

## CHAPTER 1 – SETTING UP THE REVIEW

### *The Origin of the Review: Savile's Death and Aftermath*

- 1.1 On 29 October 2011, Sir James Wilson Vincent Savile died at his home in Roundhay Park, Leeds, West Yorkshire. It seems likely that he died peacefully and alone, in his sleep. The funeral and interment proceedings extended over three days. The body lay 'in state' in the Queen's Hotel in Leeds on 8 November 2011 and many hundreds of mourners and admirers filed past the gold-brushed steel coffin to pay their last respects. The following day, the funeral cortege wound its way slowly through Leeds, with thousands of mourners lining the streets. It passed Savile's childhood home and Leeds General Infirmary, en route to St Anne's Cathedral for the two hour requiem mass which was conducted by the Bishop of Leeds, the Most Reverend Arthur Roche. The cathedral was filled to capacity with friends and representatives from the worlds of entertainment, politics, sport, medicine and the many charities for which Savile had raised funds. Among the many attendees were James Moir (known as Jim), Stan Appel and Helen Gartell, all of whom had worked with Savile in the BBC's Light Entertainment Department. At a reception later in the day, one of the eulogies was given by Roger Ordish, the producer of the long-running show, *Jim'll Fix It*. The interment took place on 10 November 2011 at Woodlands Cemetery in Scarborough. The gravestone (now removed) was in the form of a triptych testifying to Savile's work in entertainment, charity and sport and bore the epitaph "It was good while it lasted".
- 1.2 The death and funeral proceedings were extensively covered in the media at local, national and even international level. Many obituaries appeared which, in the main, celebrated Savile's life as an entertainer, charity fundraiser and friend of the famous. His ubiquity, his eccentricity of speech and dress, his penchant

for garish jewellery and the nature and extent of his friendships with the great and the good all made for colourful copy. In death as in life, Savile had a seal of approval and, even if the obituaries were not uniformly reverential, their overall tenor was that Savile was almost (but not quite) a national treasure.

1.3 Some of the witnesses who gave evidence to the Review expressed their sense of outrage at the media celebration of Savile's life in the days and weeks following his death. However, having reviewed some of the obituaries for the purpose of this Review, I have been struck by how many suggested that Savile may not have been all that he seemed. *The New York Times* described Savile as "a Zelig – or maybe a Walter Mitty – in gold lamé" whose interviews were marked by a "torrent of claims, some true, some false and others occupying the vast limbo of credibility in between". Even in Britain, there were references to Savile as an enigma who portrayed himself as the court jester but who was, in reality, an unhappy loner. There were hints at a dark side to his character. *The Daily Telegraph* mentioned the rumours concerning Savile's sexual interest in underage girls. *The Guardian* suggested that he exploited his powerful instinct for making money and was a man not to be crossed. I read these obituaries in the light of the allegations about Savile's life which were to emerge after his death but, even at the time of publication, they must have made uncomfortable reading.

1.4 Media references to Savile's death over Christmas and the New Year continued to be approving but, on 8 January 2012, *The People* carried the revelation that, in 2007, Savile had been questioned by Surrey Police over an allegation of historical indecent assault. (In fact, the Surrey Police investigation began in 2007 but Savile was not interviewed until 2009). It was reported that a spokesman had stated that Surrey Police had

received an allegation of indecent assault at a children's home in Staines dating back to the 1970s and that the allegation had been investigated but no further action had been "taken against any individual". It was further reported that a Crown Prosecution Service spokesman had stated that they had advised the police that "no further action should be taken due to lack of evidence". Although, at the time, Surrey Police neither confirmed nor denied that the allegation related to Savile, it is now clear that in fact it did.

1.5 Prior to this, in early 2011, Meirion Jones, a journalist working for BBC *Newsnight*, apparently found an interesting account on a publicly accessible website. A woman who had attended Duncroft School in the 1970s claimed that she had been sexually assaulted at the school by someone she referred to as "JS". Mr Jones realised that this was a reference to Savile. This account tallied with others which had appeared on another social media site, Friends Reunited. Mr Jones had a long-standing interest in the school, as his aunt, Margaret Jones, had been its head and he had visited the school as a child. Savile's death provided him with the impetus to investigate the accounts of Savile's abuse of teenage girls at Duncroft School. He suggested the idea of an investigation to his editor, Peter Rippon. The investigation proceeded until 9 December 2011 when Mr Rippon decided to abandon it. That decision became the subject of a review by Nick Pollard.

1.6 The decision to abandon the investigation was first mentioned in the press on 8/9 January 2012 when the *Daily Mail*, *The Sun* and the *Sunday Mirror* referred to the BBC's interest in allegations made by three women that Savile had behaved inappropriately to them while at a school in Surrey during the 1970s. During February 2012, there was further press interest, focusing mainly on the motivation behind the BBC decision to

abandon its investigation. Interest then appeared to wane and was not revived until August 2012, when several newspapers revealed that ITV was making a documentary about allegations that Savile had sexually abused teenage girls in the 1970s. The research was reported as being undertaken by Mark Williams-Thomas, a former police detective with the Surrey Constabulary.

