# The Serota Review

BBC editorial processes, governance, and culture

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#### **Foreword**

The events described in Lord Dyson's Report should not have occurred and were a betrayal of the values and standards which should underpin every action at the BBC, at all levels. There was a failure of scrutiny at each stage. Much has changed at the Corporation since 1995 and we heard from contributors that the overall culture and editorial oversight in today's BBC are of a quality and rigour which would make similar events far less likely today.

The Board commissioned this Review, however, because it wanted assurance that the Corporation was able to deal with present and emerging challenges, as well as to learn from the mistakes of the past. We have identified some significant changes that we believe should be made in order to provide that assurance to the Board and to audiences.

In the last 25 years there have been profound changes in society and to the context in which the BBC operates. The advent of social media and activist journalism have challenged the authority of traditional sources of information and changed the pace and way in which journalists are expected to work. Changes in the structure of broadcasting have made the BBC much more reliant on independent sources for its broadcast output. The BBC has itself become more ambitious both commercially, through the creation of BBC Studios, and in its public service broadcasting through the expansion of the World Service and other services, such as its extensive online news services. All of these changes place new demands on the BBC and how it ensures that its editorial principles of accuracy, impartiality, fairness, and editorial integrity are being upheld. If the BBC is to continue to represent the global gold standard in its journalism and other content, it needs to set out its aspirations, be clear that it has high expectations of leaders and staff and enforce standards consistently.

We have been hugely impressed by the commitment to values and to audiences in so many of the conversations that informed this Review. Depth of thought and a determination to ensure that the BBC continues to offer its audiences outstanding programmes are apparent at all levels and in all divisions of the Corporation.

That does not mean we found everything perfect. Healthy organisations use mistakes as opportunities and we hope this Review will help content makers and lead to improvements which ensure the BBC's culture is one where its values are truly paramount and where best practice is embedded across the Corporation.

The opportunities identified by contributors to this Review, from both inside and outside the BBC, would mean, amongst other things: strengthened governance; a significantly improved system for raising editorial concerns and whistleblowing; more transparent processes for investigating when an issue arises; better training on editorial values for new joiners and throughout a BBC career; more accountability and better

communication at senior levels when things go wrong; less defensiveness and more transparency in how the BBC reacts to the outside world; and new ways of assessing empirically the effectiveness of editorial oversight and how values are upheld across the Corporation.

Our findings and recommendations stem from the observations and comments that were so generously shared with us in interviews and written submissions and by contributors both inside and outside the BBC. We are immensely grateful for their insights. The BBC now has Ofcom as its external regulator and we thank their senior team for the help and advice throughout the preparation of the Review. This Review has been undertaken as an independent exercise with the support of BBC staff and we are especially indebted to Jess Adams, Edward Odofin, Christina Roski, Gareth Tuck, and Victoria Wakely for guiding our journey and for sharing their knowledge and expertise in conducting our work.

Chris Banatvala Caroline Daniel Robbie Gibb Ian Hargreaves Nicholas Serota

# October 2021

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## Introduction

- 1. The BBC is a public service broadcaster with a world-wide reputation for trusted, high-quality content. Its audiences expect it to adhere to the highest editorial values. Accuracy, impartiality, fairness and editorial integrity are among the most important of these values and are the foundations of its Editorial Guidelines. These values are underpinned by the right to freedom of expression, and a commitment to the truth; they must be continually reinforced if the organisation is to retain the trust of audiences.
- 2. Lord Dyson's investigation into Martin Bashir's 1995 Panorama interview with Diana, Princess of Wales, identified profound failures in the application and oversight of editorial values and it was for this reason that the BBC Board commissioned a further review looking at editorial processes and culture. The purpose of this Review is to establish whether the BBC has learned from the mistakes of the past, to seek wider lessons from Lord Dyson's Report which may be relevant today, and to consider whether current practice addresses the challenges that have arisen since 1995.
- 3. The Review has been led by Sir Nicholas Serota, the Board's Senior Independent Director, who has been supported by non-executive directors Professor Ian Hargreaves and Sir Robbie Gibb and by two independent panel members: Chris Banatvala, a former journalist and now consultant on regulatory policy and editorial standards; and Caroline Daniel, a consultant and former newspaper editor.
- 4. The Review team has undertaken extensive interviews with more than a hundred individuals and heard from a broad range of voices across the BBC, including senior BBC executives, editorial policy and complaints advisers, editors, presenters, reporters, employee groups, staff in BBC Studios and staff based overseas. We have also spoken to organisations outside the BBC, including Ofcom, independent production companies, other broadcasters and newspapers in the UK, the US and Europe as well as private sector organisations outside the media industry which have faced challenges to their culture and values. We have consulted with these organisations to establish best practice around investigations and whistleblowing, reviewed editorial compliance documentation, as well as considering submissions to our open consultation.
- 5. Lord Dyson's Report made clear that the following failures occurred:
  - First, Martin Bashir's dishonesty was a failure of ethics and a breach of the BBC's cultural and editorial values.
  - Second, the way this dishonesty went unchecked revealed a failure of editorial oversight and support.
  - Third, the BBC was slow to investigate, despite warning signs emerging from various sources. Matt Wiessler, an individual who had raised concerns, was treated badly.
  - Fourth, when the BBC did investigate, the investigation was "flawed and woefully ineffective".

- Fifth, there was poor communication between the BBC's Board of Governors and BBC management.
- Sixth, when it came to the results of its investigations, "the BBC fell short of the high standards of integrity and transparency which are its hallmark".
- 6. In line with our **terms of reference**, we have sought to establish whether there are defects in current editorial processes or governance which could allow these mistakes to occur again. We have considered the BBC's oversight of, and accountability for, editorial decision-making processes; the mechanisms in place for staff and others to raise concerns about editorial issues; the effectiveness of the BBC's whistleblowing procedures with respect to editorial matters; and the culture within the BBC that supports compliance with the BBC's Editorial Values and Standards. Our findings are summarised below. The failures identified by Lord Dyson occurred in News and Current Affairs, but our work has considered content-making more broadly and we believe that our findings and recommendations have wider relevance across the BBC.

# **Summary**

- 7. Our Review has given us assurance that in each of the six areas of failure identified by Lord Dyson, governance and oversight are stronger now than they were in 1995. We found that:
  - The BBC has clear and comprehensive editorial guidelines which are reviewed regularly.
  - There is a renewed and continuing emphasis by the current Director-General on editorial values, particularly impartiality.
  - Programme teams, including *Panorama*, are less isolated and autonomous with closer supervision and support.
  - In general, whistleblowing and investigative procedures have been improved.
  - The BBC now operates a modern unitary Board with closer links between executive and non-executive Directors.
  - The BBC is more open and accountable with intense scrutiny from the media, external regulation from Ofcom as well as regular review by the National Audit Office.
- 8. Nevertheless, we believe that there is still potential for significant improvement. In the paragraphs below we set out our key findings against each failing identified by Lord Dyson and summarise our recommendations which are set out in greater detail in the main body of this report.
- 9. **Editorial values and culture** We found that BBC management needs to do more to embed editorial values into the fabric of the organisation. Many editors play a fundamental role in upholding the values, enabling honest discussion and offering informal day-to-day guidance but this role is not always emphasised sufficiently or adopted consistently. Not all staff have a comprehensive understanding of the editorial standards and induction training is not available to all content makers,

particularly freelancers. In addition, a number of those we interviewed felt that individuals, including high profile and senior staff, have not always been held to account for breaching editorial standards.

Recommendation 1 – The BBC should emphasise the importance of frank and open discussion in debriefs and regular one-to-one meetings, especially between managers and editors. To reinforce this, the BBC should monitor performance and acknowledge best practice through the staff survey, the Senior Leadership Index or other appraisal systems. The BBC should give editorial values greater prominence in corporate communications, recruitment, and training and make it clear that deliberate or negligent breaches of a serious nature, or attempts to conceal them, will result in disciplinary action or dismissal. This rule should be applied irrespective of seniority, profile, or role in the organisation. Our full recommendation is on page 13.

