we therefore decided to reduce the number of  
 2 reporters and the number of films. So I don't think it  
 3 was a question of undue pressure from cuts and savings,  
 4 though Jeremy, of course -- I am sure he will have told  
 5 you -- feels passionately that is the case. Jeremy,  
 6 like me, has been there a long time, but, you know,  
 7 things were -- we were, you know, better resourced in  
 8 the past than we are now, but I don't think it is undue  
 9 pressure from resources.

10 If I might finish, I think the problem with morale  
 11 on Newsnight was less about that than about this nagging  
 12 campaign in the press that has gone on for over a year  
 13 now which talked about its falling audiences and its  
 14 lack of relevance and it being an old show with an old  
 15 agenda, and there was --

16 MR POLLARD: Do you mean separate from any discussion about  
 17 the Savile issue?

18 A. Yes, absolutely so.

19 MR POLLARD: Before that?

20 A. Yes, I did mean that. Sorry, I was trying to give you  
 21 a picture of morale or the state of things in Newsnight,  
 22 and I know there was a nagging thing which we suspected  
 23 was being fuelled by people who had left Newsnight, that  
 24 the Newsnight that Peter was presiding over wasn't  
 25 the Newsnight of the glory days of, you know --

Page 92

23 (Pages 89 to 92)

<p>1 MR MACLEAN [redacted] wasn't it, in particular?                  2 A. You can name people. It is your transcript. I have --                  3 honestly, but I know, that's as far as -- as to --                  4 Q. You are not saying it wasn't [redacted] are you?                  5 A. I'm not saying --                  6 Q. Right.                  7 A. -- who it was. But I am saying that that had an effect                  8 on morale and on Peter's standing probably more than the                  9 resources thing.                  10 MR POLLARD: One of the issues that has been raised -- was                  11 raised at the Select Committee, we may have touched on                  12 this last time -- was the question of whether the                  13 investigation, rather than being dropped completely on                  14 9 December, should not have been continued and, for                  15 instance, it has been suggested that it could have been                  16 passed over to Panorama, who could have taken it on as                  17 a slightly longer-term project. I know that they had                  18 been alerted about it in a sort of one-off note from                  19 Meirion Jones right at the start.                  20 One could get the impression that one of the reasons                  21 that didn't happen was because of the breakdown of                  22 relationship, really, between Peter Rippon and his                  23 investigative team. To be blunt, you might say that                  24 they had absolutely had enough of each other and                  25 Peter Rippon was not keen to hear any more about the                  Page 93</p>	<p>1 in Meirion and Meirion in Peter in the general sense,                  2 but obviously something was going on there about this                  3 specific decision which continued to play out and                  4 whether it was due to internal or external leaks or                  5 whatever, I think that corroded that relationship and                  6 then everything, um, went critical, as it were, this                  7 autumn.                  8 MR POLLARD: I just have one final question, which I did ask                  9 you last time and I wonder if I could just press you to                  10 recall a bit more. I asked you about complaints against                  11 Newsnight, because I have heard the suggestion that in                  12 either the past twelve months or the twelve months                  13 running up to the Savile incident, that there had been                  14 a number of quite high-profile complaints about specific                  15 stories on Newsnight that had had caused some                  16 unhappiness within the News division: is that right?                  17 A. I should have gone away and looked that up for you.                  18 Impressionistically, I don't recall Newsnight being                  19 a particular problem, from my perspective anyway.                  20 I don't know what Helen would say to that. But it must                  21 be possible to quantify, if you would like someone to do                  22 that, I am sure we could do that, in terms of, you know,                  23 high-profile complaints --                  24 MR POLLARD: That would be very useful, yes.                  25 A. I will -- I know you are up against the timescale, but                  Page 95</p>
<p>1 story, and Meirion Jones, in particular -- but                  2 Liz MacKean as well -- had thought that Peter Rippon,                  3 backed by you and Helen Boaden, had finally said, "No,                  4 this story is going nowhere". Do you accept that                  5 actually the inquiry -- the investigation -- should have                  6 continued, and if it had done, could have produced                  7 a successful outcome?                  8 A. Er, I think it would be hindsight for me to say it                  9 should have continued, but I do think -- I do wish it                  10 had continued. But I wouldn't want you to take away                  11 from that a failure of Peter Rippon. If you want to                  12 blame somebody for that, you can blame me as well, if                  13 you want.                  14 MR POLLARD: I wasn't suggesting blame --                  15 A. That -- I'm sorry.                  16 MR POLLARD: No, I understand.                  17 Do you think the reason was, as I have suggested,                  18 that the relationship had really come to a shuddering                  19 halt as well as the story?                  20 A. I think -- I don't think that was the case. Meirion                  21 continued to work. He is -- Liz was the reporter on                  22 this one, but Meirion is the really driver of                  23 investigations and he did do other investigations, um,                  24 subsequent to this one. Some, you know, really quite                  25 successful. So I don't think Peter had lost confidence                  Page 94</p>	<p>1 I will try and get some information from the lady who                  2 looks after our complaints across the piece and see what                  3 we can come up with something. But as I say,                  4 impressionistically I didn't think that this was -- that                  5 Newsnight, in particular, is going through a bad patch                  6 in terms of high-profile complaints.                  7 MR MACLEAN: Just bear with me one second, Mr Mitchell.                  8 Just a kind of couple of tail-end Charlie points.                  9 If you have bundle A3, please, Mr Mitchell and turn to                  10 page 40, something that I have should have asked you                  11 about last time but I didn't. This is your diary --                  12 A. What page is it?                  13 Q. 40. Your diary for 28 November last year. We can see                  14 if we look down this list that there's a bundle of                  15 routine meetings, one at 10 o'clock with Fran Unsworth,                  16 one with Owena Griffiths at 11 o'clock. Then the                  17 Sara Beek one about the MRPL, as it is inaccurately                  18 referred to, at 12 o'clock. That would be a week after                  19 the Savile story was taken off the list. The lunch with                  20 Mr Mosey, and then a routine meeting with Penny Murphy,                  21 and then at 4 o'clock, the one I want to ask you about,                  22 with Danny Cohen and Stephen Mitchell, which is not                  23 described as routine.                  24 A. Yes.                  25 Q. First of all, how often would you meet with Danny Cohen                  Page 96</p>