1.7 Mr Williams-Thomas told the Savile investigation that, in the months that followed the BBC's aborted investigation, he recommenced the investigation from scratch and took the story to ITV, with Mr Jones's consent. The ensuing investigation culminated in a programme called *The Other Side of Jimmy Savile*, broadcast on ITV on 3 October 2012 as part of the *Exposure* series. This featured interviews with a number of women who alleged that they had been sexually abused by Savile. Some had been under the age of 16 at the time. The victims described incidents which had taken place in a variety of locations, including on BBC premises.

1.8 This programme initiated a flood of complaints from others; men and women who claimed that they too had been abused by Savile. Further allegations were made of abuse in a variety of different contexts including on BBC premises, at Duncroft School and in hospitals, including Broadmoor, Leeds General Infirmary and Stoke Mandeville. Complaints were made to police forces in various parts of the country, to the NHS, to the BBC and to charities such as the NSPCC which experienced a significant surge in the number of calls made to its helpline. In the wake of this torrent of complaints, the Metropolitan Police set up a special investigation task force, Operation Yewtree, initially headed by Commander Peter Spindler.

1.9 Some victims waived their anonymity and gave public interviews either to the newspapers or on television. There was

a veritable media storm. A number of newspaper reports alleged that the BBC had been aware of Savile's sexual misconduct on BBC premises and had turned a blind eye to it. The BBC was unable to deny these allegations, most of which went back to the 1970s and 1980s; all it could do was to say that it was unaware that any wrongdoing had been ignored. On 12 October 2012, the BBC announced that its Executive Board had decided to commission an independent review of Savile's activities, the object of which was to discover whether Savile had indeed abused young people on BBC premises and, if so, whether the BBC had known or ought to have known about it. The BBC also wanted to understand whether its culture and practices during the relevant period had enabled Savile to abuse young people without detection.

- 1.10 On the same day, 12 October 2012, the BBC announced that it would set up the *Pollard Review* to which I have already referred and, on 23 October 2012, the BBC's *Respect at Work Review* was established. Its terms of reference included the assessment of complaints of sexual harassment in the BBC over the preceding six year period.
- 1.11 On 22 October 2012, the BBC broadcast a *Panorama* documentary exploring the decision to abandon the *Newsnight* investigation and the state of knowledge within the BBC as to the circumstances of its being shelved. On 23 October 2012 the recently appointed Director-General, George Entwistle, appeared before the House of Commons Culture, Media and Sport Select Committee to answer questions concerning the programme. His appearance attracted unfavourable comment. On 2 November 2012, BBC *Newsnight* broadcast allegations against an unnamed leading Conservative politician from the Thatcher years in connection with its report into allegations of sexual abuse at the Bryn Estyn children's home in Wales in the

1970s and 1980s. There was widespread speculation on the internet that Lord Robert Alistair McAlpine was the subject of the allegations. However, a week later, it emerged that Lord McAlpine had been falsely implicated and *Newsnight* issued an unreserved apology. Mr Entwistle resigned on 10 November 2012.

### ***Setting up the Review: the Terms of Reference***

- 1.12 In mid-October 2012, I was invited by the BBC to investigate Savile's sexual misconduct on BBC premises and the BBC's awareness of it. I agreed to do so, subject to an assurance that my investigation would receive the full support and co-operation of the BBC and yet be wholly independent of it. I was given this assurance and accordingly agreed to undertake the Review. I was of the opinion that it would be in the public interest that there should be an independent review into Savile and the BBC. In particular I thought it was important that the public should know what (if anything) the BBC had known about Savile's activities. I also hoped that the Review would be able to make some contribution of value to the steps which the BBC will wish to take in its attempt to learn lessons from what Savile had done and, in particular, how those lessons might influence the BBC's approach to the protection of children and young people, including employees, from sexual assault or harassment. I remain of the same opinion.
- 1.13 The Review's Terms of Reference were proposed by the BBC's Executive Board and approved by the BBC Trust. Initially, they related only to Savile. There have been some changes to the Terms of Reference as the Review has progressed and they are set out below in final form as published on the Review's website. They require me to:

- receive evidence from those people who allege inappropriate sexual conduct by Jimmy Savile in connection with his work with the BBC, and from others who claim to have raised concerns about Jimmy Savile's activities (whether formally or informally) within the BBC; (PART 1)
- investigate the extent to which BBC personnel were or ought to have been aware of inappropriate sexual conduct by Jimmy Savile in connection with his work with the BBC, and consider whether the culture and practices within the BBC during the years of Jimmy Savile's employment enabled inappropriate sexual conduct to continue unchecked; (PART 2)
- in the light of findings of fact in respect of the above, identify the lessons to be learned from the evidence uncovered by the Review; (PART 3)
- as necessary, take account of the findings of Dame Linda Dobbs in her investigation into the activities of Stuart Hall.

1.14 The original Terms of Reference were extended on 4 June 2013 following Stuart Hall's guilty pleas to charges of indecent assault entered in April 2013, when an investigation into Hall was added to the Review's work. Hall is a former presenter who had worked for many years for the BBC, mainly in Manchester. Dame Linda Dobbs DBE undertook the Hall investigation, as part of the Review, as I found myself with a potential conflict of interest. Following this extension, the requirement that the Review should take account of Dame Linda's findings in the Hall investigation was added to the Terms of Reference and certain other changes were made. In particular, the wording was altered at my request so that,

instead of receiving evidence from those people alleging inappropriate sexual conduct on BBC premises or on location for the BBC (as had been the case), both the Savile and Hall investigations were to receive evidence from people alleging inappropriate sexual conduct by Savile or Hall “in connection with *[their]* work with the BBC”. Consequential amendments were made to Part 2 of my Terms of Reference.

