

Allan Beswick's Late Night Phone-In

Summary of finding

Allan Beswick's Late Night Phone-In is broadcast four times a week across BBC Radio Manchester and BBC Radio Lancashire. On 1 March at 10.23 pm a caller was put on air and almost immediately said he was in prison. He said he had had sex with two young children, that they had enjoyed it, and that he had made DVDs of what he described as "child sex". The presenter entered into a conversation with the caller. During this conversation the caller stated: 'What right has society to say that a child cannot enjoy the pleasures of sex until that child is 16 years of age? It is a complete nonsense.' The presenter and caller talked for almost four and a half minutes before the presenter terminated the conversation. The Editor became aware of the incident the following day and the programme was removed from iPlayer and the caller's contact details handed to the police. An on-air apology was broadcast by the presenter at the beginning of the programme the following night. Team members have been reminded of their responsibilities regarding Harm and Offence, Reporting Crime and The Law, as set out in the Editorial Guidelines, and further training has been arranged. Steps have also been taken to enable staff to perform their duties more effectively.

Trustees were deeply troubled by the fact that the caller had been allowed on air in the first place and particularly by the fact that he had then been able to continue for several minutes talking about his crime, advocating sex between adults and very young children, and expounding what he argued were the benefits of distributing videos of child sexual abuse.

Trustees considered that the broadcast would have caused deep offence for the audience as a whole without having any clear editorial justification. Although it had not been possible after the broadcast to establish with certainty whether the call was genuine, Trustees considered that the broadcast had breached a series of Editorial Guidelines irrespective of whether the caller was actually describing his crimes or whether it was a hoax call.

Trustees recorded this as a serious breach of the Guidelines on Harm and Offence, Reporting Crime and The Law.

Information about the on air conversation

During the conversation the caller claimed: that he was calling from prison; that 'there was a lot of nonsense' talked on the previous night's programme (which had featured a discussion about the appropriate way to treat people who viewed child pornography online); that children can 'enjoy the pleasures of sex'; that that had been the case with the children he had raped; that he had made DVDs of 'child sex' to distribute to others; and that doing so was a 'public service' as it might offer gratification to its viewers as a substitute for them committing 'nasty offences against children'.

The presenter pursued a number of lines of discussion and questioning with the caller. These included: asking the caller to cite evidence that such DVDs provide the 'public service' the caller claimed; drawing an analogy between the caller's disregard for the law on

child rape and the disregard sometimes shown for legal speed limits; and stating, in answer to the caller's claim that the children he raped had enjoyed it, that the caller had 'no way of knowing in advance whether they are going to or not'.

Executive report

The Executive, in its report to the BBC Trust on this incident and in subsequent discussions with Trustees, made the following points:

The programme team on the evening in question was made up of the presenter, a producer, a substantive call handler and another call handler who was being trained up to cover the leave of the substantive call handler. Call handlers speak to members of the public when they first phone in. The protocol for the programme involves the call handler finding out what the caller wishes to discuss on air, and the producer then talking to the caller and making a decision about whether or not to put the caller through to the studio.

This call was taken by the trainee call handler. The caller had said he wanted to talk about paedophiles and sex with children. The previous night's programme had included discussion of the appropriate way to deal with people found viewing child abuse images online, following comments from a chief constable on the issue. It was a subject that had provoked much discussion and it was assumed the caller was part of that continuing debate. The caller did not mention he was calling from prison. The substantive call handler phoned the caller back and put him on air without further questioning.

The producer did not talk to the caller. The programme team states that this is unusual. The producer was preparing a short news bulletin, which he would then read on air at the top of the hour. This preparation would normally be performed while listening to the programme. However on this occasion the producer became distracted and heard only the last minute of the interview. The programme's guidelines specify the producer should listen to every call.

The caller claimed on air that he was calling from prison and went on to make the statements set out above. The presenter failed to close down the call but asked a series of questions as also set out above before eventually terminating the conversation after almost four and a half minutes.

The producer, who heard only the last minute of the interview, had not told the presenter to close down the call.

Several subsequent callers to the programme mentioned how upset they were by what had been said. The presenter invited people to call in to let him know if they felt he should have dealt with the call differently.

The producer emailed the Editor about the incident after midnight and the Editor became aware of what happened the following morning, upon reading her emails.

The Executive notes that this was a most serious error of judgement by the presenter and that the producer broke his own programme guidelines by not listening to a call. The producer also failed to act after hearing the final part of the call.