24 (Pages 93 to 96)



SMZ

1 and for what purpose?  
 2 A. Um, two, three times a year. Very infrequently. It's  
 3 not a - the reason you have routines with network  
 4 controllers is obviously to talk about the output you  
 5 are responsible for on their network and there's nothing  
 6 that I'm responsible for with Danny that means I need to  
 7 do routines, whereas I do see the controller of BBC2,  
 8 Janice Hadlow, on a regular routine basis.  
 9 Q. Because of Newsnight?  
 10 A. Because of Newsnight, but mainly because of current  
 11 affairs.  
 12 Q. Right.  
 13 A. And that's perhaps more detail than you need. I'm  
 14 responsible for Panorama on BBC1, but Panorama is such  
 15 a high-profile beast that routine conversations about  
 16 Panorama are done by my executive for TV current affairs  
 17 and my editor of Panorama, and I see Danny maybe a few  
 18 times a year. The reason I see Danny is because he's  
 19 the controller of BBC1 and he's a very interesting guy.  
 20 I regard him as a really talented future prospect for  
 21 the BBC. I have known him occasionally on and off. It  
 22 is more a catch-up about affairs more generally and  
 23 about Danny's career, or my lack of career, or whatever.  
 24 It's that sort of meeting. And I think probably we put  
 25 it into the diary because it is kind of hard to get

1 a viewer.  
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1 together with people like Danny without putting it into  
 2 the diary.  
 3 Q. I understand. Specifically, can you remember what the  
 4 purpose of this meeting on 28 November was?  
 5 A. It would literally just have been a conversation ranging  
 6 probably far and wide. Yes, I can't think it would have  
 7 been - I wouldn't have - I would know if it was  
 8 a "let's go and talk about X", for instance. I know  
 9 that Danny asked to talk to me about coverage of the  
 10 Middle East because he gets quite a lot of pressure,  
 11 [redacted] about coverage of the Middle  
 12 East, so I would have gone and talked to him about that.  
 13 This was not that meeting, but I do sometimes have  
 14 a specific subject in mind, but I don't think this one  
 15 had anything specific subject in mind. It was just an  
 16 attempt to catch up.  
 17 Q. To the best of your recollection, there was nothing  
 18 discussed then that we would be interested in; is that  
 19 what it comes to?  
 20 A. I don't think we discussed Jimmy Savile or tribute  
 21 programmes or Newsnight. I don't think we did.  
 22 MR POLLARD: I'm surprised to hear what you say. Equally,  
 23 I was surprised, as Danny Cohen mentioned that he would  
 24 sometimes talk to senior News executives about what was  
 25 on the 10 o'clock news. He described it almost as, as

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 7 MR MACLEAN: Okay, thank you very much, Mr Mitchell, for  
 8 both your occasions on which you have helped me to  
 9 understand this.  
 10 MR POLLARD: Thanks.  
 11 A. I hope, I have. Sometimes I feel I haven't. But, um,  
 12 honestly I - that is the only reason I went into this,  
 13 which is to try to help you get some clear picture of  
 14 how this organisation works.  
 15 MR POLLARD: Steve, thank you very much.  
 16 A. Thank you.  
 17 MR POLLARD: I appreciate your time, thank you.  
 18 (5.03 pm)  
 19 (The Inquiry adjourned until 10.00 am,  
 20 Tuesday, 11 December 2012)  
 21 INDEX  
 22 STEPHEN MITCHELL (recalled) ..... 1  
 23 Questions by MR MACLEAN ..... 1  
 24  
 25