1.15 The Terms of Reference had originally included a requirement that the Review should consider whether the BBC’s current child protection policies are fit for purpose. In due course, however, the BBC decided that my Report should not encompass an examination of the current child protection and whistle-blowing policies and practice. The reason for this, as I understand it, was that the BBC, having examined its child protection policy during the course of Parts 1 and 2 of my investigation, had appreciated (without my input) that there was a need for amendment and improvement to the relevant policy. A new child protection policy was therefore introduced on 19 September 2013. The BBC was anxious to examine how that policy and its whistle-blowing policy were working and wished that that work should start before I had completed my report on Parts One and Two of my Terms of Reference. Accordingly, my Terms of Reference were amended on 27 March 2014 to reflect that decision. GoodCorporation was instructed to undertake an independent review of the BBC’s child protection and whistle-blowing policies and processes. All of the witnesses who had contacted the Review with a view to giving evidence about the operation of whistle-blowing and child protection were contacted by GoodCorporation if they had consented to their contact details being passed on.

1.16 GoodCorporation’s conclusions were published by the BBC Executive Board in July 2015. GoodCorporation found that the

BBC now has a clear commitment to and recognition of the importance of child protection and safeguarding. It also found that much work has been done in recent years to establish clear policies and strategies to ensure the safety and welfare of children visiting the premises. Similarly, the BBC has introduced a clear whistle-blowing policy which provides a channel for anyone inside the BBC to raise a serious concern, to ensure that it is investigated impartially and to bring it to the attention of senior management. GoodCorporation concluded that there is a clear message from senior management encouraging employees to raise concerns and to have no fear that they will suffer a detriment. GoodCorporation had made a number of recommendations to which I will refer in my conclusions to this Report.

1.17 It will have been noted that the Terms of Reference of the Savile investigation are focused entirely on Savile and do not require me to examine complaints of misconduct made against any other person. However, as this Report will demonstrate, there have been occasions when I have had to take evidence or examine documents relating to matters which are not connected to Savile. This is because I have had to examine the culture and practices of the BBC in order to establish whether that culture or those practices in any way enabled Savile's misconduct to continue unchecked.

1.18 I mention two examples of occasions when I have examined evidence unrelated to Savile. First, I heard evidence from several witnesses who had reported to someone in authority at the BBC an incident of sexual harassment or assault involving someone other than Savile. The importance of their evidence (which I set out in Chapter 2) was to establish how the BBC handled such reports; in other words, what was the culture and practice in relation to such complaints. Second, in Chapter 9, I

examine the way in which the BBC handled a complaint from the mother of a 15-year old girl who, it was alleged, had been seduced by a celebrity whom she met at *Top of the Pops*. The relevance of this is to discover how the BBC might, at the time, have handled a complaint made against Savile, if there had been one. I also examine the way in which the BBC dealt with allegations in the *News of the World* in 1971 that young girls attending *Top of the Pops* were exposed to moral danger. This examination was designed to discover what the BBC's cultural attitude and practices were in relation to the investigation of a complaint of a sexual nature.

1.19 In accordance with my Terms of Reference, the period of time considered by the Savile investigation and covered in this Report runs from 1959 (the date of the earliest incident of sexual abuse by Savile of which I learned) to 2006 (the date of Savile's appearance on the last episode of *Top of the Pops*). This is the period within which Savile had the opportunity to commit inappropriate sexual conduct in connection with his work with the BBC. One journalist has suggested, in correspondence with the Review, that the fact that Savile may have received royalties from the BBC between 2006 and his death in 2011 means that the Savile investigation should have considered the period up to 2011. That is not a view with which I agree, as the period after 2006 is clearly outside my Terms of Reference.

1.20 The Review has been conducted and the Report written on the basis that my Report will in due course be published. My understanding is that the BBC considers that publication is necessary in the public interest, a view with which I concur for a number of reasons, including the fact that my observations on the culture of the BBC are of interest, the current relevance of my views on the power of celebrity and the right of the public to

know what happened at the BBC at the relevant time. I am required to submit my Report to the Executive Board. I understand that the BBC Trust will be responsible for publication.

### ***The Savile Investigation Team***

1.21 As soon as I had agreed to undertake the Review, I instructed a firm of solicitors, Reed Smith LLP, to advise me and to provide a secretariat. The Reed Smith team was led by Richard Spafford. The size of the solicitor, paralegal and secretarial team has been adjusted at various times to accommodate fluctuations in the volume of work. The team has included Carolyn Pepper, Victoria Spilkin, Hyun Kim, Laura Pennells, Simon Camilleri, Bartek Rutkowski, Oliver Adams, Nick Weaser, Annabel Cheng, Caroline Daly, Annabel Bratby, Melanie Shone, Kirsty Piccoli, Katherine Gledhill, Harjit Gill, Matthew Fellows, Karen Groom, Olivia Julius, Debbie Munyard, Alida Horne and Lewis Brooke. I instructed Christina Lambert QC as leading counsel and Kate Beattie as junior counsel. Ms Lambert QC was initially instructed on a full-time basis but from July 2013 provided her assistance only as and when requested. Towards the end of the Savile investigation's work, I instructed two further counsel – Andrew Caldecott QC and Antony White QC, each of whom advised on specific issues. I appointed Professor Celia Brackenridge OBE as an adviser on child protection issues. Professor Brackenridge and Ms Beattie agreed to provide their services as and when requested. I am very grateful to all members of the team for their advice, hard work and dedication.