10. Editorial oversight and support – We found that the editorial challenges faced by content makers and management have increased substantially since 1995. There has been significant growth in the range, complexity and volume of BBC output but there is currently no systematic way to review content to ensure editorial values are being applied across all output over time. Furthermore, we found that the level of editorial policy support is not consistent across the BBC, with specialist advice not keeping pace with developments such as online news, podcasts and the rapid growth of the World Service. In some areas, accountability has become less clear because content-makers expect the BBC's editorial policy team, rather than themselves, to take responsibility for editorial judgements. Some staff feel that managers have less time for editorial oversight due to their extensive managerial responsibilities. Finally, we found that editorial risks and issues are monitored by different parts of the organisation, making overall prioritisation and senior level discussion and action more difficult than it should be.

Recommendation 2 – The BBC Board should commission regular thematic reviews in key areas of public debate to assess whether the BBC has met its editorial standards, and should publish its findings. The BBC Executive should develop, as an internal management tool, a systematic way of assessing the extent to which programme and other content strands meet the editorial standards. The Editorial Policy team should be given responsibility for consolidating editorial risk and issue reporting. The team should also be strengthened, to enable it to provide additional support to content makers. The BBC should emphasise that responsibility for editorial compliance rests with content makers, advised by the Editorial Policy team. Additional support should therefore be targeted specifically on areas of the business where advice has not kept pace with the growth of output or editorial risk. Our full recommendation is on page 18.

11. **Raising concerns** – Conversations between managers or colleagues are widely regarded as the best way of raising an editorial concern, but the existing culture does not always encourage and promote this level of trust. We found that many people are unsure where to raise concerns informally, beyond their immediate chain of command, and are also unfamiliar with the BBC's more formal editorial whistleblowing process. Many are reluctant to use the formal process because the

avenue available to them is through BBC management and they feel no action will be taken or are apprehensive that speaking up could impact negatively on their career.

Recommendation 3 – The BBC should promote a culture which makes it easy for individuals to raise concerns with line managers or, confidentially, with colleagues outside their line management. In line with best practice, it should nominate senior individuals in each division who can be approached in this way. It should also develop a clear and strengthened editorial whistleblowing policy for individuals who feel unable to raise concerns within divisions and want to use a more formal channel. It should provide a wider range of avenues to raise concerns under this policy, including an anonymous helpline and a route to the Senior Independent Director. It should draw on editorial expertise to investigate, including expertise from outside the BBC when required. It should raise awareness of the new policy through corporate communications and targeted training. Finally, it should gather and report relevant data to the appropriate BBC committees and to Ofcom, to monitor the health of the editorial whistleblowing process and enhance transparency. Our full recommendation is on page 22.

12. **Conducting editorial standards investigations** – We found that the process for internal investigations of editorial matters is ad-hoc and is not clearly defined or sufficiently transparent. In addition, there are times when it is not appropriately independent from the original content-making division. Some investigations were too slow to gather the facts, leaving staff to manage hostile media and audience reaction. Lessons learned are not always shared throughout the organisation. It is also not always evident whether and how individuals are held accountable.

Recommendation 4 – The BBC should establish and publish a simple and proportionate set of procedures for dealing with internal investigations. This should provide for an appropriate degree of independence from the content-making divisions, outside the chain of command. The BBC should also designate a number of experienced individuals to conduct investigations, made up of senior editorial figures from different divisions or the Executive Complaints Unit or a combination of both. In the most serious cases, a non-BBC figure should be part of, or lead, the investigation. Separately, the current Complaints Framework should be amended to clarify how the BBC handles expedited editorial complaints about broadcast or published content and to provide an explanation of the role of the Director-General as editor-in-chief. Our full recommendation is on page 26.

13. **Governance** – The BBC faces rapidly evolving and increasingly polarised audience views and fundamental emerging risks such as the rise of fake news and misinformation. It is imperative that editorial standards should keep pace with these developments and that the BBC's Editorial Guidelines and Standards Committee should help the Board to exert oversight in this area. However, the Committee does

<sup>&</sup>lt;sup>1</sup> The Editorial Guidelines and Standards Committee is a sub-committee of the Board and oversees, on behalf of the Board, the development of and compliance with editorial standards. The Committee's remit is set out in paragraph 91.

not receive sufficient information on editorial risks and issues to enable it to discharge its remit effectively. Furthermore, the Framework Agreement which accompanies the Charter is not explicit about the BBC's responsibility to monitor editorial standards.

Recommendation 5 – The Editorial Guidelines and Standards Committee should take a more active role in helping the Board to uphold editorial standards. The Committee should be joined by two external editorial experts to assist in this more active role and provide an external perspective on editorial risks and issues. The BBC's responsibility to assess performance against its editorial standards should be made explicit in the Agreement when it is next revised. Our full recommendation is on page 30.

14. **Transparency** – We found that a significant number of contributors felt there was a culture of defensiveness at the BBC, especially around admitting mistakes. Others pointed out that the reason the BBC appears defensive is that it is often under attack. While the BBC is much more open and accountable than it was 25 years ago, it is clear that as a publicly funded organisation in a society that is increasingly open, the BBC must continue to seek opportunities to enhance transparency still further.

Recommendation 6 - Themes of openness and transparency run through the report and in recommendations one to five we have suggested, among other things, more systematic, published reviews of editorial standards, more clear, published processes for carrying out internal editorial investigations and the provision of anonymised editorial whistleblowing data to Ofcom. We have also made recommendations to expedite the fact-finding process when the BBC is faced with urgent editorial concerns. Our aim is to reduce the risk that the organisation takes a position without being aware of the full facts. To reduce this risk still further, we recommend that the BBC strengthen the processes in place to share information at a senior level on emerging editorial trends, risks, and issues. Our full recommendation is on page 33.

## Conclusion

15. It will never be possible to eliminate entirely the risk that a rogue journalist circumvents editorial controls. However, the guidelines, culture, safeguards and governance which are now in place mean that the risk of circumvention occurring and going unchecked has been reduced significantly in the last 25 years. Nevertheless, successful organisations learn from their mistakes and as the broadcasting environment evolves, new challenges emerge. If the BBC is to maintain the trust of audiences it must set the benchmark for editorial excellence across the world. We have seen that BBC staff at all levels are committed to this goal and we hope that the recommendations in this report will help them to achieve it.

# Part one - Editorial values and culture

#### Introduction

- 16. The first failure we identified in Lord Dyson's description of events was a failure of ethics and a breach of the BBC's editorial values. A strong ethical culture requires:
  - Clear values and standards which are widely promoted.
  - Incentives for staff to commit to these values and strong disincentives for failing to do so.
  - Opportunities to discuss ethical judgements and learn from mistakes.
  - Effective training courses to reinforce the points set out above.
- 17. We explored the extent to which today's BBC meets these requirements and our findings are set out below.

