

THE NEIL REPORT STATEMENT BY THE BOARD OF GOVERNORS

The BBC Governors fully endorse the findings and recommendations of the Neil Report which examined the editorial lessons for the organisation arising from the Hutton Inquiry. The panel was convened by the Acting Director-General, Mark Byford, in the wake of the Hutton Report and chaired by Ronald Neil. The independent panel's recommendations will be implemented in full by BBC Managers, Editors and Journalists and will be incorporated into the BBC's Producers' Guidelines. The Governors will be regularly updated on the implementation of the reforms by management and will examine their impact, in due course if necessary, through independent assessment. The Neil Report will become required reading for all current and future BBC journalists, their managers and Governors.

The Neil Report notes that the Governors had overseen changes in the BBC's management structure, its processes and guidelines before Lord Hutton reported in January this year. These included appointing a Deputy Director-General with responsibility for editorial compliance, undertaking a thorough review of the BBC's complaints handling system and tighter rules on BBC journalists and presenters writing for newspapers and magazines.

The Neil Report and the implementation of its findings represent a central element in the BBC's commitment to learn the lessons of last summer. The Governors agree with the Neil panel's view that learning from events when things go wrong is a sign of organisational strength not weakness.

The Neil Report's recommendations will lead to substantial changes in how the BBC will execute its commitment to impartial and fair journalism. In particular, the Neil Report's emphasis on training reforms is crucial. The Board of Governors is clear that the BBC must remain editorially independent and continue its commitment to investigative journalism set within a strengthened editorial framework.

In addition, the Governors have now approved an overhaul of BBC complaints procedures and the findings will be published in the near future. Some aspects of these reforms have been informed by the handling of the complaint about Andrew Gilligan's broadcast (referred to in the Neil Report).

On 29 June the BBC will publish its first public contribution to the Government's review of the BBC Charter. This document will set out a vision for the BBC's future based around building public value. It will explain the detailed changes the BBC plans to make in its governance and accountability arrangements. Some of these changes have been influenced by the Governors review of their own decisions. The BBC's Annual Report and Accounts for 2003/04, to be published mid-July, will summarise all the changes implemented by the Corporation since Lord Hutton's Inquiry.

June 23rd 2004

**THE BBC'S JOURNALISM
AFTER HUTTON**

**THE REPORT OF THE NEIL
REVIEW TEAM**

June 2004

INTRODUCTION

The consequences of what Andrew Gilligan said on the Today programme at 6.07 on the morning of May 29th, 2003 have had profound repercussions for the BBC. The subsequent death of his source, Dr David Kelly, and the inquiry conducted by Lord Hutton have left their mark on the institution and the people who work for it.

Shortly after Lord Hutton's report was published, we were invited by the acting Director-General to form a review group to consider what editorial lessons might be learned and what editorial changes might flow from this affair.

We have looked very carefully at what the BBC itself acknowledged at the Hutton Inquiry as well as what Lord Hutton himself said in his report of January 28th, 2004 in which he considered both the BBC's editorial process as well as how it handled the Government's complaints. His key findings are to be found in Appendix 1. The BBC also conducted its own internal disciplinary inquiry which in two significant respects differed from Lord Hutton's finding on the editorial and managerial process. The statement clarifying its conclusions is to be found in Appendix 2.

Our approach

In considering how the BBC might learn from the Hutton conclusions, we were clear that we were not about establishing blame, but about discovering what lessons the BBC might learn from the events of last year.

In carrying out this work over the past three months, we all recognised the formidable professionalism that already underwrites the BBC's journalism every day. However, setting out to improve, strengthen, and learn from the experience of life's events when they go wrong is a proper ambition.....it is a stance of strengthnot a weakness.

The process

Different members of the group took responsibility for considering individual issues and subjects, and bringing them forward as recommendations.

As part of the process we had detailed conversations with more than forty editors and senior journalists across BBC News. Without exception these staff offered thoughtful and helpful suggestions, and recognised and supported the value of seeking to identify lessons that might be learned.

Inevitably, a number of the thoughts put forward were not directly linked to the Gilligan affair. It would therefore be quite wrong, and indeed unfair, to conclude that all the following recommendations flow directly from decisions made during that period.

However given that the BBC has paused to consider how its journalistic output could be strengthened even further, it seemed eminently sensible to us to include recommendations and views on best practice that have evolved from the help and suggestions of senior staff who have the day-in, day-out task of leading the BBC's journalism.

At the front of our minds in all these considerations was the wish to strengthen and not debilitate the journalistic endeavour. Highly prescriptive rules inhibit good journalism. These recommendations are put forward to sustain first class, robust and accurate journalism across the BBC.

BBC News is populated by able, talented and serious minded journalists dedicated to the organisation's values and purpose. It may therefore be that some of the following definitions and recommendations will seem obvious to some staff. They should bear in mind two points – if they don't apply to their area, they may to others, and if they don't apply to them personally they should remember that 7000 people work in BBC journalism, and in some areas there is an 11% staff turnover every year.

While this document is written primarily with BBC News in mind, we recommend that the Executive Committee and directors of output divisions ensure these proposals are applied to all areas of BBC journalism and factual programming.

Summary of main points:

- Accuracy and precision in all BBC journalism is paramount. It must be based on robust and tested evidence and reinforced by accurate note-taking.
- Accurate and reliable note-taking is a prime journalistic skill and should be part of journalist training in the BBC.
- It is a guiding principle of BBC journalism that we are fair to all – fair to those against whom allegations are being made, fair to the audience and to contributors. Fairness to people and organisations against whom allegations are going to be made by the BBC is of great importance.
- Serious and potentially defamatory allegations must always be put in time for a considered response before transmission. Other than in rare cases when there are compelling countervailing reasons not to do so.
- Because of the trusted place in which BBC's journalism is held, allegations made by a third party will often be regarded by many viewers and listeners as also being made by the BBC itself.
- The BBC should not normally break stories making serious allegations in live two-ways.
- Granting anonymity to a source should never be done casually or automatically. A named on the record source is always to be preferred. However, with an anonymous source the audience must be told why the source is anonymous and in the BBC's view credible. Protection of confidential sources is a fundamental principle of journalism.
- The BBC transmits hundreds of hours of news and current affairs output every day. As the custodians of the BBC's editorial values, individual editors and executive producers must take the day to day responsibility for them.
- Presenters are answerable to their individual editors and in all of their journalistic work must embody the BBC's core editorial values.
- At the heart of the BBC's journalism is a well trained journalistic workforce. In a fast-changing world, life-long training at every level is vital. Competence based training should be the key to competence based promotion. We recommend that the BBC establishes an industry-wide, residential college of journalism under the leadership of an academic principal.
- The handling of complaints needs reform. All complaints should be handled in the same way regardless of who is making them. The Director-General should not be

directly involved in the normal process of responding to complaints. The Head of the Editorial Complaints Unit must be empowered to act independently of those responsible for output. When mistakes are made, the BBC must develop a system and a culture that encourages fast clarification and unambiguous correction.