### ***The Work of the Review: Early Stages***

1.22 Work began in late October 2012. In its initial stages, this entailed such practical matters as the creation of a website so

that the general public could read about our procedures and learn of our progress and the creation of an email address and dedicated telephone number (on which voicemail messages could be left) in order that witnesses or others could make contact with us directly and in confidence. I was conscious that members of the team would need to speak to witnesses about sensitive matters relating to sexual abuse so we immediately sought the assistance of the National Association for People Abused in Childhood (NAPAC) to provide suitable training for Review team members. The Lucy Faithfull Foundation was engaged to provide support for victims.

1.23 Even before we had issued an invitation to witnesses to come forward, we began to receive letters, emails and telephone calls from people wishing to provide information. Unlike an inquiry set up by a government department under the Inquiries Act 2005, this Review had no statutory powers to order or compel anyone to attend to give evidence or to produce documents and I was entirely dependent upon the co-operation of witnesses. The website for the Review, which went live on 14 November 2012, therefore carried an appeal for witnesses relevant to Savile to come forward. Our target groups were:

- people who were the subject of inappropriate sexual conduct by Savile in connection with his work for the BBC.
- people who knew of or suspected inappropriate sexual conduct by Savile in connection with his work for the BBC.
- anyone who had raised concerns about Savile's sexual conduct (whether formally or informally) within the BBC.

- people who worked for or with the BBC during the time that Savile worked there (believed to be 1964 to approximately 2006) whether or not they were aware of any inappropriate behaviour and:
  - who worked with or for Savile or on programmes he presented or took part in (whether in junior or senior roles);
  - to whom Savile reported (directly or indirectly);
  - who were familiar with the culture or practices of the BBC during that time insofar as they may have been relevant to preventing or enabling the sexual abuse of children, young people or teenagers;
  - held senior positions at the BBC and who may have relevant information which would assist the Review e.g. people who worked in Human Resources, former Directors-General, directors or producers.

1.24 The appeal for witnesses was widely publicised in the media. The BBC appealed to its current and former staff to assist the Review if they had relevant information. Tim Davie, then acting Director-General, sent a letter to all BBC pensioners<sup>21</sup> and Lucy Adams, then Director of Human Resources, sent an email to all current staff, directing their attention to the Review's website. The appeal for witnesses was carried in *Prospero*, the BBC magazine provided free of charge to BBC pensioners or to their spouses and dependents.<sup>22</sup>

---

<sup>21</sup> Letter from Tim Davie dated 15 November 2012.

<sup>22</sup> *The Dame Janet Smith Review*, *Prospero*, December 2012, Issue 8, p.3.

- 1.25 The response to the appeal for witnesses was immediate and substantial. Complainants came forward and former and current employees responded in large numbers. The Savile investigation received a vast number of letters, emails and telephone calls providing information thought to be of potential assistance to us. Every communication was considered carefully; the only category of evidence which was not taken into account was the very limited amount of evidence which was provided anonymously.
- 1.26 I was acutely conscious that our method of finding witnesses might well result in bias. There was a possibility of bias towards those who had a serious grievance against Savile or the BBC and against those who had something they wished to hide. This was quite beyond my control. However, in addition to those who contacted the Savile investigation of their own volition, we also approached a large number of witnesses whom we identified as having relevant information. Altogether, the Savile investigation has been in contact with over 800 people (over 380 of whom have been interviewed) and I think that the volume and content of the evidence is such as to enable me to draw reliable conclusions.
- 1.27 We spent the first few weeks undertaking a scoping exercise to assess the range of evidence likely to be received and to adjust the proposed procedures to facilitate the efficient taking of that evidence. We liaised closely with the Metropolitan Police Operation Yewtree team. In order to avoid compromising any future criminal prosecution, we established a Memorandum of Understanding with the police investigators. We agreed to seek the authority of the Metropolitan Police before any witness was called for interview. We undertook that, should we receive information pertaining to the commission of a criminal offence by a living individual, we would consider providing the

information to the Metropolitan Police in accordance with the public interest. In practice, we have done so.

1.28 As the Savile investigation progressed, we were able to identify potential witnesses whom we wished to see, besides those who had come forward voluntarily. Some of these we identified through the perusal of documents; others were mentioned by witnesses while giving evidence. We tried to contact a large number of such people. Often, I am afraid, we found that a potential witness was dead; this was not surprising as we were investigating events which might have occurred 40 or even 50 years ago. Sometimes we found that a witness was very old and in poor health and in such circumstances I did not feel that it would be appropriate to ask him or her to give evidence. Sometimes we were unable to locate a witness, even though we thought he or she was still alive. Of those whom we did find, a few were unwilling to attend and there was nothing I could do about that. These limitations must be recognised. However, we have been able to receive evidence from a large number of witnesses and I do think that my conclusions are reliable.