# Clarity and promotion of editorial values and standards

- 18. The BBC's Editorial Guidelines are the basis of its editorial standards and its accountability to audiences. They are an essential tool for anyone making content for the BBC and are built upon a set of values, laid out clearly at the top of the current Guidelines. All BBC content makers are expected to uphold these editorial principles and make content which is duly accurate and impartial. It is essential that the organisation adheres to these standards if audiences are to trust the BBC.
- 19. The Editorial Guidelines are available to all content makers and employees and are updated every four or five years. Everyone who makes BBC content is required contractually to familiarise themselves with the Guidelines and abide by them.<sup>2</sup>
- 20. The Guidelines are widely regarded as clear and comprehensive. All the content makers we talked to considered them to be essential for their work and a strong foundation for credible, authoritative journalism. However, it was felt by some that the Guidelines could be made a more practical tool, by enhancing their prominence and improving online search capability. At present, it is not possible to search the whole Guidelines as they are segmented into subject areas and this can make them relatively clumsy to use. It is not easy to switch between sections and the key Mandatory Referrals are not listed in one place on the website.
- 21. The Guidelines<sup>3</sup> are 367 pages long and are generally used for reference rather than as a document which is widely known in detail. We were given good practice examples where editors, managers and Editorial Policy had helped content makers to navigate through the Guidelines by sending short, timely updates by email or messaging apps setting out relevant advice on topical editorial issues. Examples

<sup>&</sup>lt;sup>2</sup> Content makers are also required to comply with Ofcom's Broadcasting Code. The Editorial Guidelines are in line with the Ofcom Code but in many areas, the BBC goes further, reflecting the high editorial standards which audiences expect from the BBC. The Ofcom Broadcasting Code does not apply to the BBC World Service.

<sup>&</sup>lt;sup>3</sup> 2019 edition

- included advice on how to reference climate change or the correct use of statistics linked to news events.
- 22. Since being appointed as Director-General, Tim Davie has emphasised the importance of BBC standards, particularly impartiality, and has taken important steps to promote this value through speeches, corporate communications and training. Nevertheless, there is an opportunity for the BBC leadership team to go further. The BBC's duty to audiences means that the core editorial values of accuracy, impartiality, fairness, and editorial integrity must have primacy amongst wider BBC corporate values. This primacy would be reinforced if the Board and senior executives were to give the standards greater prominence in corporate communications and on the BBC intranet, which provides similar exposure for many other BBC policies.

#### Incentives for staff to commit to the values and standards

- 23. Lord Dyson concluded that Martin Bashir had knowingly set out to deceive Earl Spencer in order to obtain an introduction to Diana, Princess of Wales, which was a serious breach of the BBC's editorial standards at the time.
- 24. No interviewee believed it is possible to design a system which would, without fail, prevent such misconduct and deception but everyone we talked to said that things are very different today compared with 1995.
- 25. Contributors to our Review, both from within the BBC and from external organisations with experience of building successful compliance cultures were keen to emphasise the importance of accountability and consequences for deliberately breaking the rules. Several external news outlets told us that it is widely understood that if a journalist is dishonest or attempts to cover something up, they will be dismissed immediately. This clarity and knowledge that the reporter will be held to account helps to establish a strong culture of ethics and standards.
- 26. A number of those we spoke to felt that the BBC had, over the years, lacked similar clarity and had not always held individuals to account for breaching standards, including high profile or senior individuals. We recognise that it is not always possible to make sanctions public as the disciplinary process may require confidentiality. Nevertheless, a lack of accountability risks undermining commitment to the Editorial Guidelines and it is important that BBC leadership is clear and unshakeable about what is unacceptable.
- 27. As well as being clear about the implications of breaching the editorial standards, it is also important to recruit and advance individuals who demonstrate a commitment to those standards. However, while some BBC staff provided examples where they had been asked about the values and standards in job interviews, this was intermittent and the values and standards are not sufficiently prominent in recruitment, performance assessment, or promotion processes. We also note that the new Senior Leadership Index, which forms the basis of performance appraisal for senior staff, does not monitor commitment to the editorial values among contentmaking teams; nor is the performance of the organisation as a whole in this area tracked through the staff survey.

# Discussion about editorial judgements

- 28. It is very important to distinguish between deliberate or negligent breaches like those documented by Lord Dyson and innocent mistakes or minor errors which are inevitable given that many thousands of hours of BBC content are made available each week across multiple services and platforms.
- 29. Contributors to the Review emphasised the need to promote a culture of transparency by admitting and correcting errors as quickly as possible. They also emphasised the need to create an environment where the BBC can discuss editorial judgements, take risks without being fearful, and learn from mistakes. This is essential if the BBC is to avoid a 'group think' mentality, whereby an unwillingness to dissent from a group consensus or disagree with the opinions of more senior staff, can lead to flawed judgements. Our interviewees stressed the importance of senior leadership, editors and producers taking responsibility for creating such an environment. Editors are, and must be, at the heart of the BBC's compliance culture. Editorial values are best transmitted informally in the day-to-day interactions and workings of the BBC, enabling junior staff to learn from more experienced individuals. Supporting this informal process is fundamental.
- 30. Team debriefs and self-assessments of content are considered to be particularly important. Many content-making teams hold debriefs when programmes come off air, or at regular intervals for online content. One team provided a good practice example where it was mandated that every debrief should include discussion, however brief, of at least one element that could have been improved. The area for improvement could be raised by the most senior or the most junior member of the team, but establishing a clear expectation that any issues would be discussed meant that errors were raised more readily, as a routine and necessary part of the meeting. We heard similar examples of good practice from contributors outside the BBC, where organisations have mandated that there be moments at every meeting when there is discussion of a key risk to enable people to feel more comfortable about consistently raising concerns. However, these good practice examples have not been adopted universally across the BBC.
- 31. Contributors also emphasised the importance of regular one-to-one meetings between editors and their managers as a way of ensuring an honest airing of editorial issues. The level of informal learning and discussion is considered better now than 25 years ago, but some people raised concerns that one-to-one meetings are becoming less frequent and there is a risk that these meetings will diminish further if the BBC's efficiency programmes lead to a reduction in experienced staff. Some staff feel that managers have less time for editorial oversight due to their heavy managerial responsibilities and that therefore the BBC is not taking full advantage of their extensive editorial experience.

# Training and development

32. Training courses were highlighted as an important way to equip content makers with knowledge and judgement regarding the standards. However, we found that some staff are more familiar with the standards than others and that not all staff have received training. In particular, we found that staff who joined the BBC as

- freelancers on an ad-hoc basis or on short-term research contracts had not been given full induction training on the standards even where they later secured staff contracts. The BBC's heavy use of freelancers therefore presents a potential risk.
- 33. There was a similar concern raised about whether those working for independent production companies were fully briefed on BBC standards. The data show that take-up of the BBC's training on editorial standards amongst independents is low. A number of senior editors and correspondents also expressed the view that there was a need to reinforce basic journalistic values and training above anything else and expressed anxiety about asking young, inexperienced people to work on controversial stories without sufficient support.
- 34. Some content-making teams use a buddy system and allocate to each new member of staff a more experienced team member to support induction. This was generally regarded as working well and to be encouraged.
- 35. Interviewees emphasised that as well as induction, training courses should continue throughout an individual's career and cover editorial standards, the latest legal issues, and changing audience perceptions of what matters. This gives content makers an opportunity to step out of the daily news cycle and explore emerging editorial issues and risks. However, we were told that opportunities to go on refresher courses or to engage in formal group discussions on editorial issues had diminished in recent years.
- 36. We found that the most effective training courses involve group discussion rather than passive online learning. When discussion involves a wide range of respected content makers it allows staff to learn from each other and explore the finely balanced judgements involved. For this reason, the rollout of various tailored and discursive courses such as Safeguarding Impartiality was welcomed by many. It was noted that when training is tailored to specific types of output or staff role, whether that is training for staff working overseas or as presenters, it is more effective.
- 37. The BBC operates a number of employee networks to enable staff that may otherwise feel isolated to come together and support each other. Some content makers we interviewed noted that comment received from these networks can be helpful as it provides a breadth of perspectives to support the BBC's impartiality obligations. However, it is essential that when staff have strongly held views, these do not discourage content makers from reflecting the full range of public opinion on a subject. Editors have a responsibility to seek diversity of opinion and foster open editorial debate. Their managers have a responsibility to support them in doing this.
- 38. The BBC's policy for employee networks specifies that they should align with the BBC's vision, purpose and values. However, not all participants in the networks are directly involved in delivering content and as such do not have access to the same level of training in the BBC's values and standards as content-making staff. Providing greater clarity about their role and engaging with staff networks would help to address this disparity and emphasise the primacy of the BBC's editorial values, including impartiality, in shaping all content.