Ronald Neil, Former Director of BBC News and Current Affairs (Chair)

Glenwyn Benson, Controller Factual Commissioning, Television

Helen Boaden, Controller Radio 4 and BBC 7

Richard Tait, Former Editor in Chief of ITN

Adrian Van Klaveren, Head of BBC Newsgathering

Stephen Whittle, Controller BBC Editorial Policy

THE BBC'S JOURNALISTIC VALUES

As a starting point for our deliberations we thought it important to consider what we believed to be some of the guiding principles that should always be at the heart of BBC journalism:-

- Accurate, robust, independent, and impartial, journalism is the DNA of the BBC. On a daily basis, whether it is Radio Cumbria reporting on farming issues, BBC Northern Ireland examining the security situation, the Jerusalem bureau live at the scene of a bomb blast, Andrew Marr in Westminster, or an undercover BBC journalist inside the Greater Manchester Police, audiences should always feel they can trust our words and our deeds.
- We live in a more diverse and fragmented society. But the BBC must continue to stand out as a place where people feel they are being told openly and honestly about what is happening in the world; where they can rely on unbiased and impartial reporting and analysis to help them make sense of events; and where a debate can take place in which relevant and significant voices are heard, including those who have uncomfortable questions to ask.
- Impartiality is increasingly under pressure in a world in which much journalism is partisan and opinionated. However, the BBC's continuing commitment to impartiality is one of its most important core values and is the reason why the BBC remains one of the most trusted sources of information in our society. (See *Appendix 3 for the Producers' Guidelines' definition of impartiality.*)

We consulted a wide range of editors and a number of the most senior journalists who work or have worked in the BBC, and asked them what were some of the major guiding principles that they believed should always be at the heart of our journalism. These are but a few of many observations:-

Evan Davis, the BBC's Economics Editor:

"The public rightly hold us to higher standards than the media generally....our reputation relies on accuracy, balance, and fair dealing. Every bit as important as the best story is the story best told."

Andrew Marr, the BBC's Political Editor:

"The BBC is very high on trust ratings.....we must be prepared to stand back from the prevailing mood – we should never follow the pack."

Amanda Farnsworth, Editor, The Six O'Clock News

"Britain is constantly changing - socially, culturally, politically. The BBC should always strive to reflect those changes...our news judgements can't stay still."

John Morrison, former Editor of Television News Programmes:

"More important than getting it first is getting it right. Reliability, rather than ratings, is the test of the BBC's journalism."

Niall Dickson, the BBC's former Social Affairs Editor:

"The BBC must be the best at endeavouring to explain intelligently this very complex world we all live in."

John Ware, Current Affairs Reporter:

"At the BBC, more than any other broadcaster, words are our precision tools."

Graham Ellis, Controller Production, Radio and Music

"'Impartiality' is not an exact science but at its simplest, it's about not taking sides. We ensure that we do not take sides by concentrating on what we are saying and what it means and checking ourselves for both conscious and unintentional bias."

Peter Taylor, Current Affairs Reporter

"BBC Journalism is about being rigorous, insightful and accurate, about not cutting corners to stand up a story, but to subject it to the most scrupulous test to ensure that our audience can trust and believe what we say."

Building on work already started in BBC News, our group concluded that the BBC's journalistic promise for the years ahead centred round a group of five basic editorial values, on which there could be no compromise. At all times BBC journalism must be driven by these principles. It is a code of conduct for every person who practises journalism in the BBC at whatever level.

It is also essential that under the new Editor-in-Chief every output division buys into these values and definition of purpose.

The five journalistic values are:-

- Truth and Accuracy
- Serving the Public Interest
- Impartiality and Diversity of Opinion
- Independence
- Accountability

1. Truth and Accuracy

- We will always strive to establish the truth of what has happened as best we can.
- BBC journalism will be rooted in the highest possible levels of accuracy and precision of language.
- It will be well sourced, based on sound evidence, and thoroughly tested.
- Facts set in their context, rather than opinion, is the essence of BBC journalism.
- We will be honest and open about what we don't know and avoid unfounded speculation.

2. Serving the Public Interest

- BBC journalism will prioritise and report stories of significance, striving to make them interesting and relevant to all our audiences.
- We will be vigorous in trying to drive to the heart of the story, and well informed when explaining it.

- Our specialist expertise will bring authority and understanding to the complex world in which we all live.
- We will be robust, but fair and open-minded in asking searching questions of those who hold public office and in reporting that which it is in the public interest to reveal.
- The BBC's news and current affairs journalism will never campaign, but pursue journalistically valid issues and stories, without giving undue prominence to any one agenda.
- We will provide a comprehensive forum for public debate at all levels.

3. Impartiality and Diversity of Opinion

- For the BBC impartiality is a legal requirement.
- BBC journalists will report the facts first, understand and explain their context, provide professional judgements where appropriate, but never promote their own personal opinions.
- Openness and independence of mind is at the heart of practising impartiality.
- We will strive to be fair and open minded by reflecting all significant strands of opinion, and by exploring the range and conflict of views.
- Testing a wide range of views with the evidence is essential if we are to give our audiences the greatest possible opportunity to decide for themselves on the issues of the day.

4. Independence

- The BBC is independent of both state and partisan interest, and will strive to be an independent monitor of powerful institutions and individuals.
- We will make our journalistic judgments for sound editorial reasons, not as the result of improper political or commercial pressure, or personal prejudice.
- The BBC will always resist undue pressure from all vested interests, and will jealously protect the independence of our editorial judgments on behalf of our audiences.
- Whatever groups or individuals may wish us to say or do, we will make all decisions based on the BBC's editorial values.