1.29 Where appropriate, the Savile investigation consulted transcripts of evidence taken by the *Pollard Review*.

***The Evidence Gathering Process for the Savile Investigation: Witness Interviews***

1.30 The witness evidence was collected in a two-stage process. Initially, witnesses were spoken to over the telephone by a member of the Savile investigation team. Those whose evidence appeared likely to be of particular significance or whose evidence might be controversial or contentious were then formally interviewed, usually at the Secretariat's offices at The Broadgate Tower in London. Only on a handful of

occasions was it necessary to accommodate witnesses who were unable to travel; their evidence was taken at home, at work, or, in one case, in prison. Witnesses could choose to be accompanied by a legal representative or by a relative or friend. Victims were also offered the services of a 'supporter' from the Lucy Faithfull Foundation. Some witnesses were formally interviewed over the telephone. Witnesses living abroad were, where possible, interviewed by videoconference, although there was one occasion where it was necessary for a member of the Savile investigation team to travel abroad to interview a complainant. Before witness interviews commenced, the witness would be briefed by a lawyer member of the team as to the format of the interview.

1.31 In view of the sensitivity of the subject matter of the Savile investigation, evidence sessions were held in private. Complainants about Savile's behaviour who wished to remain anonymous were permitted to do so and were given a code number (C1 to C57). A few were willing to waive their right to anonymity. However, in view of the essentially private nature of their evidence and the extent of the likely publicity when this Report is published, I have decided that I should protect their anonymity at this stage and should leave it to them to decide whether to identify themselves publicly once the Report has been published. Accordingly, I have given such complainants a code number (B1 to B14). The only victims of Savile who have been named in the Report are those whose stories have been so widely published in the media that it would be artificial to relate their accounts without naming them. Each of these witnesses waived his or her right to anonymity. A number of witnesses who were not victims of Savile but who have requested anonymity were given a code number (A1 to A26). Included in this category are a few witnesses who told the Savile investigation about abuse or harassment perpetrated not

by Savile but by others at the BBC. Their evidence is recorded in Chapter 2 and is included to demonstrate how the BBC dealt with complaints and concerns about sexual matters.

1.32 The witness interviews (including, where appropriate, telephone interviews) were recorded using Livenote and transcripts were prepared. Witnesses were informed that, where I wished to rely upon parts of their evidence in my Report, I would summarise the relevant sections as opposed to publishing the entire transcript of their interview.

1.33 We recognised that many of the victims who gave evidence would be re-living painful experiences. I am very grateful to all those who felt able to assist us and recognise the courage required to do so. We offered victims the details of counselling services provided by NAPAC, as well as the services offered by the National Society for the Prevention of Cruelty to Children (NSPCC) and the Lucy Faithfull Foundation.

***The Evidence Gathering Process for the Savile Investigation: Documentation***

*BBC Written Archives Centre*

1.34 Although the backbone of my investigation has taken the form of oral evidence from witnesses, in accordance with the procedure which I have described above, we have also drawn on material from the BBC Written Archives Centre at Caversham (the WAC). As any visitor will be aware, the documentation which is held at the WAC is extensive. The WAC holds the written material which has been selected for permanent retention; this relates to all aspects of the BBC's business since 1922 and includes contractual documents, files of correspondence both internal and external, programme and policy material, together with a vast collection of scripts and

press cuttings. Programmes and other electronic materials are stored in other off-site archives, and not at the WAC.

1.35 Members of the Savile investigation team visited the WAC on a number of occasions and, with the very considerable assistance of the WAC staff, undertook a series of targeted searches of the WAC database for material relevant to Savile. This database includes not only the material held at the WAC but also that held at the other off-site archives. The written material on the database includes documents which have already been appraised and selected for permanent retention but not yet transferred to Caversham, documents which are awaiting appraisal and material that, although submitted for retention, has not been retained. Searches were conducted of the WAC's database for permutations of Savile's name, linked personnel and the programmes on which Savile worked. The team also asked the WAC to carry out additional searches as and when the need arose. I consider that the searches we instigated were both thorough and proportionate to the task in hand but, for a number of reasons, I am unable to exclude the possibility that, in the future, some relevant material which I have not been able to consider may yet be found. I set out a little more concerning the background of the WAC and the BBC's archives in order to explain this conundrum.

1.36 Until its closure in 2006, the BBC had in place a Registry system (comprising a Central Registry as well as a number of sub-registries and local registries) which co-existed with the WAC. The Registry system was closed down largely as a result of the advent of electronic documents. Upon its closure, a number of documents (but by no means all) were fed into the WAC for appraisal and a decision as to whether or not they were suitable for long-term retention at the WAC. Material not

sent to the WAC was sent to off-site storage or, if its retention period had expired, was destroyed.

1.37 The arrangement and indexing of some pre-2006 files within the WAC derives from the old Registry system. A large element of discretion was applied by Registry clerks when deciding on the level of detail which would be included within the index of each department's files. Moreover, the archiving principles at the WAC differ from those employed by the Registry system. The WAC's archiving and cataloguing principles are designed to enable someone (for example, a historian) to locate documents relevant to a broad subject area whereas one of the key purposes of the Registry system was to permit swift and easy access to specific documents in current use.

1.38 In 2002, the WAC and the Registry Service introduced a new single database system. We understand that, during the transfer, some of the indexing information was lost because different indexing principles were applied by the 50-60 separate databases which had previously existed.

