



Information Policy & Compliance
bbc.co.uk/foi bbc.co.uk/privacy

Dr T. Jackson

By email to: request-224765-0b54662e@whatdotheyknow.com

5 November 2014

Dear Dr Jackson

Freedom of Information Act request – RFI20141319

We are writing in response to your request under the Freedom of Information Act 2000 (the Act) seeking the following information:

Please consider this as a new request on the same topic. As you might be aware, the FOIA is often described as purpose and applicant blind. This means that any member of the public can request any information and the public authority is not entitled to know the purpose/rationale of their request. In this case, as it may assist your handling of my request, I volunteer the fact that I am seeking to establish whether senior BBC staff members exerted any pressure on members of the Dame Janet Smith Review team to delay publication of the review findings.

Please provide all information contained in any correspondence between senior BBC staff members and members of the Dame Janet Smith Review team (or Counsel/Secretariat to the Review) that relates to the scheduled publication date of the review findings.

I am only seeking relevant information produced since 1st January 2013. By senior BBC staff member, I mean any member of staff named on the following BBC web page:

<http://www.bbc.co.uk/aboutthebbc/insidethebbc/managementstructure/biographies/>

Thank you for narrowing the scope of your request and to explain it relates to whether pressure has been exerted in relation to delay of publication. We can confirm that the correspondence shows no BBC member of staff has exerted any pressure on members of the Review team to delay publication of the Review's Report.

We have enclosed a copy of some of the information you have requested at Appendix A. As you will see, this includes information contained in correspondence between senior BBC members of staff and members of the Dame Janet Smith Review team about the scheduled publication date of the Review's Report.

We consider that some of the information contained in the correspondence you have requested may be exempt under section 36 (prejudice to effective conduct of public affairs). We now need further time, in conjunction with the BBC's qualified person, in which to consider the public interest in disclosing this information. We estimate that a decision will have been reached on where the balance of the public interest lies by 21 November 2014 and we will write to you on or by that date. We appreciate that this response is already overdue and we apologise for any further inconvenience caused by this delay.

We are withholding a limited amount of information under section 40(2) (personal information) of the Act. Under section 40(2), personal information about identifiable living individuals is exempt if disclosure to a third party would breach one or more principles in the Data Protection Act 1998. In this case, the individuals concerned would not expect their personal data to be disclosed to a third party. To do so would be unfair and therefore disclosure would breach the first data protection principle (fair and lawful processing).

We are also withholding some information under section 21 (information accessible by other means). This information relating to the planned publication date of the Review's Report is available on the Review's website at: <http://www.damejanetsmithreview.com/updates/>

We will continue to process your request. However, in light of the confirmation above and the information enclosed with this letter, we would appreciate it if you could confirm that you would still like us to consider the release of the information we consider to be exempt under section 36.

Yours sincerely

BBC Information Policy and Compliance

Appendix A

Letter dated 26 July 2013

To: Richard Spafford, Secretariat to the Review

From: Sarah Jones, BBC General Counsel

Dear Richard

Lord Hall asked me to pass on his thanks for the helpful meeting with Dame Janet, Dame Linda and you on 13 June 2013.

First, we would like to thank Dame Linda again for agreeing to deal with the Stuart Hall review. We were also very encouraged to hear from Dame Linda that she considers it likely (on the basis of the estimate of the current number of individuals likely to give evidence) that she will be able to complete the fact finding part of her report by the end of October of this year.

In relation to timing of the review, Dame Janet indicated that in the absence of unforeseen circumstances, she consider she may now be able to deal with the first parts (the review of the culture and practices of the BBC during the years that Jimmy Savile worked there) by the end of the year. This is because the police are currently agreeing that key witnesses can be approached.