5. Accountability

- Our first loyalty is to the BBC's audiences to whom we are accountable. Their continuing trust in the BBC's journalism is a crucial part of our contract with them as licence payers.
- We act in good faith at all times, by dealing fairly and openly with the audience and contributors to our output.
- We will be open in admitting mistakes when they are made, unambiguous about apologising for them, and must encourage a culture of willingness to learn from them.

THE LEADERSHIP ROLE OF BBC EDITORS

- It will be a major first task for the new Director-General, as Editor-in-Chief, together with members of the Executive Committee, to proclaim with clarity the values, role and purpose of BBC journalism for the years ahead.
- In BBC News there are ten times as many journalists as on a national newspaper, broadcasting 120 hours of output each day. Editors, therefore, are the day-to-day custodians of BBC values. Senior commissioning and programme editors must share the important role of leadership in ensuring that all BBC journalists embrace these values.
- A key part of the programme editor's role in being the day by day guarantor of these values is to ensure that the journalists reporting to him/her assess where the weight of expert opinion lies in a story without adopting it as a truth or wisdom.
- The scale of BBC journalism carries risk. An important leadership role of any editor is to realise at what point it is necessary to take senior editorial and legal advice where it is proposed to broadcast a story involving significant risk/allegations. It is part of that same editorial responsibility to ensure that subsequent programmes running the same story are advised how best to get it right.
- Under each editor, producers responsible for segments of output must be clear and understand what they are expected to "own" editorially and take responsibility for.
- All programmes operating under the BBC's journalistic banner must work to the same values, professional disciplines, and journalistic culture.
- This should not impose uniformity on editors. Indeed there is a great strength in programmes developing their own house style and approach to enable them to respond to different audiences as well as developing the diversity and individuality of its journalists. But the BBC's codes of journalistic conduct must be universally observed and practised by all programmes.
- It is also essential that every output division buys into these values and definitions of journalistic purpose.
- The purpose, style and expectation of each programme should be clearly defined, and the application and understanding of the BBC's values in each programme clearly understood. This should play a significant part in the appointment process of new editors.
- A key role for all editors is the editorial management of their presenters. Regular, clear, unambiguous feedback, praise combined with constructive criticism, are all essential to the checks and controls of running a programme, and its adherence to the BBC's journalistic values.

THE ROLE AND RESPONSIBILITIES OF PRESENTERS

- Presenters are the public face and voice of the BBC's journalism. The tone and approach that they take to stories has a significant impact on perceptions of the BBC's accuracy and impartiality.
- Their presentation needs at all times to embody the core values of the BBC's journalism.
- It is therefore vital that presenters work collaboratively with their editors whose decisions on all editorial matters are final.

CONSIDERATIONS AND CONCLUSIONS

The Review Group's considerations and conclusions fall into three sections:-

1. The way forward after the Hutton report
2. Lessons to be learned from the handling of the "Gilligan Affair" complaint.
3. Other editorial issues which the group recommends should be addressed by the BBC.

1. The way forward after the Hutton report

At the Hutton Inquiry, the BBC acknowledged that the 6.07 report was inaccurate and that with hindsight it would have done a number of things differently.

One: Although the use of a single anonymous source is consistent with the Producers' Guidelines, the BBC acknowledged the dilemmas involved in seeking to protect Dr Kelly's identity while giving clues as to his credibility.

Two: The notes of the meeting with the source were not complete and did not support all the allegations that were reported on air.

Three: The allegations made were not put to Downing Street on the night before the broadcast, nor were there adequate notes of the conversations with the MoD.

Four: There was an issue of fairness in not being clear about the nature of the allegations which prevented a proper opportunity to respond.

Five: The 6.07 broadcast should have been scripted. However, the BBC has subsequently asserted that a core script was properly prepared and cleared by the programme editor in line with normal practices, but not followed by Andrew Gilligan. (See Appendix 2)

Six: The inquiries into the complaints should have been handled differently and more time should have been taken to investigate thoroughly.

Seven: The rules about BBC journalists writing for the press should be tightened. (New guidelines have already been issued in this area.)

Under the sub-headings below, which follow the chronological sequence of events, there are recommendations that flow directly from the Gilligan affair. Others do not, but are included to clarify and re-assert what we believe should be best BBC practice in each of the areas.

SINGLE SOURCES AND ANONYMITY

- The BBC should always endeavour to name the sources of its information to its listeners and viewers. Naming is always to be preferred.
- Granting anonymity to a source should never be done casually or automatically.

- However, the BBC should continue to report stories based on a single source but only where the story is one of significant public interest¹ and the correct procedures have been followed.
- When the BBC uses an unnamed source we are asking our audience to trust us even more with the information we are broadcasting.
- If the source of an allegation has to remain anonymous, we must give the audience as much accurate information as is compatible with protecting the identity of the source. We should explain why the source is anonymous, why the programme is confident about using this person as the source, and why we believe that source to be credible.
- We should never mislead the audience about the nature of an anonymous source; it is better to explain that we cannot give any information rather than offer speculation. Protection of confidential sources is a fundamental principle of journalism.
- We must never exaggerate the importance of an anonymous single source.
- The credibility of an anonymous single source must be evaluated by the programme editor. He/she is the publisher, and must be in a position to establish in detail the pedigree and provenance of the source.
- This should include addressing questions like.....What is their motive?....Is the person in a position to have the information provided?....Are they inflating the level of their knowledge?..... Has the person an axe to grind, or personal benefit to gain from the publication of the story? Do they have their own agenda? Has this source been reliable in the past? What level of verification and second sourcing is there?
- Fair dealing requires that when a source of information demands to remain anonymous as a condition of giving the information, the BBC must agree precisely with that source the way he or she is to be described on air.

The right to know

- There is a need to balance a source's desire for confidentiality with the need to ensure that editors are able to reach informed judgements about whether a story should be broadcast.
- As a general principle, whenever a story involves an anonymous source, the relevant editor has the right to be told the name of that source. Only in this way can editors and reporters jointly assess the appropriateness of using such a source.
- However the editor has the discretion not to exercise that right. The seniority and track record of the correspondent is a relevant consideration.
- In extreme cases involving serious allegations, the head of the division should also have the right to know the name of a source.
- Some sources may insist that a reporter does not reveal their identity to any other BBC person. We should resist this. If this happens, the reporter should make clear that information so obtained may not be broadcast.