1.39 Furthermore, most documents have not been converted into a format whereby they can be searched electronically using keywords. Instead, it is possible to carry out either a file title search or a search of the Registry indexing (where a document has passed through a Registry). Such searches are obviously limited to the extent of the title given to the file or the indexing information provided by the Registry. I understand that a process of cataloguing has begun to provide more detailed information as to the content of each of the stored files but this process is in its early stages.

1.40 There were, in particular, two documents which I sought that could not be located. The first document is the log of telephone

calls maintained by the Duty Office at BBC Television Centre (the Duty Office log), which would have been relevant to my investigation into the response of the BBC to a complaint against a celebrity (by telephone) in the early 1970s (see Chapter 9). The second document is the Press Log which would have been maintained by the staff at the BBC premises at Cavendish Place. While some extracts from the Press Log have been provided to me, the full Press Log for the period prior to May 1971 could not be located. The full log might well have been of value to my investigation into the same issue.

1.41 Even in light of the limitations I have described, the explanation for the absence of these two particular documents is, I must confess, hard to fathom. It was explained to me that not every document generated by the BBC would necessarily have found its way into the Registry system; indeed, some BBC departments apparently did not use the Registry system but were responsible for their own filing. In addition, as with any manual system of filing, it was only as good (or as comprehensive) as the commitment or assiduity of the individuals concerned. The depositing of documents in the Registry depended upon each individual department retaining documents and ensuring that they were lodged in the archiving system, sometimes from their own filing systems. It seems likely that some departments would be less zealous and conscientious than others in ensuring that documents were provided to the Registry.

1.42 I readily recognise this as an explanation for the absence of single documents or small bundles. However I doubt that the Duty Office Log would have taken such a form and it does seem surprising that that log would not have been retained. As for the Press Logs, I understand that the Log held by the WAC, which begins in May 1971, is marked as "File 1", and that no

Press Logs before that date are held in the WAC. That in itself is puzzling. I was told about the existence and purpose of the Press Log by Peter Rosier, who worked for the BBC as a publicity officer from 1968. He eventually went on to become Head of Corporate Affairs and Media Relations until his retirement in 1993. He described to me how the Press Logs were prepared in his early days and he expressed the view that the logs prior to May 1971 should be available.

- 1.43 I well understand that, even if a document had been deposited in accordance with the Registry procedure, it does not follow that it would have necessarily been kept by those applying the selection criteria for documents to be permanently preserved at the WAC. According to the WAC staff, the selection criteria included documents which it was considered should be retained for their business, legal and/or historical and heritage value. I intend no criticism when I say that the selection of documents applying those criteria might result in the rejection of some which would have been relevant to the Savile investigation. However, taking again my requests for the Duty Office Log and Press Log as examples, it does not seem to me that, however narrowly the archiving criteria were applied, either of these two sets of documents should have been destroyed. It was clear from my interview with Mr Rosier that the Press Log was a key document within the BBC's history which would illustrate the thoughts and motivations of those involved in safeguarding the BBC's reputation. As I say above, I found the explanation for the fact that it and the Duty Office Log were absent difficult to fathom, although I should say that I am not suggesting that these documents have been archived and then removed from the WAC. A much more likely explanation (particularly given that some extracts from the Press Logs were available) is that they were either never archived or that they were (in error) not retained.

### *Other Written Sources*

1.44 I have relied upon other documentary sources, not least a number of interviews which Savile gave during his lifetime and the books which he wrote himself or were ghost written on his behalf. Some witnesses have also drawn my attention to books which they have written concerning their working lives at the BBC, in particular, Will Wyatt, Johnny Beerling and Canon David Winter. Where I have relied on those interviews or books, I have made specific references.

### ***Decision-making – the Savile Investigation***

1.45 The conclusions that I reach in this Report are based solely on the evidence I have received and, in reaching decisions about the truth and accuracy of evidence received by the Savile investigation, I have applied the civil standard of proof. That is to say that I have accepted evidence if I think that, on the balance of probabilities, it is true and accurate. This standard of proof is, of course, lower than the standard of proof required in a criminal case where, before there can be a conviction, the jury or magistrate must be satisfied so as to be sure of guilt.

1.46 One of the difficulties I have faced in reaching decisions has been the absence of some important witnesses. The most obvious example of this has been Savile himself. I have read in the media expressions of concern that it is quite unfair that Savile should be accused of sexual crimes and immoral behaviour at a time when he is no longer able to answer the allegations. Concern has been expressed that anyone who comes forward and makes an allegation of abuse against Savile is believed without there being any real investigation into the truth of the matter. There are some who believe that the allegations are driven by a wish to receive compensation. I acknowledge the views of those who feel that Savile is being

condemned without proper investigation, especially when these views are expressed by those who knew Savile and who honestly believe that the allegations are untrue.

1.47 One facet of this problem is that the Metropolitan Police decided to make public their willingness to receive complaints about Savile, notwithstanding that those complaints cannot be fully investigated and Savile cannot be prosecuted. The police have simply recorded the nature and circumstances of the various allegations and, as I understand it, have designated them as crimes for the purposes of their records. I do not for one moment criticise the police for collecting this information. However, I do think that it is unfortunate that the impression has been given that every allegation was in fact true.

1.48 I was acutely aware that I was required to reach decisions as to the likely truth of the evidence I heard without being able to ask Savile what he had to say about the allegation. I was very much aware that most of the accounts given by complainants (and other witnesses) related to matters which had occurred a very long time ago and that there was a risk that memories had failed or recollections contained an element of subconscious reconstruction.

