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24 May 2021

Dear Tim,

Thank you for your letter of 20 May 2021, and for sending me a copy of Lord Dyson's findings into Panorama's November 1995 interview with Diana, Princess of Wales.

Lord Dyson's findings are clearly of great concern. We recognise that the events covered in his report are largely historic. However, the issues raised are sufficiently serious – covering as they do deception by a BBC journalist, and the failure by the BBC to investigate this adequately – as to raise important questions about the BBC's culture, transparency and accountability. I know that you and the BBC Board agree that it is important to ensure that sufficient steps are taken so that these events can never be repeated.

Review of editorial policies and governance

We therefore welcome the BBC Board's statement earlier today that Sir Nick Serota, as the Corporation's Senior Independent Director, will lead a Board review into the effectiveness of the BBC's editorial policies and governance. As Lord Dyson said in his report, the BBC Board plays an important role in overseeing the BBC's editorial work.

To do this effectively, the BBC Board needs the right journalistic capability and experience. We note that two non-executive Board members with an editorial background will support Sir Nick in his review. We would strongly suggest that the Review also takes independent advice from editorial experts, including those who have worked at other broadcasters. We also expect that the Review will be published to ensure transparency.

It is clearly essential that the Review has at its heart the ability of the BBC's journalists and editors to do their jobs without fear or favour, operating with the independence and integrity that is so vital to high-quality news and current affairs.

Changes to BBC governance and regulation since the mid-1990s

Since the mid-1990s, much has changed in the BBC's overall governance and oversight. Under the current Charter, the BBC now has a unitary Board and Ofcom is the independent external regulator. Had the Panorama episode from November 1995 been aired today, complainants or whistleblowers would have been able to raise their concerns directly with Ofcom and we would have investigated them. Although the BBC considers its own complaints first through the "BBC First"

process set out in the Charter, Ofcom can step in and investigate a complaint immediately, where we judge this to be necessary.

As you know, where a complaint relates to issues of Fairness and Privacy under the Broadcasting Code – in other words where someone feels that they have been unfairly treated or where they consider their privacy has been unwarrantably infringed – the complainant can come straight to Ofcom.

As the designated body for receiving whistleblowing complaints in the broadcasting sector, we look forward to engaging with Sir Nick's review.

Culture of transparency

Finally, we welcome the Board's statement today that Sir Nick's review will also look at the culture of the BBC.

Since Ofcom became the BBC's independent regulator in 2017, we have repeatedly highlighted the need for the BBC to adopt greater openness and transparency in order to maintain public trust. In our first annual BBC report, we said:

"As a unique, publicly-funded organisation with a privileged status in the UK broadcasting sector, the BBC needs to be transparent and accountable. This benefits the public, the BBC's competitors and the BBC itself. It builds confidence in the BBC ... The BBC Board can play a key role in driving increased transparency, including by ensuring that the BBC engages effectively with other UK broadcasters".

Although we note the improvements that the BBC has made since 2017, including steps taken in 2020 to publish more data on complaints, as we said in our most recent annual report, there is scope to go further. In our day to day dealings with the BBC, we too often meet with reluctance that gives the impression of a bias against transparency.

Next steps

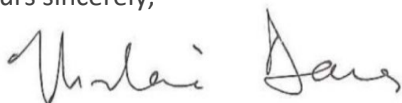
I know that you, Richard Sharp and the BBC Board take these issues very seriously. At Ofcom we are committed to working with you to address them.

Ofcom will shortly be launching our first Periodic review of the BBC, as required under the BBC Charter. This will assess how well the BBC is fulfilling its mission and promoting its public purposes, and will look at how the regulatory system is working. Our review will make recommendations to the Government, to inform their own mid-term review of regulation and governance.

We will of course pay close attention to the outcome of Sir Nick's review as part of this work.

In the interests of transparency, we are making this letter public on our website.

Yours sincerely,



MELANIE DAWES