¹ The BBC's definition of public interest includes, for example: detecting or exposing crime or significantly anti-social behaviour; exposing misleading claims which could impact on the health, safety, well-being or security of others; revealing incompetence in office; or exposing corruption or injustice.

In terms of specific output in BBC News this means:

- For core reports produced by Newsgathering, it is the relevant Newsgathering editor who has the right to know the name of the source.
- On a piece commissioned for a specific programme, the programme editor has the right to know the name of an anonymous source before making the decision on whether to proceed to transmission.
- Where subsequent programmes wish to re-broadcast or develop a story based on a serious allegation from an anonymous source, the Director of News should be the guarantor of the credibility of the story and the steward of what can and cannot be repeated.

NOTE-TAKING

Accurate and reliable note taking is an essential and prime journalistic craft. Failure to take good notes, and keep them, can lead to inaccuracy, and expensive and lost law suits.

- There will be situations where live note-taking is impractical, for example when experienced journalists are talking to established sources.
- But, wherever practicable, interviews with sources should be recorded on tape.
- In circumstances where recording might inhibit the source, full shorthand or longhand notes are the best alternative.
- Journalists should not rely on memory but refer back to their notes or tape.
- Especially with serious and major allegations, a full and accurate note of conversations is an essential element in the BBC being confident about the broadcast.
- Writing up a fuller version of an interview from memory afterwards is less reliable than “live” notes. Any key points not found in the notes should be explicitly checked with the source before use.
- If notes give rise to any doubts whatsoever about what was said, then the journalist must check their accuracy with the source before broadcast.
- In any event, the editor as publisher should be satisfied as to the fullness and accuracy of the note.
- When using anonymous sources and/or making serious allegations, full notes of all interviews and conversations which provide the basis for a broadcast story must be kept safe by individual journalists for at least 16 months after the last broadcast or passed to the BBC for safe keeping if the story becomes legally or editorially contentious.
- Note-taking should be part of all BBC journalists’ training.

ALLEGATIONS

Serious allegations of wrong doing are where, for example, the story may potentially damage reputations, allege mal-practice or illegal behaviour, or otherwise potentially defame those concerned.

Allegations fall into two distinct categories.

1. Where the BBC broadcasts allegations as the result of its own investigations

The BBC's commitment to robust, original journalism means that there are times when the BBC will itself make allegations as a result of conducting its own investigations. An allegation of this type will have been researched impartially and checked out thoroughly by the BBC itself. It is by definition an allegation made by the BBC.

2. Where the BBC broadcasts allegations made by others.

- Serious allegations and claims made by others may also be broadcast by the BBC, where the sources of such claims are credible.
- These are stories which the BBC believes it is in the public interest to report.
- However we should not adopt allegations made by others as fact.
- Precise language must be agreed with the editor in order to spell out the exact nature of the allegation.
- It is particularly incumbent on reporters and presenters to flag up throughout the broadcast the nature of the allegation that is being made.
- Whether the source is named or anonymous, careful consideration must be given to evaluating the credibility of the source.
- The source should always be questioned and tested robustly to ascertain how and why they are in a position to make the allegations.
- When making serious allegations double checking and verification, precision and care of language, senior editorial and legal vetting, and a concern not to rush to air at the expense of getting it right must all be cardinal principles.
- Strict adherence to approved scripts is essential.
- Where subsequent programmes wish to re-broadcast or develop a story based on serious allegations, as with anonymous sources, the originating programme editor, together with the head of division, must be the guarantor of the credibility of the story and the guide to what can and cannot be repeated.
- Only in the most exceptional circumstances can the above principles not be adhered to.
- In considering the rules for broadcasting serious allegations, and the guidance on "Fairness" it is appropriate to consider some of the points from the Reynolds Judgement. This judgement related to a libel action brought by the former Taoiseach, Albert Reynolds, against the Sunday Times over an article published in November 1994. Lord Nicholls upheld the principle of a defence of qualified privilege, even where wrong allegations of fact have been honestly reported, so long as the publication was a result of "responsible reporting" on a matter of legitimate public interest. He said that considerations should include:-
 1. *The seriousness of the allegation. The more serious the charge, the more the public is misinformed and the individual harmed, if the allegation is not true.*
 2. *The nature of the information, and the extent to which the subject-matter is a matter of public concern.*
 3. *The source of the information. Some informants have no direct knowledge of the events. Some have their own axes to grind, or are being paid for their stories.*
 4. *The steps taken to verify the information.*

5. *The status of the information. The allegation may have already been the subject of an investigation which commands respect.*
6. *The urgency of the matter. News is often a perishable commodity.*
7. *Whether comment was sought from the plaintiff. He may have information others do not possess or have not disclosed. An approach to the plaintiff will not always be necessary.*
8. *Whether the article contained the gist of the plaintiff's side of the story.*
9. *The tone of the article. A newspaper can raise queries or call for an investigation. It need not adopt allegations as statements of fact.*
10. *The circumstances of the publication, including the timing.*

The impact on the audience of reporting allegations by others

- Because of the trust and esteem in which BBC journalism is held by the audience, it should be assumed that many of our viewers and listeners will regard an allegation by a third party as being an allegation also being made by the BBC since that trusted organization has assessed the story, and seen fit to broadcast it. This is particularly true of stories from an anonymous source, where the BBC has evaluated the validity of the source on behalf of the audience. Such allegations may therefore be considered by many to come with the BBC's imprimatur.
- That would be even more true of a two-way, where the audience is basically eavesdropping on a "BBC conversation."
- Therefore, as noted earlier, when reporting claims and counterclaims, we must make sure that it is made very clear to the audience that the claims are not those of the BBC but that we are reporting conflicting views and allegations made by others.

FAIRNESS

It is a guiding principle of BBC journalism that we are fair to all - fair to those against whom allegations are being made, fair to the audience and fair to contributors.

Failure to act fairly and in good faith can invalidate good journalism.