#### Recommendation 1 - Editorial values and culture

- a) The BBC should ensure that best practice which promotes frank and open discussion of editorial errors and issues is being applied by:
  - Creating a clear, measurable, expectation that every content debrief includes discussion, without recrimination, of an element that could have been improved.
  - Emphasising the importance of regular one-to-one meetings between managers and editors to discuss editorial judgements and concerns.
  - Using the Senior Leadership Index, other appraisal systems or staff surveys to measure adherence to both of the above.
- b) There should be a clear distinction between unintentional mistakes and deliberate or negligent editorial standards breaches of a serious nature. The BBC should emphasise through the Editorial Guidelines and corporate communications that deliberate and negligent breaches of a serious nature or attempts to conceal them will not be tolerated and will result in disciplinary action or dismissal. This rule should be applied, irrespective of seniority, profile or role in the organisation. Whenever possible, actions following significant editorial standards breaches should be made public to enhance accountability and transparency.
- c) The BBC should reinforce the primacy of editorial values amongst the BBC's wider values by promoting them in corporate communications and making the Editorial Guidelines more prominent, usable and searchable on-line.
- d) As a publicly funded national broadcaster, the BBC has a responsibility to be ambitious and set the benchmark for editorial training and development. Therefore, the BBC should:
  - Prioritise induction and career-long training on the editorial values and standards, drawing on the wealth of journalistic experience in the BBC.
  - Ensure this training is interactive, practical, based on recent experience and tailored to different groups of content makers, including those working overseas or in on-air and specialist roles.
  - Ensure content making staff receive induction training in editorial standards, including freelancers and those on short term contracts.
  - Engage with the BBC's employee networks to ensure their contribution is consistent with the BBC's editorial values, including impartiality.
  - Adopt the 'buddy system' for induction more widely across the BBC.
  - Run more regular, short refresher courses for existing staff and independent production companies to keep pace with evolving editorial issues, particularly current challenges to impartiality.

# Part two - Editorial oversight

#### Introduction

39. Strong editorial processes should, if functioning correctly, empower rather than restrict ambition by giving content makers the confidence that material will stand up to scrutiny. However, it is clear that 25 years ago the BBC's procedures for editorial oversight were not sufficiently robust. In this section we consider whether today's BBC has the supervision, support and risk management processes to provide a firm foundation for outstanding content.

# Supervision and support

- 40. Contributors to our Review emphasised consistently that supervision and support are stronger now than in 1995 and that programme teams are less isolated and autonomous than they were then.
- 41. On the particular issues around the oversight of investigative reporting, notably *Panorama*, where the Martin Bashir incident occurred, team structures have changed significantly. There are additional levels of review with an editor, deputy editor, producer and assistant producer working together, in line with the Editorial Guidelines. An additional role of Deputy Head of Current Affairs has been created and this individual works closely with the programme to provide oversight of confidential projects, alongside senior Editorial Policy advisers.
- 42. The BBC's Editorial Policy team makes a vital contribution to editorial supervision and support. The team, led by the Director of Editorial Policy and Standards, includes Editorial Policy advisers and the Executive Complaints Unit. Editorial Policy advisers assist production teams pre-broadcast, providing advice on how to work within the Editorial Guidelines. The Executive Complaints Unit deals with complaints from the public on programmes which have been broadcast.
- 43. The team is soon to move into Broadcasting House, where it will be working alongside the London newsroom and Story Teams. We welcome this development which will improve the visibility and accessibility of Editorial Policy.
- 44. It is clear that the team is highly regarded across the organisation and contains impressive expertise. However, the extent, range and depth of BBC content has changed considerably since this support structure was first put in place at a time when there were just two television channels. Contributors suggested the team could be strengthened to address the following issues:
  - An admirable desire to focus resource on audience facing content has meant
    that investment in editorial support has not kept pace with the increase in
    output in some areas of the BBC, including online content such as podcasts. This
    is particularly true of the World Service language services where over a thousand
    staff have been recruited since 2016. The BBC's editorial standards are different
    from those that prevail in many parts of the world and as a consequence, BBC
    standards need to be learned and promoted.

- Here in the UK, some of the independent production companies we spoke to suggested that their relationship with the BBC's editorial advisers is more remote and sometimes less collaborative than with equivalent advisers in other broadcasters. We were told this leads to extra complexity in the process and in some cases a reluctance to take challenging content to the BBC.
- In BBC Studios, there have been changes in the way that editorial compliance is handled. It is essential that the link between Editorial Policy and Studios should not be weakened as editorial values must remain paramount in all aspects of the BBC's work.
- There is an opportunity to broaden the range of experience of the Editorial Policy team to include wider editorial and, if possible, overseas experience.
- 45. It is important to emphasise that responsibility for editorial compliance rests with content makers, advised by Editorial Policy. Some contributors highlighted the risk that content makers rely too heavily on 'referring up' to Editorial Policy and in doing so, neglect their own responsibility for editorial compliance. Therefore, it is important to ensure that any additional resource in Editorial Policy is targeted judiciously at high risk areas rather than spread across the BBC.

#### Editorial risks and issues data

- 46. An effective oversight system requires comprehensive and focused compliance data to alert journalists and editors to emerging risks, monitor the health of editorial governance and capture lessons learnt.
- 47. The BBC collects information on editorial risks and issues in a number of different places. The Director-General's office collates a list of sensitive programmes in production and shares this with divisional directors. The most sensitive and confidential programmes are not always added to this list because there is a need to limit distribution. The Editorial Policy unit maintains a Managed Risk Programme List, based on information from divisions. This list is reported monthly to the Editorial Standards and Complaints Committee (a sub-committee of the Executive Committee) and is cascaded to News Board and other programme division Boards. Risks on the list are arranged by broadcast date rather than in order of importance and there can be a tendency for divisions to submit too many programmes without a clear rationale for inclusion, making it more difficult to identify the biggest risks. Editorial Policy also reports on editorial complaints and editorial breaches to the Board and the Editorial Guidelines and Standards Committee. The investigations team within Quality, Risk and Assurance collects information on whistleblowing in non-editorial areas and reports this to the BBC Board's Audit and Risk Committee.
- 48. In line with good practice, when an editorial breach occurs, divisional boards and the Editorial Guidelines and Standards Committee are notified and told what action has been taken to minimise the risk of the breach occurring again. These reports are written by divisions and taken seriously.
- 49. This information on risks and issues is useful for editorial oversight but we consider that making a single department responsible for collecting all of it, on behalf of the Executive's Editorial Standards and Complaints Committee, would help identify the

biggest trends, problems and emerging risks that should be discussed by senior management.

#### Editorial standards reviews

- 50. The editorial challenges faced by content makers and management have increased substantially since 1995. There has been significant growth in the range, complexity and volume of BBC output. The BBC now produces thousands of hours of television, radio podcasts and online content every week. This has heightened risks associated with oversight and editorial mistakes. BBC News and Current Affairs is a vast enterprise compared to most journalistic organisations. It is the size of many newspapers combined and needs to rely on devolved management structures to operate effectively. Despite the growth in output and complexity, there is currently no systematic way to review content to ensure editorial values are being applied across all output over time.
- 51. Previously, the BBC commissioned reports into how it covered specific subject areas such as science or immigration. Reintroducing similar thematic reviews would enable the Board to monitor whether the BBC has the desired level of coverage in particular areas and an appropriate breadth of voice. The reviews could assess whether output is fair, duly accurate and duly impartial.
- 52. In addition to these thematic reviews, there is an opportunity to introduce a more systematic way of analysing and assessing programme and other content strands over time, informed by qualitative and quantitative considerations. Such internal assessments, led by the BBC Executive, would enable the BBC to assess impartiality, accuracy and diversity of opinion across its output.