The Executive has reported that it took the following actions on 2 March, the day after the broadcast:

- The edition of the programme was removed from iPlayer. The issue was discussed with Editorial Policy and Litigation. At the request of the Editor, the police were informed by the BBC's lawyers of the call and the caller's number was subsequently handed over.
- The Editor met with the substantive call handler, presenter and producer. The presenter appeared to have failed to think clearly in the heat of the moment.
- An on-air apology was prepared and given by the presenter on that night's programme. The Deputy Editor worked alongside the team during that programme.

Guidance has been issued within BBC Radio Manchester to call handlers to probe further on controversial discussion topics and to understand more fully what callers want to say on air. Team members are to have refresher training on relevant sections of the Editorial Guidelines and the management plans to hold editorial guidance sessions with the Radio Manchester team. The lessons from the incident will also be shared with senior managers in Local Radio. Further the producer of the programme is no longer required to prepare news bulletin material. The producer will also be expected to talk to every caller and specifically ask them about what they would like to say before deciding whether or not to put them on air.

Editorial Guidelines

The relevant Editorial Guidelines were those on Harm and Offence, Reporting Crime and The Law (the individual guidelines of particular relevance are listed at the foot of this document).

Trustees' finding in full

Trustees were deeply troubled by this incident, which they considered showed a grave lack of judgement by the presenter and a serious failure to follow the programme's protocols.

Trustees prefaced their discussion by noting that, once he was on air, the caller claimed to be calling from prison and claimed to have raped young children and produced 'child sex' DVDs (by implication DVDs of children being sexually abused by adults, although the description by the caller was unclear). Trustees noted that it had not yet been possible for the BBC to ascertain whether the caller was genuine and whether what he said was true, but there was no obvious reason to doubt it either. In any event, the Trustees considered that the broadcast had breached a number of Editorial Guidelines, most obviously on Harm

and Offence.

Trustees noted that the usual phone-in protocols set out in the Executive report were not followed in this case. Only the trainee call handler questioned the caller. The substantive call handler did not question him before putting him on air. The producer did not speak to the caller and he was not listening to the call as it went out on air until towards the end of the conversation. Trustees noted that all this was in spite of the fact that the caller had said that, following the previous night's programme, he wanted to talk about paedophiles and sex with children, a subject that clearly required the exercise of careful judgement.

Trustees considered that, once it got on air, it would have been appropriate for the call to have been terminated as soon as the caller claimed to be speaking from prison, and that he should certainly have been cut off the moment he described how he had had sex with young children. Instead, however, the caller had been permitted to repeat details of his crimes, to claim repeatedly how his victims had enjoyed being raped, and to argue there were benefits in supplying DVDs of "child sex" to adults as a substitute for them abusing children themselves.

The Executive had confirmed to Trustees that it is the producer, not the presenter, who is in charge of the programme but Trustees noted that the producer had not been listening to most of the call, instead being occupied preparing the news bulletin, and so had not been in a position to intervene and tell the presenter to terminate the call.

Trustees noted that the producer was expected to listen to the output and intervene as necessary, to speak to incoming callers before they went on air, to prepare the news bulletin and then also to read it. Trustees considered that the Executive must satisfy itself that staff are able to exercise proper oversight of editorial standards.

Trustees also bore in mind that later in the programme, when discussing this call with other callers, the presenter had appeared to suggest that it was *his* decision whether or not to cut a call short and that, although he could take "advice" from members of the team, 'Whatever happens once they come on air is down to me.'

Trustees further noted that several callers to the programme told the presenter how upsetting and disturbing they had found the conversation with the man concerned. The presenter had suggested that if people thought he should have dealt with the call differently then they should call in to say so. He also asked 'isn't it useful to know how that kind of person is thinking?' and commented that hearing 'things that we will find repulsive' is 'a price of free speech'. Additionally, when asked by a caller if he would report the call to the police, the presenter said he would not, because the caller had phoned in anonymously and had said he was in prison 'and we are entitled to presume, I think, that he was in prison for the offences he was owning up to'. Trustees considered that these comments by the presenter indicated that his lapse of judgement was more than momentary and had continued later in the programme.

The Editor was alerted to what had happened the next morning when she read an email which the producer had sent to her after midnight. Trustees noted the Editor's prompt and thorough action in taking down the edition of the programme from iPlayer, liaising with Editorial Policy and Litigation, speaking to the producer and presenter, ensuring an apology went out that night, and arranging training and guidance for the Radio Manchester team. They also noted that the caller's contact details were passed on to the police. Further they noted that the producer would in future no longer be required to prepare news bulletin material, thus freeing him up to concentrate on calls coming into the programme.