1. Fairness to people or organisations against whom serious and defamatory allegations are being made.

- Being fair provides excellent protection for journalists against a number of accusations including libel.
- To be fair to people or organisations against whom allegations are about to be made, the allegation should usually be put to the party or parties concerned beforehand, unless there are compelling countervailing reasons not to do so.
- The approach must be honest, clear and specific about what is being alleged. It must be made in a genuinely open-minded spirit as regards to the response and in good and reasonable time to enable a proper response to be available as part of the broadcast.

- It is the responsibility of whoever makes the approach to make and keep a clear record of the contact, logging the time, the name of the person spoken to and the key elements of the exchange.
- However, when the BBC wishes to broadcast an allegation which it has good reason to believe to be true and judges it right to put in the public domain, it may be permissible not to make the approach in rare circumstances where there is compelling justification to do so because of the likelihood of the report being suppressed.
- In these very rare cases, referral to the Controller of Editorial Policy should be mandatory.
- Where a response has been given by the party against whom the allegations are to be made by the time of the programme going to air, that response must be broadcast as part of the first transmission of the story and in all subsequent broadcasts.

2. Fairness to contributors

- Contributors may not be familiar with broadcasting and its processes.
- When seeking an interview, openness, straight dealing and fairness of treatment are of great importance. People approached should be clear about what is being asked for. The producer must paint a fair picture of the item and the contributor's role in it and make clear whether other people are taking part.
- It is the responsibility of whoever undertakes the approach to make and keep a clear record of the contact, logging the time, the name of the person spoken to and the key elements of the exchange. Such notes should be kept for three months after transmission.
- Misleading a potential contributor to secure their participation is an unacceptable practice.
- In factual programmes, there may be very rare occasions when it is acceptable for programme makers not to reveal the true and full purpose of the programme to a contributor. This must only happen when there is an overriding public interest, for example: detecting or exposing crime or significant anti-social behaviour; exposing misleading claims which could impact on the health, safety, well-being or security of others; revealing incompetence in office; or exposing corruption or injustice.
- In such rare cases, referral to the departmental head and Controller Editorial Policy should be mandatory.

3. Fairness to the audience

- To be fair to the audience, we must give as much information as possible to enable them to form their own view of a story.
- We should never mislead the audience. It is better to explain that we cannot give information rather than offer speculation.
- At the heart of fairness to the audience is openness and honesty.

TWO-WAYS

When the BBC is breaking stories containing *serious or potentially defamatory* allegations, live two-ways are normally inappropriate.

However, on stories which do not fit into the above category, two-ways are an important part of modern broadcasting as they allow us to react quickly to breaking news and are a valuable vehicle for analysis, context and background.

- When breaking any story, precision of language is still essential. One word in the wrong place could put the story at legal risk.
- The editor must decide whether a live two-way is the appropriate and safest vehicle for breaking stories. The seniority and track record of the correspondent is a relevant consideration.
- Where the BBC has broken a story containing serious or potentially defamatory allegations, two-ways can be used to reflect reaction and to provide context. In these instances there needs to be a form of words in writing agreed by editors, and where appropriate lawyers, which can be used to refer back to the allegation.
- In these circumstances especially, two-ways require structure and production. There should be a discussion involving the correspondent, the presenter and the output editor to agree the parameters of the two-way and to bolt down the questions and content.
- The briefing of presenters in these circumstances is essential to ensure that reporters and correspondents are not led into dangerous areas of speculation and opinion.
- With two-ways in a fast moving news environment the danger of speculation is all the greater.
- It is essential that non-specialist reporters are not drawn into long two-ways about specialist subjects.
- Presenters must avoid questioning that can trap a reporter into passing opinions and making judgements for which he/she is not equipped.
- Correspondents should not be taken by surprise and not be asked to comment on issues and stories different from those agreed by the programme editors.
- While two-ways from home are acceptable, in the normal day-to-day output, they should not be the natural transmission source for contentious stories or stories involving serious allegations where preparation in the production office with the editorial team is essential.

ACCEPTABILITY OF OUTSIDE COMMITMENTS

Although already agreed by the Board of Governors, this section nevertheless relates to issues arising out of the Gilligan affair.

- Programme makers, editorial staff, reporters and presenters may all wish to undertake journalistic work or write books. Any such activity should not bring the BBC into disrepute or undermine the integrity or impartiality of BBC programmes or presenters.

Programme makers and editorial staff

- No BBC staff journalist can write a regular newspaper or magazine column dealing with current affairs or matters of current public policy debate or political or industrial controversy.
- The only circumstances in which BBC staff journalists may write such an article will be in the context of BBC marketing for one of its programmes, or in support of the BBC or its interests, where the article has been submitted in good time to a divisional manager responsible for vetting such articles, and sent in for publication by the BBC Press Office or syndication after publication by BBC News Online.
- Non-controversial columns, covering such matters as restaurant or cultural reviews may be agreed, subject to the vetting procedure set out above.

Presenters and freelance reporters

- The same rules apply to news and current affairs freelance presenters and reporters in News, Global News and Nations and Regions, except where the relevant divisional Director has agreed in advance and that the individual does not derive their main external status from their work for the BBC.
- In other programme areas, the relevant Director or Head of Department should normally ask to see articles about subject matter which could give rise to a conflict of interest.
- In some cases, with permission from the relevant Director or Head of Department, presenters or reporters may write a book about a current topic provided it is not likely to compromise the integrity or impartiality of the BBC. In such cases, if the viewpoint expressed turns out to be controversial or one-sided, editors should consider whether to allow the presenter to cover on-air the issue which they have written about. If there is any possibility of a conflict of interest, the relevant Director or Head of Department should give very careful consideration as to whether there is an actual conflict and whether they should declare that interest on air or not present items or conduct interviews on the issue.

Letters to the press

- Programme makers, editorial staff, reporters and presenters primarily associated with the BBC should also clear with Heads of Department any letters to the press if they deal with the subject matter of the programmes, any political, public policy or controversial issue, or relate to the BBC or broadcasting. Even presenters who only occasionally present programmes for the BBC should normally clear letters relevant to the subject matter of their programmes if they are to be published around the time of transmission.