# Assessing the impact of restructuring initiatives on editorial standards

- 53. The News and Current Affairs division is in the process of changing how it produces its journalism to reduce duplication and achieve greater impact. The initiative, entitled *Modernising News* will involve a greater level of centralised news production with the creation of a Commissioning Group and a number of new Story Teams which will provide content across multiple programmes. Separately, the BBC has made significant staff cuts in the English Regions, and has begun to implement a programme, *Across the UK*, that will result in staff leaving London to work in different parts of the country. It will also be embedding a hybrid working system in the wake of the pandemic whereby staff will split their time between office and home.
- 54. These initiatives bring strategic benefits but also give rise to a number of risks in relation to editorial standards.
  - There is a risk that the centralisation of Story Teams amplifies potential errors, as stories will be re-used by multiple programmes and individual editors will have limited scope to amend Story Team content. In addition, there is a risk that

<sup>&</sup>lt;sup>4</sup> The purpose of the Across the UK project is to ensure that all parts of the UK enjoy a share in the value the BBC creates.

- plurality is diminished because fewer stories will be covered and a risk that accountability is reduced if it becomes less clear which team is responsible for upholding editorial standards in the output.
- There is a risk that recent staff cuts in the English Regions have a detrimental impact on editorial controls as staff deliver the same volume of output with fewer people.
- Finally, there is a risk that with hybrid working, content makers become more removed from the informal support networks and supervision that come with an office-based environment.
- 55. It will be important to monitor and manage these risks closely and, in particular, assess periodically the impact on editorial standards of the new Commissioning and Story Teams in News.

#### Recommendation 2 - Editorial oversight and support

- a) The BBC should re-introduce a programme of regular thematic reviews to assess whether output has met editorial standards in key areas of public debate. These reviews should be commissioned by the Board and overseen by the Editorial Guidelines and Standards Committee. The reviews should gather views from the public and stakeholders and findings should be published.
- b) The BBC should develop a systematic way of assessing the extent to which programme and other content strands meet the editorial standards. As an internal management tool, this work should be led by the Executive with updates to the Editorial Guidelines and Standards Committee.
- c) The BBC should monitor the impact on editorial standards of restructuring initiatives such as English regions' efficiency savings, hybrid working and Modernising News. In particular, it should assess the impact on editorial standards of the new Commissioning and Story Teams in News. This work should also be led by the Executive with updates to the Editorial Guidelines and Standards Committee.
- d) The BBC's Editorial Policy team should be strengthened and enabled to:
  - Adopt a higher profile across the organisation, using team meetings and
    other events to ensure as many staff as possible are introduced to advisers.
    This will be an opportunity to encourage discussion of editorial issues,
    whilst emphasising that final responsibility for editorial decisions lies with
    content makers.
  - Provide targeted support to areas of activity where the provision of specialist advice has not kept pace with an increase in output or editorial risk, particularly World Service language services, BBC Studios, independent producers and online publication, including podcasts.
  - Become the department responsible for consolidating data on editorial
    policy risks and issues. The most important risks and issues should be
    discussed regularly at senior leadership Boards (such as News Board) as
    well as at the Executive's Editorial Standards and Complaints Committee
    and at the Board's Editorial Guidelines and Standards Committee.
  - Consider long-term rolling attachments to Editorial Policy for content makers to share skills and experience between the two groups of staff, strengthen relationships and widen the range of staff working in Editorial Policy.

# Part three - Raising concerns

#### Introduction

- 56. Martin Bashir's deception only became known publicly because freelance graphic designer Matt Wiessler raised concerns. Lord Dyson found that the BBC was slow to investigate these and that Mr Wiessler and others who raised the matter were treated badly. The Director-General has since apologised to Mr Wiessler on behalf of the BBC but it is clear from Lord Dyson's Report that 25 years ago the BBC fell well short of the standards needed to ensure that editorial concerns can be raised and dealt with effectively.
- 57. In a healthy and confident organisation there should be many avenues for staff and others to raise concerns or disclose wrongdoing, ranging from a conversation with a line manager or colleague to the use of an anonymous whistleblowing hotline. It is important to emphasise that by far the best way to raise concerns about editorial standards will almost always be through trusted conversations with colleagues or managers. We set out our findings below on the extent to which the BBC:
  - Enables and encourages a culture of raising editorial concerns.
  - Provides as an option of last resort a trusted and systematic whistleblowing policy for editorial issues.
  - Captures editorial whistleblowing data to improve systems and culture.

# **Culture of raising concerns**

- 58. At the BBC, speaking up about an editorial concern should be a natural part of a culture that does all it can to make content of the highest standard and we heard many examples where senior editors have created an environment where staff feel able to speak up. This will usually be the best way of raising an editorial concern. However, some contributors are worried that in certain circumstances reporting a concern about misconduct could have a negative impact on their career. Younger staff, in particular, feel it is important to have channels to express their concerns which are separate from their line management.
- 59. To address this, some of the organisations we spoke to had established a group of nominated, senior editorial figures, to whom staff could go with questions or concerns. These experienced figures provide advice to those who want to raise a concern with someone other than their manager.
- 60. In some circumstances, more formal and potentially anonymous whistleblowing processes are needed. These processes give comfort and protection to those unable or unwilling to raise issues with managers or colleagues and also play a crucial role in supporting an organisation's values. They provide the organisation with intelligence about how oversight can be strengthened, are a warning system about tensions in the internal culture, reduce the risk of leaks, and enhance transparency.

# The BBC's whistleblowing policy

- 61. We have reviewed best practice in the public and private sector, talked to organisations involved in advising on whistleblowing and organisations which have implemented successful whistleblowing policies in the wake of ethical crises. This work indicates that a strong whistleblowing process should:
  - Be clear and well understood.
  - Be promoted throughout an organisation from the top down.
  - Be supportive of whistleblowers, providing them with access to independent advice, protection and confidentiality.
  - Lead to a robust, independent and timely investigation with the results reported back to the whistleblower.
  - Provide information which is captured and used to improve an organisation.
- 62. The BBC has made significant improvements to the processes available to whistleblowers since 1995 and the policy was re-launched in 2016 as part of an internal communication campaign on speaking up, to support staff raising concerns.
- 63. Under the BBC's current policy, individuals both inside and outside the BBC, are provided with a range of potential avenues to express non-editorial concerns, including an anonymous helpline and routes to the Director of Quality, Risk and Assurance or an independent non-executive director. However, the options available to individuals raising editorial concerns are much more limited. They are not offered the same range of independent or anonymous contacts but are directed instead to the Director of Editorial Policy and Standards. We understand that since 2017, very few editorial whistleblowing cases have been brought to the Director's attention.
- 64. The BBC's policy is focused on the 1998 Public Interest Disclosure Act, which makes it unlawful to subject a worker to negative treatment or to dismiss them because they have raised a whistleblowing concern. But this Act does not cover editorial matters specifically. This gives rise to some ambiguity as to whether those raising editorial concerns at the BBC will have protection equivalent to the protection offered to those who raise concerns listed under the Act, such as Health and Safety or criminal activity.
- 65. Non-editorial investigations are carried out by a bespoke team with professional experience. The policy explains that the length of time it takes to investigate depends on the case, but that the team aims to conclude the investigation within 12 weeks and then, to the extent possible, report the results to the individual raising a concern. However, for editorial whistleblowing the investigation process and length of time to complete it is not clearly defined.
- 66. Under the Public Interest Disclosure Act, individuals can also contact a list of prescribed persons to raise concerns that fall under the Act and the list of prescribed persons includes the BBC's regulator, Ofcom. The existing policy makes no reference to this.
- 67. In the wake of Lord Dyson's Report, the BBC has an opportunity to reiterate its commitment to supporting and protecting whistleblowers, especially in editorial

- matters, to ensure that everyone involved in making content (both inside and outside the BBC) can easily access the relevant contacts and information.
- 68. There is also an opportunity to provide greater clarity around what constitutes a valid editorial whistleblowing concern to distinguish these from other issues such as personal grievances (for which different processes exist) or disagreements with editorial decisions that do not contravene the values or standards.