We also discussed the challenges posed in reporting in this time frame on whether the BBC's child protection and whistle blowing policies are fit for purpose. While a review of the policies themselves might in theory be possible by the end of 2013, I think we were in agreement that a review of how they are working in practice should properly be done after the policies have been in place for a period of time and also ideally when we can evaluate the impact of the Respect at Work initiative. As discussed, in light of this timeframe and other factors including the BBC's internal work on reviewing the child protection and whistleblowing policies, the BBC is considering whether the terms of reference should be amended to remove this aspect of the review (ie that the words "consider whether the BBC's current child protection and whistle blowing policies are fit for purpose and" are removed from the third term of reference). This issue will be considered at the Executive Board's meeting in September. We would of course wish to agree with you how any approved change should be dealt with, including taking into account any submissions on the policies that the Review has received and publicity around approved amendments to the terms of reference.

[section 36]

[irrelevant]

[section 36]

Yours sincerely

Sarah Jones

BBC General Counsel

Email sent 29 July 2013, 16:52

From: [section 40(2)] on behalf of Richard Spafford

To: Sarah Jones

CC: [section 40(2)]

Sarah:

Many thanks for your letter of 26 July. [section 40(2)]

I have the following immediate thoughts:-

- 1 Since we met, there has been no change to likely timings. In particular, we are reaching the end of the evidential period on Savile. Hall remains less certain, but the team is pushing hard to get all interviews finalised by the end of October. If things change, we will obviously let you know, but with a fair wind, they should not.

[irrelevant]

Kind regards

Richard Spafford

Letter dated 29 July 2013

From: Dame Janet Smith DBE, Chair

To: Lord Hall, BBC Director-General

Strictly Private & Confidential

By email: **[section 40(2)]**

Dear Tony

[irrelevant]... The BBC was anxious to know when I would be able to report and I said that (in the light of the recent police decisions) I should be able to complete the historic aspects of my report, including the Stuart Hall material, by the end of November. However, I could not give an estimate of when I would be able to deliver a report which covered the whole of my terms of reference. I was aware that the BBC has decided to redraft its policies and procedures. They were then not ready to be disclosed to the Review and it was not clear when they would be.

[irrelevant]

Yours sincerely

[section 40(2)]

Dame Janet Smith DBE

Email sent 17 October 2013, 11:19

From: [section 40(2)] on behalf of Richard Spafford

To Sarah Jones

CC: Dame Janet Smith

Sarah:

Following our call yesterday, I have met with Dame Janet [section 40(2)] and have the following thoughts:-

- 1 As I explained to your team yesterday and to you yesterday evening, the position is as follows:-
 - a. The Review, unexpectedly, has a number of people who are still to be interviewed. This falls into different strands – people who it is felt need to have the evidence of others put to them, people who it is now felt need to be seen for the first time and a small number of people whom we have been “chasing” but with whom we have only been able to get into contact recently. While Dame Janet has great sympathy for your concerns about delay (as to which see below), the consequences of this are that more time will be needed by the Review.
 - b. When we spoke yesterday, you raised two concerns – first, you felt that this request was coming late and that you felt that it should have been made earlier and perhaps better anticipated. Secondly, you expressed a concern – which had also been expressed by [section 40(2)] at our meeting yesterday – that, at some stage, there needs to be a cut off. [section 36]
 - c. [section 36]
 - d. [section 36] as we discussed, and as I mentioned yesterday to your team, it is never possible to be certain that additional delay will not be introduced if, for example, a very central witness who may have refused to see us suddenly decides that he or she will see us [section 36]. It is simply a question of whether the need to produce a full report necessitates the need for further time.
 - e. We will now be interviewing later than expected – although precise dates are not yet finalised, we will be interviewing well into November. [section 36]
 - f. [section 36] For this reason, and because we only want there to be one delay, we propose delivery of the report at the end of January. Dame Janet is very keen to stress that we will do our best to deliver before then – and a date in mid-January may be achievable, but you will appreciate that a precise date is difficult.
- 2 Dame Janet has offered to attend this afternoon’s meeting to explain this. Please let me know if this would assist.

I look forward to seeing you later.

Richard Spafford