1.49 I was also conscious that, with sexual allegations, it is often the case that a prompt complaint is more reliable than a stale one and I was dealing with complaints made long after the event. However, having heard the explanations as to why people had not come forward earlier, I found their reasons generally convincing. I was conscious of the possibility that some complainants might be motivated by a dishonest wish to obtain compensation, either through the scheme which the BBC set up or by taking action in the courts. I have tried to be on my guard to detect where that might be the case, especially where the allegations are at the more serious end of the scale. It does

appear to me that, if someone were to decide to come forward with a false story for the purpose of obtaining money, it is likely that he or she would concoct a story of a serious assault so as to attract heavy compensation.

1.50 For all those reasons I resolved to investigate the allegations made against Savile as closely as I could, given the material available to me. Although the Savile investigation followed an inquisitorial rather than an adversarial procedure, with cross-examination, we did probe the witnesses' evidence at length and in considerable depth. Each complainant was required to give a very detailed account of his or her experience, with a great deal of background, the relevance of which might not have been immediately obvious to him or her. Thus, although we never had the material which would enable us to put a positively contradictory case to a witness, as may happen in cross examination, we did ask questions which were designed to discover as best we could whether the witness was speaking about events actually experienced or might be giving an account derived from some other source, such as newspaper reports or material available on the internet. The detail of the account given by the witness was checked against the information we were able to gather from contemporaneous BBC documents and from BBC staff. Staff gave evidence about the way in which programmes were made and the practical ways in which Savile was involved. Examples of this material will be found in particular in Chapters 9 and 10, which deal with *Top of the Pops* and *Jim'll Fix It*. I have also collected a great deal of evidence about what members of staff observed of Savile's habits. I regard the information drawn from those sources as reliable and as providing a sound basis against which to test the reliability of the evidence of complainants.

- 1.51 It does not follow, however, that just because a witness's recollection of all the details of his or her experience is not correct, that must mean that the witness is not to be believed. There are a number of cases in which I have accepted that the witness's account is broadly true although a number of recollected details could not be right. In general, I have been more inclined to accept that a witness is truthful but inaccurate in some respects where the witness is a victim trying to remember distressing events which occurred when he or she was young. I have been less inclined to accept as truthful inaccurate accounts given by non-victims about events which occurred when they were adults.
- 1.52 There are a few cases where I have not accepted the evidence of a complainant or have felt unable to reach any conclusion. I have not included those cases in this Report. I am not saying that I have rejected their evidence because I have concluded they are dishonestly seeking compensation; just that their evidence was, for a variety of reasons, unsatisfactory.

### ***The Report***

This Report is in four volumes as follows:-

- Volume 1 contains a summary of the Report of the Savile investigation, chaired by me as well as a summary of the Report of the Hall investigation, chaired by Dame Linda Dobbs. It also contains my Review's overall conclusions in a section called "Conclusions – The Questions Answered and the Lessons to be Learned" in which I address the various questions posed to me by the BBC in my Terms of Reference and set out the lessons to be learned from both the Savile and Hall investigations.
- Volume 2, Part 1 contains the first eight chapters of the Report of the Savile Investigation.

- Volume 2, Part 2 contains Chapters 9-11 of the Report of the Savile investigation.
- Volume 3 contains the Report of the Hall investigation, chaired by Dame Linda Dobbs.

References to 'the Report' in this document are generally to the Report of the Savile investigation. The Report contains 11 Chapters.

- 1.53 The first chapter deals with setting up the Review and its methodology. The second provides some history of the BBC and covers aspects of its culture. The third chapter discusses changing attitudes and mores in society over the period covered by the Savile investigation. Dame Linda Dobbs covers similar issues in Chapters 9 and 10 of the Report of the Hall investigation. In Chapter 4, I describe Savile's history and the perceptions of him within the BBC during his lifetime. In Chapter 5, which is a lengthy chapter, I report on the accounts we have received of Savile's sexual conduct and seek to draw some conclusions about his habits and modus operandi.
- 1.54 In Chapter 6, I collect together material relating to Savile which was in the public domain during his lifetime. In Chapter 7, I describe the rumours, stories and jokes which circulated about him, mainly in the BBC but also touching on rumours in wider circulation. In Chapter 8, I deal with various media reports appearing after Savile's death alleging that the BBC had been aware of his misconduct but had failed to act.
- 1.55 From Chapter 9 onwards I deal with the main programmes and parts of the BBC in which Savile was involved and worked; I cover *Top of the Pops* in Chapter 9, *Jim'll Fix it* in Chapter 10 and Radio 1 in Chapter 11.
- 1.56 The Report has six appendices. These are in Volumes 1 and 2 (Part 2). Appendix 1 is a dramatis personae and Appendix 2 is

a chronology. Appendix 3 is a table showing the relevant senior roles in BBC Television during Savile's active period at the BBC and Appendix 4 sets out the equivalent information in respect of BBC Radio. Appendix 5 sets out the BBC management structure as at the mid-point in Savile's career in respect of BBC Radio, Television and the World Service and Appendix 6 contains detailed information and charts about Savile's victims, showing gender, age, nature of inappropriate sexual conduct, relevant programmes and relevant decades. Appendices 1-5 have been prepared on the basis of information provided by the BBC and by witnesses and information available from public sources. The Savile investigation team has done what it can to ensure that Appendices 1-5 are precise and accurate, but some dates in these appendices are approximate and there is the possibility of some minor errors in them where information was particularly difficult to find or verify. Further, in most cases, my Report only refers to BBC employees' most relevant positions. No offence is intended by not making reference to any other roles which witnesses may have held.