# Whistleblowing data

69. The BBC collects anonymised whistleblowing data and reports them to the BBC's Audit and Risk Committee. This provides useful insights on the health of the organisation and the whistleblowing process more generally. However, editorial whistleblowing data are not reported to the Editorial Guidelines and Standards Committee. Best practice suggests that the data should cover the number and type of concern raised, the outcome of the investigations, lessons learnt and the proportion of cases which were raised anonymously. The staff survey could be used to measure awareness of the whistleblowing process and the level of trust in it, but the survey is not currently used in this way.

#### Recommendation 3 - Raising concerns

- a) The BBC should support a culture where staff feel comfortable discussing concerns with managers and colleagues and establish a group of nominated senior editorial figures with whom individuals can discuss concerns confidentially and outside the chain of command.
- b) A clear and strengthened editorial whistleblowing policy should be developed for individuals who feel unable to raise concerns within divisions and want to use a more formal channel. This policy should:
  - Explain that individuals raising editorial concerns can expect an equivalent level of protection to that they would receive if they raised issues covered by the Public Interest Disclosure Act (such as concerns about Health and Safety).
  - Offer the same wide range of contacts for editorial whistleblowers as the BBC does for other whistleblowers. These contacts should include an anonymous phone line, the Director of Quality, Risk and Assurance and the Senior Independent Director.
  - Explain that the BBC investigations team will draw on editorial expertise, including expertise from outside the BBC when required, and set out the timescale and process for editorial whistleblowing investigations. Clarify that, where possible, individuals will be told the results of the investigation.
  - Explain that if individuals raise concerns under the Public Interest
    Disclosure Act, they can contact a variety of prescribed persons, including
    Ofcom. The prescribed person's ability to investigate will depend on its
    remit and powers.
- c) The BBC should raise awareness of the new whistleblowing policy by:
  - Ensuring that anyone working with, or for, the BBC has access to the latest policy.
  - Publicising the process, including the different avenues to raise concerns.
  - Devising a short online training module to explain the whistleblowing process and introduce key contacts.
- d) The Director of Quality, Risk and Assurance should report regularly to the Editorial Guidelines and Standards Committee, as well as the Audit and Risk Committee, providing information such as:
  - The number and type of editorial concerns raised.
  - The outcome of any investigations and lessons learnt.
  - The proportion of cases which are raised anonymously.
  - Feedback on the whistleblowing process from a sample of individuals who have used it.
  - Levels of awareness of, and trust in, the whistleblowing process.
- e) The BBC should provide a regular summary of whistleblowing data to Ofcom to enhance transparency.

# Part four - Conducting editorial standards investigations

#### Introduction

- 70. It is a duty of the BBC Board to set and uphold the editorial standards of the BBC's services. In fulfilling this requirement, the Board is responsible for the oversight of the complaints framework and procedures. The Director-General is the BBC's editor-in-chief and, as such, has ultimate responsibility for all BBC content.
- 71. The Editorial Guidelines apply to all BBC content and drive every aspect of the BBC's work. Every day and in every way, on radio, television and online, in this country and around the world, reporters, producers, editors and management are making decisions to ensure content is consistent with the Editorial Guidelines. Sometimes this is easy, at other times, less so. However, the BBC's first line of defence is always these content makers who exercise their editorial judgement. Nevertheless, there are times when content is broadcast or published that either gives rise to an audience complaint or which is recognised as raising an issue by the BBC itself. In both cases, the content is judged against the standards set out in the Editorial Guidelines and a decision is reached.
- 72. Lord Dyson identified serious failings with the BBC's internal investigations into the *Panorama* programme. The investigations themselves were not adequate or thorough enough. It is our view that those investigations were not sufficiently independent as they were carried out by individuals who were responsible for, or had oversight of, the programme. In addition, the full findings were not reported to any Board or Committee.

# Handling complaints

- 73. Investigations into potential breaches of the BBC Editorial Guidelines can be triggered in a number of ways. The most common is where a member of the audience complains directly to the BBC. People or organisations who appear in (or are directly affected by) programmes can also complain. When either sort of complaint is upheld, the BBC normally publishes the decision.
- 74. In these cases, the BBC has clear and robust published procedures, set out in a Complaints Framework, which explain how it considers and adjudicates on complaints. There is a two-stage process where first, those responsible for the content have an opportunity to address any concerns raised by the complainant. Where the complainant is not satisfied, they can take their case to the Executive Complaints Unit. The Unit acts independently of the rest of the BBC but on behalf of the Director-General through delegated authority. All decisions made by the Executive Complaints Unit are effectively those of the Director-General as editor-inchief and he is therefore final arbiter of whether the Editorial Guidelines have been breached. In this role as editor-in-chief, the Director-General has, in exceptional circumstances, intervened to reassess the view of the Executive Complaints Unit.

- 75. A complainant who is unsatisfied with the BBC's decision on a complaint may, under the current system, appeal to the independent regulator, Ofcom, which will judge the content against its Broadcasting Code.
- 76. The Complaints Framework sets out the timescales within which complaints should be handled. In some cases, we found that complaints had been delayed because content makers had taken longer than the ten working day time limit to respond to complaints being considered by the Executive Complaints Unit.
- 77. We have taken evidence from a number of internal and external stakeholders. The consensus is that the complaints system, in general, works extremely well and the decisions of the Executive Complaints Unit are well respected.

# **Expedited complaints and self-initiated investigations**

- 78. Some of the biggest reputational risks for the BBC have occurred when a potential breach of its Editorial Guidelines is reviewed and investigated outside of the current complaints procedures. For example:
  - The BBC has received a complaint about broadcast or published content which must be dealt with as a matter of urgency (for example where there is potential for ongoing harm). These are known as 'expedited' complaints.
  - A member of staff has raised a potential editorial issue with their line manager, another manager or through the whistleblowing process.
  - The BBC has become aware of a potential editorial breach.
  - Press enquiries raise potential editorial issues.
  - Where the Director-General exercises his prerogative as editor-in-chief as the final arbiter on whether the Editorial Guidelines have been breached.
- 79. As in the case of the Bashir interview, some of these most challenging moments can concern high profile BBC scoops or presenters, which puts even more pressure on matters of editorial judgement and management credibility.
- 80. Outside the formal procedures for complaint handling the process is ad-hoc. Expedited complaints are handled extremely quickly and the case is sometimes escalated, legitimately, to a higher level in the BBC, outside of the normal complaints process. However, there is no specific reference or established procedure within the Complaints Framework covering how the BBC manages expedited complaints about broadcast or published content. Nor is there a published process for self-initiated and other editorial investigations that fall outside the Complaints Framework. Many of our contributors told us that it is not always clear who is responsible for carrying out the investigation, what the process is, who should be consulted and who decides how the final outcome should be communicated to the content-makers involved.
- 81. We have heard concerns that some previous internal investigations have been seen to have failed due to a mixture of: simple misjudgements; the potential risks of 'group think'; a reluctance by report authors to criticise senior leaders; a culture of defensiveness; and an understandable inclination to defend the BBC's reporting, which in the past has sometimes been exercised before the facts were fully known.