2. Lessons to be learned from the handling of the “Gilligan Affair” complaint.

- At present the BBC is conducting a complete review of its complaints handling procedures. The conclusions, which will affect the entire BBC, will be published separately.
- However, in the light of the Gilligan affair, a number of the considerations have a direct bearing on how complaints about the journalism should be handled in future by BBC News.
- All complaints should be handled efficiently and with due speed by the same routes and processes.
- All complaints coming into the BBC by whatever route should be logged, and serious complaints “red flagged.”
- All complainants to the BBC should be treated in the same manner.
- “Red flagging” should not denote the importance or status of the complainant, but the potential seriousness of the complaint itself. “Red flagging” should include complaints from parties aggrieved by the broadcasts, issues of fair dealing, legal issues and challenges, and charges of major inaccuracies.
- “Red flagged” complaints should be carefully tracked through the complaints system.
- In BBC News, a senior manager should be charged with ensuring the effective handling of all complaints about the output, and be across the progress and status of complaints being handled by programme executives.
- The Director of News should receive regular reports on the status of complaints within the division.
- Where a department fails to satisfy the complainant of a “red flagged” complaint after two exchanges, the Head of the BBC’s Editorial Complaints Unit² should consider it for independent assessment and review.
- When a complaint is referred up through the chain for further response, those originally involved must be consulted and kept informed of what is being said.
- However, in reaching a conclusion about a complaint referred by the Director of News, or when considering an appeal from a complainant, the Head of the Editorial Complaints Unit does not require the agreement of the division to the conclusions and response.
- With all complaints of a political or governmental nature the BBC’s Chief Adviser, Politics must be consulted at every stage. However, Editorial Policy should not be used to investigate complaints.
- The BBC’s Executive Committee together with the Director-General should review the status of all complaints and the detailed issues surrounding serious complaints, on a regular basis.
- The Director-General should not become involved directly in complaints-handling during the response process.
- Where errors have been made on air, the BBC should develop a system and a culture that encourages fast clarification and correction.
- A well advertised BBC website should be developed for this purpose, with easy access.
- A training module should be designed to assist staff in the fast, effective and constructive handling of complaints.

² Currently called The Programme Complaints Unit

3. Other editorial issues to be addressed by the BBC

TRAINING

There is a significant debate about both the role of journalism in the UK as well as its ethics and standards. This is a debate that affects the culture of the BBC's own journalism. The BBC has a unique set of public responsibilities and values, specifically around accuracy and impartiality. Setting the direction and strategy for the BBC's journalism, exploring and questioning its culture, and supporting the professional education of its journalists are crucial tasks for the next Charter period.

Against this background, and as the largest employer of journalists in the UK, the BBC has an obligation to take the lead in strengthening training in craft skills and promoting debate about journalistic standards and ethics in broadcasting. But to do so requires a sea change in approach.

- At the heart of our recommendations is the proposal that the BBC should establish a "College of Journalism" bringing together the journalistic training needs of BBC News, Global, Nations and Regions, and of other BBC divisions.
- With an increasingly nomadic work force, this would help address the continuous training needs of some 7000 staff across divisions with annual turnovers of up to 11%.
- This is much more than bringing the existing training initiatives under one roof.
- As the title suggests, the BBC should establish a formal college under the leadership of an academic principal, organised as an industry-wide training campus developing high competency based skills in journalism, with achievement qualifications awarded for performance.
- Consideration should be given to its being a residential college, as well as a series of on-line and on site training courses.
- This would ensure that a comprehensive syllabus of subjects was established to ensure that all BBC journalists were being trained to deliver the BBC's core values at every level in their career.

The present position

BBC News has long recognized the importance and value of training. During the course of our investigations, we noted that in the past year alone, new courses and workshops have been run covering impartiality, the law, editorial values and craft skills.

However senior training managers who work hard to develop and produce successful new training initiatives made the following observations:

- Training is fragmented.
- No journalist training is compulsory.
- Training records are insufficiently monitored.

Furthermore, in all our conversations with editors and senior BBC journalists, concern about training and its importance was a recurring theme. Part of the context was expressed thus by two senior editors:-

1. "In our industry there are today far too many jobs and far too few people. People either believe they are ready for greater things when they are not, or are actually being given higher responsibility nearer to the sharp end for which they are not yet equipped."
2. "We are bringing in people with less journalistic and broadcasting experience who are more impatient to get on and be promoted."

Another surprising observation made in some areas was that while reporters and correspondents are seen as the journalists, production staff are either regarded as, or regard themselves as, the enablers and the facilitators, but not as journalists. This of course is nonsense. For the most part they operate close to the sharp end, and are most certainly part of the journalistic force in the BBC.

The future enhanced role and focus of journalist training in the BBC

- Training is not a nice to have. It is a vital investment and essential for the practice of good journalism.
- Training is not just about journalism, it is about BBC Journalism.
- The BBC's core values must be a permanent part of the training landscape.
- Ensuring that everyone in the Corporation understands and works in accordance with the core editorial values is fundamental to the BBC's credibility and authority as a public service broadcaster.
- Fundamental to achieving this is not only the induction of new recruits but also a programme of continuous learning for all staff at all levels.
- At the heart of strong journalism is a confident well trained journalistic force, who have a real knowledge and experience of the essential craft skills and disciplines. All training should be dedicated to that single end.
- A very clear level of journalistic skills needs to be set as a basic requirement at each production grade level in addition to the invaluable "on the job" experience.
- Promotion eligibility should be dependent on these journalistic craft skills being achieved.
- This would ensure a drive from the staff themselves to undertake each level of training.
- In other words, competence based training should be a major part of delivering competence based promotion.
- An assessment should be made as to whether too much of the present training on offer is production rather than journalism based. A comprehensive training service which has the appropriate emphasis on journalistic craft skills as well as production skills is essential.
- Tightness of staffing levels must not inhibit training and continuous learning opportunities.
- Training should include example training as well as theory. Every journalist should learn the lessons to be taken from both transmitted and untransmitted stories like "Oryx," "Antigua," "IDS," "Kelly" and others. The cascading down and learning from these issues is essential for everyone in the BBC's journalism. The interactive modules are clearly an important step in this direction.