Trustees accepted that the Executive had rapidly recognised this as a most serious incident and had brought it to the Trust's attention without delay.

Trustees' conclusions

Trustees recognised that the BBC had a good reputation for ensuring audiences were not caused undue offence without there being strong editorial justification, and that audiences expected the BBC to show due care in matters relating to reporting crime. These were standards that underpin the trust in which the BBC is held. Trustees also considered that, notwithstanding the fact that it was not known for certain whether this had been a genuine call, the broadcast breached a series of Editorial Guidelines. Members of the public had not been given 'adequate protection ... from the inclusion of offensive and harmful material' as the guidelines stipulated. The caller had been given the opportunity to put forward justification for the most serious and distressing of crimes without adequate challenge; thus, the programme had also broadcast material likely to encourage or incite the commission of crime, in breach of the guidelines. The questions and comments put to the caller on air had been ineffective and at times harmful and offensive in themselves, as were some of the responses given to other callers on the issue later in the programme. Trustees were extremely concerned at the risk that the victims of the caller's apparent crimes could have been identifiable to some listeners if they had recognised his voice, in breach of the guidelines on The Law. In addition, if the call was genuine, it could have led to severe distress for the victims, again in breach of the guidelines.

Trustees considered that, once the caller was on air, the failure to deal with the situation 'promptly and sensitively' was a further breach of the guidelines on live output.

Trustees commended the speed with which the Editor had acted the following day but wanted to emphasise to the Executive the importance of sending a clear signal that this series of breaches had been a serious failure of BBC standards.

Finally, Trustees noted that though only a small number of serious breaches in local radio content had come to the Trust's attention in recent years, a significant common thread appeared to have been lack of firm editorial control of presenter-led live programming. Trustees readily acknowledged that, despite very considerable pressure on resources, BBC local radio stations broadcast thousands of hours of programmes every year, much of it live, and that it is highly appreciated by audiences. Trustees also recognised that, under the BBC's Royal Charter that established the Trust, staffing was a matter for the Executive alone. However, the Trust would encourage the new BBC Board to ensure that live programming on any BBC service has the level of editorial supervision required to ensure that the editorial standards the audience has a right to expect of the BBC are maintained.

Trustees considered this was a serious breach of the Editorial Guidelines on Harm and Offence, Reporting of Crime, and The Law.

Editorial Guidelines of particular relevance:

5. Harm and Offence

The BBC must apply generally accepted standards so as to provide adequate protection for members of the public from the inclusion of offensive and harmful material.

5.4.19

We need to assess the risks when broadcasting live output and take any appropriate steps to mitigate them. If problems occur in live output, they should be dealt with promptly and sensitively.

8. Reporting Crime

8.4.1

Material likely to encourage or incite the commission of crime, or lead to disorder, must not be included in our services. However, this is not intended to restrict the broadcasting of any content where a clear public interest can be demonstrated. **Approval for the broadcast of such content must be obtained from Director Editorial Policy and Standards at the earliest opportunity. Such instances are likely to be rare.**

8.4.24

Prisoners may have access to public telephones and mobile phones, though their use may be restricted by prison rules. The following proposals for phone interviews must be referred to a senior editorial figure, or for independents to the commissioning editor, who may consult Director Editorial Policy and Standards:

- inviting a prisoner to initiate a call for broadcast purposes from a public or mobile telephone in prison
- broadcasting an unsolicited, pre-recorded call from a prisoner which was not referred before it was recorded
- broadcasting any live call from a prisoner.

Interviews with paedophiles or other sex offenders must be clearly editorially justified. Care should be taken to minimise potential distress an interview may cause to their victims or victims' families.

18. The Law

Victims of Sexual Offences

18.7.1

All victims of rape and other sex crimes, including children, are automatically guaranteed anonymity for life from the moment they make a complaint that they are the victim of a sex crime. In Scotland, the law is different but the practice of respecting anonymity is the same. These restrictions only apply to identifying the person as being the victim of an alleged sexual offence. They do not prevent the identification of the person in other contexts. Judges may, on occasion, lift the restrictions at the request of the defence. They can do this to get witnesses to come forward and to ensure a fair trial, or to allow the reasonable reporting of a case of public interest.

If a victim were identified in another, unrelated, criminal case, then the reporting of that case would not be restricted.

Victims can be identified if they agree to it. The consent should be in writing and must not be the result of any pressure.

We should be aware of the risk of 'jigsaw identification'.