- 82. Sometimes the facts take too long to gather, leaving the BBC vulnerable to external criticism; and sometimes BBC management has sought to accelerate the process to respond to external critics more speedily, but without always ensuring that all parties have been treated consistently or fairly. Finally, there were concerns expressed that editors and presenters, who are in the frontline, are not always as supported as they could be through the investigation process and that communication and consultation with them could be improved at these times of stress.
- 83. We heard several accounts from other news organisations and private and public sector corporations about how they handle internal investigations. There were a number of common approaches which, if adopted, would benefit the BBC.
- 84. We heard from one news outlet which told us that the primary lesson around internally conducted inquiries was to not permit divisions to investigate themselves. This organisation would "push it out to two or three editors first to get a quick summary". Another organisation had recourse to external adjudication and trustees who met twice a year and called in the editor-in-chief and senior editors to provide accountability by challenging them rigorously.
- 85. It has to be recognised that each case is different, and it is not possible to develop a process that captures every circumstance. In addition, it would be inappropriate and not a good use of the licence fee to launch full scale external investigations whenever there is an allegation that there has been a breach. There are times when a programme or division quickly recognises there is an issue and that it can correct the matter speedily without resorting to a full scale investigation from outside the division or the BBC. However, it is also clear, from Lord Dyson's Report and other cases which we have examined, that there are instances where external scrutiny is essential (either external to the division or in the most serious of cases, external to the BBC itself).
- 86. In the interests of transparency, it is important to set out the principles and a process under which the BBC conducts self-initiated investigations and expedited complaints. The precise details are a matter for the Executive, but a speedy and consistent approach to fact finding, alongside an appropriate degree of transparency, is essential.
- 87. In setting out these principles and processes, there is also an opportunity to explain the role of the Director-General. There have been times when previous Directors-General have intervened and made a determination on whether the Editorial Guidelines have been breached. These exceptional cases are in line with the Director-General's role as editor-in-chief with final responsibility for individual editorial decisions, as set out in the Charter. However, there has not always been clarity over the Director-General's role in these circumstances. This role is not referenced in the Complaints Framework and his decision has not always been accompanied with a reasoned and published explanation. The result is that there is sometimes no public record of such cases to support transparency and BBC staff wishing to seek guidance on the issue have no reference for future decision-making.

#### Recommendation 4 - Conducting editorial standards investigations

- a) The BBC should establish and publish a simple and proportionate procedure for self-initiated (internal) investigations into potential breaches of the Editorial Guidelines. The procedure should explain that:
  - Responsible divisions and programmes are usually expected to recognise whether their content has breached the Editorial Guidelines.
  - In more serious cases, which also carry reputation risk, the Director-General
    or senior management will initiate an investigation to be conducted from
    outside the responsible division. The BBC should identify a designated
    group of experienced individuals to investigate, made up of senior editorial
    figures from different divisions or the Executive Complaints Unit or both.
  - In such cases, the BBC will also consider bringing in a non-BBC figure to join, or to lead, such investigations.
  - Those conducting the investigation will make a recommendation to the Director-General as the editor-in-chief unless the decision has been delegated to the investigators.
- b) The BBC Complaints Framework should be amended to make specific reference to, and clarify how, the BBC handles expedited complaints about broadcast or published content where a decision has to be reached speedily, potentially within a matter of hours.
- c) Every investigation, self-initiated or expedited, should adopt the same fundamental principles as investigations under the existing audience complaints process. In particular:
  - Content makers should have sight of the complaint, if there is one, and have an opportunity to respond.
  - Findings about serious breaches of the Editorial Guidelines should be published with adequate reasoning, irrespective of whether there was a complaint, including those cases where the Director-General intervenes to make a ruling as editor-in-chief.
- d) At present, content producers are required to respond within ten working days of a complaint being considered by the Executive Complaints Unit. Where there are not legitimate reasons for delay, senior management should ensure that their divisions respond within the set timeframe and regular reports on response times should now be made to the Editorial Guidelines and Standards Committee.
- e) There are exceptional circumstances, where the Director-General, as editor-inchief, reassesses the view of the Executive Complaints Unit or intervenes on an issue. The Complaints Framework makes no reference to this. In the interest of transparency, it is recommended that the Complaints Framework reflects overall the role of the Director-General.

# Part five - Governance

#### Introduction

- 88. In 1995 the BBC was governed and regulated by the Board of Governors. The Board was independent of the BBC's executive team and represented the interests of the public. The Governors' role included approving policy, overseeing complaints, and reporting on BBC performance and compliance. However, it is evident that this governance structure was unsuccessful at holding the BBC to account for the failures Lord Dyson identified.
- 89. The BBC's governance arrangements have been radically altered over the last 25 years. Today, the BBC operates a modern corporate governance system with a unitary Board made up of both executive and non-executive members. The Corporation is regulated by the independent industry regulator, Ofcom. The Royal Charter and the accompanying Framework Agreement establish that it is a duty of the BBC Board to set the standards for the BBC's editorial and creative output and services. The Editorial Guidelines and Standards Committee is responsible for advising the Board on whether the BBC's editorial standards are being upheld. Separately, the Executive's Editorial Standards and Complaints Committee reports to the Executive Committee on editorial standards, risks, complaints and compliance.

#### The role of the Editorial Guidelines and Standards Committee

- 90. The remit of the Editorial Guidelines and Standards Committee is to:
  - Oversee the development of, and ensure compliance with, the BBC's Editorial Guidelines.
  - Monitor and review the BBC's editorial compliance systems.
  - Ensure that the BBC complies with its Complaints Framework and report to the Board on the effectiveness of that framework.
  - Review findings and directions from Ofcom with regard to editorial matters and compliance with the Ofcom Broadcasting Code.
- 91. Some of those we talked to from outside the BBC recommended strengthening the BBC's approach to editorial governance and we believe that governance would be improved if the Committee, on behalf of the Board, adopted a more proactive role in delivering its remit. Our recommendations on page 18 will assist in this process. There we have recommended that the Committee, on behalf of the Board, oversees a new programme of thematic reviews to assess whether BBC output has met editorial standards in key areas of public debate. We have also recommended that the Committee receives updates on the Executive's assessment of: content strands; the editorial impact of restructuring in News; and the new Commissioning and Story Teams.

- 92. The Committee's role could be strengthened further in the following areas.
  - The Committee's remit includes oversight of editorial compliance. However, it
    does not receive and discuss some information which would help it to deliver this
    remit. For example, editorial risk and whistleblowing data are not provided to
    the Committee routinely.
  - The Framework Agreement between the BBC and the Secretary of State for Digital, Culture, Media and Sport, which accompanies the Charter, sets out the BBC's responsibilities regarding the Editorial Guidelines, stating that "the BBC must set, publish, review periodically, and observe guidelines designed to secure appropriate standards in the content of the UK Public Services". However, it is not explicit about the BBC Board's responsibility to assess performance against the editorial standards. Introducing this requirement to the Agreement, would send a signal about the importance of editorial values and give the Committee a clearer role, on behalf of the Board, in holding management to account for upholding editorial standards.
  - Contributors to our Review suggested that the Committee and the BBC more generally, would benefit from additional editorial advice from experts outside the BBC to provide an external perspective and help the Committee deliver its remit.

# **Emerging editorial risks and issues**

- 93. An important part of the evidence we heard from both inside and outside the BBC concerned some emerging trends and risks which create challenges for how the BBC Board ensures the editorial values are being upheld.
- 94. Technology has made fake news easier to create and easier to spread at scale whether that is via video, speech, pictures or comment. The BBC has taken steps to address these issues and created the Trusted News Initiative, a partnership that includes organisations such as Facebook, Twitter, Reuters and The Washington Post. It is the only forum of its kind in the world that is designed to tackle disinformation in real time. The BBC also has resources, such as its User Generated Content Hub, its Misinformation Unit, Reality Check and BBC Monitoring, all of which are used extensively by journalists to authenticate material. Nevertheless, the continued rise of fake news was cited by several senior editors as one of the biggest potential risks to the BBC's journalistic reputation. We were told they would welcome additional tools and training to tackle and spot fake news at speed.
- 95. The rise of social media was also raised by a number of interviewees. They highlighted the way in which this trend has contributed to a polarisation of opinion, challenging the BBC's ability to reflect accurately the full breadth of opinion in society. In recent years, politics around the world and across the whole political spectrum has had an increasing, often fractious, focus on identity. This external environment creates an area of real difficulty in terms of freedom of expression, language and how the BBC talks about these issues. In this context, it is important that the BBC ensures that strongly held beliefs, including those held by BBC staff, do not conflict with its duties of impartiality and accuracy. It is also important that editors and the Editorial Policy team, as custodians of the BBC's editorial values,

- assess changing audience perceptions of what is and what is not acceptable and use that information to ensure the right balance is being reached in content.<sup>5</sup>
- 96. We believe that the Editorial Guidelines and Standards Committee has a key role to play, on behalf of the Board, to monitor evolving risks and issues such as these and to ensure BBC content makers have the specialist tools, the skills and the training to manage them.