- There is also a need for more legal training at all levels, including refresher courses. An urgent review should be carried out to establish how this training can be improved, and how it must become part of the continuous learning and updating process for all journalistic staff.
- Effective briefing of presenters, especially on early morning programmes with overnight handovers is a vital element in achieving accuracy and fairness in the journalism. Serious errors can flow from poor or inadequate briefing information. A training module should be developed to demonstrate how to build full and effective briefing notes for presenters.
- The Producers' Guidelines are the navigation aid to enable BBC programme makers to operate to the highest standards, values and ethics. These Guidelines set out best practice in all the BBC does. A thorough knowledge of its requirements is essential at all levels, and indeed is a contractual obligation for all programme makers.
- All recruits are now introduced to the Producers' Guidelines on the "Upfront" induction course. However, there are often expressed concerns that some staff are not as conversant with the Producers' Guidelines as they should be and it is vital that, when they are rolled out, the interactive guidelines, are given full support from managers.
- Each division should take responsibility for implementing its own localised, face-to-face training with teams as the online modules are completed and weaknesses highlighted.
- Senior editorial staff should be involved in both designing and delivering training.
- In News, the success of one-to-one sessions with correspondents to explore craft skills should be extended to the examination of editorial issues. Presenters are also likely to benefit from such one-to-one discussions, ideally with a senior editorial figure from outside the presenter's immediate area or from another genre.

EXCLUSIVES AND INTERNAL RELATIONSHIPS

- The BBC remains committed to finding well-founded exclusive stories and sharing them with our audiences.
- Breaking news stories and discovering important information are vital parts of what we do. This regularly entails being the first outlet to reveal a story, often as a result of our own investigations.
- Revelatory journalism is something to be proud of and it makes sense to organise our editorial processes so that, as an organisation, we can maximise the impact of our journalism. We must have a culture of trust so that relevant BBC outlets are given the opportunity to follow up major stories broken by a BBC programme as effectively as possible.
- Different programmes have different audiences and an original story on one outlet may not be a priority for other programmes; but we can make use of good co-ordination in advance to make sure the story is brought to air in the right way for the BBC and our audiences.
- At the same time, programmes need to be careful to apply normal journalistic standards in assessing the significance of stories that we originate ourselves; we should not give a story undue prominence just because it is a "BBC story".

- There may also be a threat to impartiality if other parts of the BBC become over-identified with a particular development on a story generated by one BBC outlet.
- When the BBC has something to reveal, the audience is best served if we are clear about what is new or different and why it matters. The word "exclusive" has become devalued by its sometimes exaggerated use. For this reason, the word should be used sparingly. It is usually more revealing for the audience to be given precise information: "The BBC has managed to smuggle some footage out of Zimbabwe" or "A special investigation for this programme has discovered rising levels of racism against Muslims in....."
- Where a programme is planning to broadcast an "exclusive", editors should alert colleagues of what is coming to allow them time to prepare to react in their own output.
- In any case when one programme breaks an exclusive story, senior editorial staff on succeeding outputs need to satisfy themselves of how to report the story before re-broadcasting it.

EDITORIAL AND MANAGERIAL PROCESSES

Editorial

- On core news stories available to multiple outlets, the responsibility for ensuring the piece complies with BBC editorial guidelines and policies in both its content and method of compilation rests with the originating department – Newsgathering for Newsgathering correspondents and reporters; Millbank for political correspondents and reporters; Current Affairs, Radio News, Television News or News Interactive.
- With items commissioned for or by individual programmes, whether or not from a Newsgathering correspondent, the commissioning programme in conjunction with the correspondent must ensure that all agreed editorial procedures and guidelines are followed. Ultimate responsibility for ensuring the piece complies with these procedures and guidelines rests with the individual editor, who is the publisher.
- It is important that the senior editorial process of oversight is organised to ensure that with major allegations and contentious stories the BBC has a consistency of language and approach from all outlets.

Legal

- Given the increasing sensitivity of legal issues, and the huge level of daily output across an increasing number of channels, the BBC should now insist that an editorial lawyer is a resident fixture in the main news area available to all news outlets. For example, assessing the legal issues in relation to television pictures etc over a telephone is no longer satisfactory.
- Consideration should be given to a number of lawyers being on the BBC News establishment, with a professional line to their departmental head.
- Legal advice on contentious running stories should be made available immediately to other outlets.

Managerial

- BBC News should consider the experience and numbers of overnight and early morning staffing.
- Reporter and correspondent appointment processes in daily programmes should always involve a senior representative from Newsgathering. Newsgathering should also contribute to all reporters and correspondents feedback and development plans.
- It is the responsibility of BBC managers to make it absolutely clear to recruits on all news and factual programmes that they will be expected to abide by the BBC's core editorial values and operate within its Producers' Guidelines.
- All BBC journalists should be part of a rigorous and honest annual review process which should also identify and agree training opportunities and requirements to enable career progression.

CONCLUDING REMARKS

This review committee was asked to make appropriate recommendations following the Gilligan affair, but has decided to broaden its considerations beyond the narrow focus of these events. However, they are but recommendations; their purpose and value will only be realised when the Executive Committee and Governors of the BBC decide how and what should be adopted and implemented.

APPENDIX 1

KEY HUTTON FINDINGS

1. HUTTON QUESTION

“Was there a failure by the BBC to exercise proper editorial control over Mr Gilligan’s broadcasts on the Today programme on 29th May?”

HUTTON CONCLUSION

“The allegations reported by Mr Gilligan on the BBC Today programme on the 29th May 2003....that the Government probably knew that the 45 minutes claim was wrong or questionable before the dossier was published and that it was not inserted in the first draft of the dossier because it only came from one source and the intelligence agencies did not really believe it was necessarily true were unfounded.” P212.

“Where a reporter is intending to broadcast or publish information impugning the integrity of others the management of his broadcasting company or newspaper should ensure that a system is in place whereby his editor or editors give careful consideration to the wording of the report and to whether it is right in all the circumstances to broadcast or publish it. The allegations that Mr Gilligan was intending to broadcast in respect of the Government and the preparation of the dossier were very grave allegations in relation to a subject of great importance, and I consider that the editorial system which the BBC permitted was defective....in that Mr Gilligan was allowed to broadcast his report at 6.07am without editors having seen a script of what he was going to say and having considered whether it should be approved.” P213.