1.57 Once the factual chapters of this Report had been written and checked and my tentative conclusions had been drafted, detailed letters of potential criticism were sent in confidence to 34 individuals and a number of organisations including the BBC. In each case, an opportunity was provided for a response or further submissions to be made. All responses received were taken into account when preparing my final conclusions.

1.58 Dame Linda Dobbs's investigation into Hall's activities was conducted by the same team within the Review. I took no part in it; indeed I was separated from it by a very solid information barrier. Dame Linda has described the process of the Hall

investigation in her Report, which is at Volume 3. I was unaware of any part of the process or of any of her conclusions until they had been finalised. In 'Conclusions – The Questions Answered and the Lessons to be Learned', which is in Volume 1, I draw together our separate conclusions and the lessons which may be learned from them.

1.59 While the BBC did not set a deadline for the production of my Report when the Review was set up, I was asked to produce it as soon as possible. In the event, the task took two and a half years, mainly because of the enormous amount of work we have undertaken and the issues explained below.

1.60 In order to form a reliable view of the culture of the BBC over a significant period of time, Dame Linda and I have interviewed a large number of witnesses and read many documents. Writing the Report has also been a major task. However, some delay has been caused by specific factors. First, there has been delay in obtaining access to a number of witnesses relevant to the Savile investigation. These were witnesses of whom we were aware at an early stage but could not interview until the police had released them to us under the Memorandum of Understanding. A considerable number of witnesses were only released to us in late 2014 and in 2015; and one was not released until December 2015. I make no complaint about this. When this Review was first under consideration, it was envisaged that we would not be able to begin work at all until the police had completed their investigations into all Savile-related matters. In the event, through the Memorandum of Understanding, we have been able to work at the same time as the police so the delay has been less than would otherwise have been the case. In addition quite apart from witnesses for whom we needed police clearance, there were also some witnesses who did not come forward until a late stage.

- 1.61 Second, from time to time, we were asked to delay publication of the Report in the light of on-going criminal trials. Until April 2015, the availability of witnesses late in the day was the overriding factor. However, in April 2015, when we were preparing for publication of the Report, the Review was informed by the Metropolitan Police that it was concerned that publication of the Report could prejudice its on-going investigations into sexual abuse. As a result, I reluctantly took the decision that publication of the Report (and its delivery to the BBC) should be delayed. We were informed by the police in late November 2015 that the issues which had led to the delay in April had ceased to be of concern. We therefore started final preparations for publication.
- 1.62 A draft version of the Report was provided, in advance of publication, to the CPS and the Metropolitan Police. This was to give them an opportunity to comment in the event that they had any (and, in the case of the Metropolitan Police, any further) concerns about the content of the Report adversely affecting on going investigations or any future prosecution. In late December 2015, the Metropolitan Police told us that it did not object to publication. The CPS said the same in early February 2016.
- 1.63 A final draft version of the Report was made available to the BBC on 8 February 2016. This was to give the BBC an opportunity to read the Report in advance of its formal delivery and to identify any factual inaccuracy or necessary clarification in the draft. The Report was formally delivered to the BBC on 15 February 2016. The Report was then printed and made ready for publication.

*The Publication by Exaro News Limited on 20 January 2016*

- 1.64 On 20 January 2016, Exaronews Limited decided to publish on its website certain extracts from a leaked early draft of my Report. That publication prompted significant publicity.
- 1.65 I was appalled by the decision taken by Exaro and a copy of my letter dated 22 January 2016 to Exaro is on the Review's website. Exaro's decision appears to have been taken for its own commercial gain without any thought for the interests of the many victims of Savile or the integrity of the reporting process. Its decision was entirely unjustified. In a self-serving and inaccurate press release, Exaro argued that, in publishing an out of date draft of my Report, they were breaking the "logjam". However, there was no "logjam" to be broken; at the time of the publication by Exaro, the Review had announced publication within six weeks. Exaro also suggested that the reason why publication had been delayed, namely because of concerns on the part of the Metropolitan Police that the Report could prejudice its on-going investigations into sexual abuse was, for some reason, "bogus". Exaro were wrong; that is precisely why publication was delayed.
- 1.66 Exaro also argued that the publication was justified because the draft of the Report disclosed by them was the Report on which the Letter of Criticism sent to the BBC had been based. However, once again, they were wrong. They obviously did not understand that it is standard practice when preparing reports of this nature to include in any draft steps that are still to be taken – in this case, sending a Letter of Criticism to the BBC. In fact, the draft of the Report on which the Letter of Criticism sent to the BBC was based was a draft prepared many months later.

1.67 A number of victims and witnesses were adversely affected by Exaro's decision. In particular, we had taken great care to avoid identification of individuals where that was not necessary for the purposes of the Report, sometimes in consultation with those individuals. The draft disclosed by Exaro contained some early draft wording and descriptions prepared before those descriptions had been amended to bolster anonymity. Exaro's selfish decision to publish led to individuals being identified.