<sup>&</sup>lt;sup>5</sup> The 2019 update of the BBC's Editorial Guidelines introduced more explicit advice for BBC journalists and other staff in their use of social media.

#### Recommendation 5 – Governance

- a) The Editorial Guidelines and Standards Committee should take a more active role in ensuring management uphold editorial standards. In particular, it should:
  - Receive enhanced reporting on editorial risks, judgements, whistleblowing data and the results of editorial investigations.
  - Report to the Board on the current and emerging editorial risk environment and advise where further editorial training is needed.
  - Monitor whether the BBC has the tools, the specialist expertise and the right number of authenticators to mitigate the growing risk of misinformation and 'fake news'.
  - Oversee the thematic output reviews to be commissioned by the Board and receive updates on the Executive's assessment of: content strands; the editorial impact of restructuring in News; and the new Commissioning and Story Teams (recommendation 2 page 18).
  - Monitor implementation of recommendations on editorial standards which are made in this and any future reports, and which have been endorsed by the Board.
- b) The BBC should recommend that the Framework Agreement specify that the Board not only set, publish and periodically review Editorial Guidelines for the BBC but also assess performance against those Guidelines, to ensure standards are being met.
- c) The Committee should be joined by two external editorial experts, appointed by the Nominations Committee, to assist the Editorial Guidelines and Standards Committee in its more active role.
- d) The BBC should ensure that these governance changes do not undermine the fundamental principles that:
  - The Board as a whole is accountable for editorial standards and the Editorial Guidelines and Standards Committee is there to support the Board in this role.
  - The Committee is focused on assessing whether the BBC is meeting its
    editorial standards post-broadcast and does not become involved in prebroadcast decisions which, for reasons of editorial independence, rest with
    the Executive.

# Part six - Transparency and accountability

#### Introduction

97. The sixth main failing identified by Lord Dyson was that, in the 1990s, the BBC was not sufficiently open about what it knew in its broadcast coverage of its own activities, or transparent enough in response to questions from the press.

# **Broadcast coverage**

- 98. The BBC's ability and willingness to report on itself openly is one of the strengths which sets it apart from some commercial news outlets, particularly those which lack the scale and plurality which exists within the BBC.
- 99. Journalists we interviewed described a strong system of ethical barriers which are established between different parts of the BBC to prevent inappropriate sharing of information when the BBC is at the centre of a story. We were told that this system is much stronger and more clearly communicated than in other organisations.
- 100.No contributors to our Review, either internal or external to the BBC, suggested that editorial decisions within News and Current Affairs were influenced inappropriately by BBC management. Indeed, several high profile presenters took the opportunity to say that they had never been asked to modify editorial content in this way. This is consistent with the BBC's record of journalism in the past 25 years, when there have been many examples of the BBC reporting on topics which portray the BBC in a negative light. These include the 2012 *Panorama* investigation of the Jimmy Savile child abuse scandal, *Jimmy Savile What the BBC Knew* and, more recently the 2021 *Panorama* investigation into the Martin Bashir interview, *Princess Diana, Martin Bashir and the BBC*.
- 101.On this basis we are confident that pressure on BBC news programmes from within the BBC, if it did exist in 1995, does not present a risk to the BBC today.

# **Transparency**

- 102.Lord Dyson concluded that in the 1990s the BBC press office demonstrated a lack of transparency and integrity when it failed to disclose the facts the BBC had established about how Martin Bashir had secured the interview.
- 103. Many of the people we spoke to in this Review felt that a culture of defensiveness still exists at the BBC. They suggested that there remains a tendency to rush into immediate defence of BBC content and an unwillingness to admit mistakes, especially in the face of external pressure. Some feel that this is because public responsibility and scrutiny creates a heightened sense of anxiety about the BBC's reputation which can lead to a defensive mindset. Others believe that the BBC appears to be defensive because it is regularly under attack and forced to defend itself from critics with a vested interest in undermining the BBC for commercial or ideological reasons. Concerns about leaks of sensitive information can also inhibit free and open discussion with BBC staff about editorial matters.

- 104. The BBC's instinct to be defensive can sometimes lead it to take a position before the full facts are clear. The size and complexity of the BBC can make it challenging to investigate issues quickly. In addition, the immediate and continuous nature of today's 24 hour news cycle means that hesitation can lead to an organisation being overwhelmed by a developing story, so it is not always feasible to defer taking a position while an investigation is underway. We hope that the recommendations in this report will help to address these issues by making it easier for the BBC to get to the facts quickly through a more open and less defensive culture where:
  - Editorial discussion is prioritised in content making teams and especially in oneto-one meetings between managers and editors (recommendation 1, page 13)
  - Regular and clearly structured content debriefs are used to identify errors and areas for improvement (recommendation 1 page 13).
  - A strengthened Editorial Policy team consolidates data on editorial risks and issues to facilitate senior level discussion (recommendation 2 page 18).
  - Editorial concerns can be raised more easily with colleagues or, if necessary, through formal whistleblowing channels (recommendation 3, page 22).
  - Clear processes are documented for expedited or self-initiated investigations (recommendation 4, page 26).

There is also an opportunity to accelerate the fact finding process further by strengthening the procedures in place to share information at a senior level on editorial trends risks and issues.

- 105.On transparency more generally, it is clear that the BBC today is much more open and accountable than it was 25 years ago with external regulation by Ofcom, external audit by the National Audit Office and an annual report which discloses far more detail than was published in the past. However, as a publicly funded organisation in a society that is increasingly open, the BBC must continue to seek opportunities to enhance transparency still further. This report contains recommendations to do that including:
  - Carrying out and publishing regular thematic reviews, commissioned by the BBC Board, to assess whether the BBC has met its editorial standards in key areas of public debate (recommendation 2, page 18).
  - Stating in the BBC's whistleblowing policy that Ofcom is a prescribed person under the Public Interest Disclosure Act and can be approached by whistleblowers raising concerns that fall under the Act (recommendation 3, page 22).
  - Providing anonymised editorial whistleblowing data to Ofcom to assist it in its role (recommendation 3, page 22).
  - Publishing procedures for internal investigations and clearer explanations in the complaints framework around expedited complaints and the role of the Director-General as editor-in-chief (recommendation 4, page 26).

#### Recommendation 6 - Transparency and accountability

In recommendations 1-5 we have suggested ways that the BBC can be more open and transparent in the way it assesses editorial standards, investigates potential editorial breaches and shares information externally. We have also made recommendations to expedite the fact finding process when the BBC is faced with urgent editorial concerns, to reduce the risk that the organisation takes a position without being aware of the full facts.

To reduce this risk further, we recommend that the BBC strengthen the procedures in place to share information at a senior level on emerging editorial trends, risks, and issues. The BBC should establish a regular forum where representatives from content divisions, the Editorial Policy team, the corporate centre, and both internal and external communications departments discuss:

- Emerging societal and editorial trends.
- Editorial standards investigations, risks and issues.
- Relevant and significant press enquiries relating to editorial standards and lines taken.