2. HUTTON QUESTION

“Was the BBC management at fault in failing to investigate properly and adequately the Government’s complaints that the report was false, that the Government probably knew that the 45 minutes claim was wrong even before it decided to put it in the dossier?”

HUTTON CONCLUSION

“The BBC management was at fault in the following respects in failing to investigate properly the Government’s complaints that the report in the 6.07am broadcast was false and that the Government probably knew that the 45 minutes claim was wrong even before it decided to put it in the dossier. The BBC management failed, before Mr Sambrook wrote his letter of 27 June 2003 to Mr Campbell, to make an examination of Mr Gilligan’s notes on his personal organiser of his meeting with Dr Kelly to see if they supported the allegations which he had reported in his broadcast of 6.07am. When the BBC management did look at Mr Gilligan’s notes after 27 June it failed to appreciate that the notes did not fully support the most serious of the allegations which he had reported in the 6.07am broadcast, and it therefore failed to draw the attention of the Governors to the lack of support in the notes for the most serious of the allegations.” P213.

“A factor which contributed to these failures was the failure of the BBC management to appreciate the gravity of the allegations reported in Mr Gilligan’s broadcast at 6.07am and I consider the allegations made against the Government in the broadcast at 6.07am were so grave and gave rise to such a serious public controversy that it was unreasonable for the BBC management to expect the Government to pursue its complaint about them through the usual channels of the BBC Programme Complaints Unit of the Broadcasting Standards Commission, procedures which could take weeks or perhaps months before a conclusion was arrived at.” P200.

3. HUTTON QUESTION

“Was there a failure by BBC management to inform the Governors of the BBC of the extent of editorial concerns about Mr Gilligan’s broadcasts in relation to the 45 minutes claim?”

HUTTON CONCLUSION.

“The e-mail sent by Mr Kevin Marsh, the editor of the Today programme on 27 June 2003 to Mr Stephen Mitchell, the Head of Radio News which was critical of Mr Gilligan’s method of reporting, and which referred to Mr Gilligan’s “loose use of language and lack of judgment in some of his phraseology,” and referred also to “the loose and in some ways distant relationship he’s been allowed to have with Today,” was clearly relevant to the complaints which the Government were making about his broadcasts on 29 May, and the lack of knowledge on the part of Mr Sambrook, the Director of News, and the Governors, of this critical e-mail shows a defect in the operation of the BBC’s management system for the consideration of complaints in respect of broadcasts.” P213.

OTHER HUTTON CONCLUSIONS

Hutton does not accept the distinction made by Gilligan and the BBC....as between a report that the BBC believed that the Government probably knew that the 45 minutes claim was wrong and a report that a source had told the BBC that the Government probably knew that the 45 minutes claim was wrong....“I consider that when a charge of such gravity is made as that the Government probably knew that the 45 minutes claim was wrong...the impression created in the mind of the listener and the harm done to confidence in the integrity of the Government differs little whether the allegations is made directly by the BBC, or is reported by the BBC as an allegation made by an apparently credible and well informed source. Mr Gilligan’s broadcast at 6.07am was unscripted and made from his own home and he accepts that it should have been scripted.” P194

....Hutton considers that with a subject of such gravity the BBC should not have permitted Gilligan to broadcast his report at 6.07am without editors having seen the script of what he was going to say, and having considered whether it should be approved. P195.

APPENDIX 2

DECISIONS REACHED IN THE BBC DISCIPLINARY PROCESS

Stephen Dando, Director BBC People and Caroline Thomson, Director, Policy and Legal, have now reached their decisions in the BBC disciplinary process which they have been leading. The process followed the BBC's procedures throughout and the decisions, as they relate to individuals, will remain, as is normal practice, entirely confidential between the BBC and those concerned. However, we would wish to confirm that no dismissals were involved.

Furthermore there are two points of clarification arising from the process. In the interests of fairness to individuals and the reputation of BBC journalism as a whole we would wish to make known:

1. In relation to the broadcast on the Today programme, on 29 May 2003, we are satisfied that a core script was properly prepared and cleared in line with normal production practices in place at the time, but was then not followed by Andrew Gilligan. We consider that the BBC's evidence to the Hutton Inquiry could have been clearer in this respect.
2. During the Hutton Inquiry much attention was drawn to an e-mail sent by the editor of the Today programme, Kevin Marsh, to the Head of Radio News, Stephen Mitchell, on June 27th, 2003. Lord Hutton concluded that this e-mail should have been referred to their senior colleagues and that the fact that it was not constituted a flaw in the BBC's management system.

The impression given by the BBC's evidence was that this e-mail did not reflect the views of senior News management. The process has concluded that in fact it did reflect their views and that the views in question had been the subject of recent discussion, so there was no need for the e-mail to be referred up.

The implied criticism of Stephen Mitchell and Kevin Marsh in these aspects was in our view unjustified.

APPENDIX 3

THE PRODUCERS' GUIDELINES' DEFINITION OF IMPARTIALITY

Due impartiality lies at the heart of the BBC. It is a core value and no area of programming is exempt from it. All BBC programmes and services should show open-mindedness, fairness and a respect for truth.

The BBC is committed to providing programmes of great diversity which reflect the full range of audiences' interests, beliefs and perspectives. Representing the whole spectrum is a requirement on all programme genres from arts to news & current affairs, from sport to drama, from comedy to documentaries, from entertainment to education and religion. No significant strand of thought should go unreflected or under represented on the BBC.

In order to achieve that range, the BBC is free to make programmes about any subject it chooses, and to make programmes which explore, or are presented from, a particular point of view.

The BBC applies due impartiality to all its broadcasting and services, both to domestic and international audiences.

In achieving due impartiality the term "due" is to be interpreted as meaning adequate or appropriate to the nature of the subject and the type of programme. There are generally more than two sides to any issue and impartiality in factual programmes may not be achieved simply by mathematical balance in which each view is complemented by an equal and opposing one.

The Agreement accompanying the BBC's Charter specifies that the Corporation should treat controversial subjects with due accuracy and impartiality both in news programmes and other programmes that deal with matters of public policy or of political or industrial controversy. It states that due impartiality does not require absolute neutrality on every issue or detachment from fundamental democratic principles. The BBC is explicitly forbidden from broadcasting its own opinions on current affairs or matters of public policy, except broadcasting issues.