

The BBC's handling of historic sex abuse

How four differing cases expose poor BBC governance

“A serial rapist and a predatory sexual abuser both hid in plain sight at the BBC for decades... The BBC failed you when it should have protected you. I am deeply sorry for the hurt caused... It seems to me that the BBC could have known. Just as powerful as the accusation “You knew”, is the legitimate question: “How could you not have known?””

Director General of the BBC, responding to the Dame Janet Smith enquiry. (Hall, 2016)

Jimmy Savile was one of the BBC's biggest celebrity broadcasters from the 1960s to 1990s. Starting as the original presenter of *Top of the Pops*, his career reached its apogee with his primetime BBC1 show *Jim'll Fix It*, which ran weekly for 3 months each year between 1975 to 1994, attracting up to 20m viewers. He was the “nation's favourite uncle” (Hall, 2016), as he realised the dreams of 1,324 children on-screen (Tinniswood, 2017). He also raised over £40m for charities (Telegraph, 2011), earning him a knighthood.

However, the Dame Janet Smith's Independent Enquiry into Child Sexual Abuse (2016) concluded that he had raped at least 8 people and abused 64 others on BBC premises, including 37 under the age of 16. Including his charitable [sic] work in hospitals and schools, an estimated 450 victims were uncovered by the police's Operation Yew Tree (NSPCC, 2013), making him one of the UK's most notorious sex offenders.

The BBC and other organisations had evidence to prevent it at the time, and when allegations began stacking up in later years, he was given apparent VIP immunity (Smith, 2016). Even after he died in 2011, the BBC shelved a Newsnight investigative report on sexual allegations (ibid.) in favour of a tribute show. Thus, the epochal broadcast that instigated Operation Yew Tree was broadcast by ITV: BBC's arch-rival (*The Other Side of Jimmy Savile*, 2012).

Whilst there was an obvious historic failure of corporate governance (Smith, 2016 and NSPCC, 2013), the BBC's handling of the revelations and aftermath was also poor. Discussion of four other cases (Lord McAlpine, Paul Gambaccini, Cliff Richard and Mike Brewer) are used to suggest how BBC governance failed both the public and employees through scapegoating, “flypapering” (Gambaccini, 2015) and being inconsistent in judgment.

This essay examines the BBC's failures, and seeks to understand how better corporate governance could have better served its stakeholders.

The BBC

Established in 1922, the BBC is both the world's oldest and largest national broadcasting organisation, directly employing over 18,920, and with a budget of £4bn for public sector broadcasting (BBC, 2016).

It is established by Royal Charter, meaning that although notionally an organisation of the state, it is run at arms-length from the government. The extent to which it permeates the British consciousness is vast. Bradley (2006, p. 46) identifies the Monarchy and the BBC as two of the most important spiritual identifiers of “Britishness”. It is not just a broadcasting platform for content, but also the UK’s most extensive news provider: a clear conflict of interests when reporting on stories about itself. “Too big to fail” is a term that usually refers to financial organisations (Dudley, 2016), however I argue that this term could equally apply to the BBC. Just as with banks bailed out in the 2008 financial crisis, being too big to fail contributes to weak governance, because the risks of mismanagement creating an existential crisis are much less for the board.

Given that the BBC dominates the UK’s TV and radio broadcasting, its direct stakeholders can be assumed to be the entire British population (and beyond through its international exports): both directly, and through the instrument of the state.

The present board (“BBC Trust”), established by the Labour government in 2007, set both corporate strategy, but also acts as its own regulator. This clear conflict of interests has been rectified by the impending replacement on 3rd April 2017 by a new Unitary Board, with regulation provided by OFCOM.

The BBC is primarily a non-profit organisation (though it does have a for-profit arm, BBC Worldwide, which sells output to other countries). Who are its stakeholders then? Although the corporation is funded through the licence fee, which requires the 95% of households with a television set to purchase one (TVLicensing, 2017), its activities also include the country’s most popular radio stations and news websites. Thus, its primary stakeholders are the entire UK population, both directly, and indirectly by the corporation being an instrument of the government. Its other stakeholders include its direct employees, contractors, the rest of the broadcasting landscape (in which its position varies from majority to monopoly).

As such, good corporate governance is about ensuring that:

- The management makes effective use of its resources to deliver the best broadcasting on behalf of its stakeholders
- The highest ethical standards are upheld both in output, and in organisational behaviour

It is this latter category that this essay examines.

Historic Failures of Corporate Governance at the BBC

Managing creative people presents great challenges (Chamorro-Premuzic, 2013), requiring balance a balance to be made between nurturing creativity, and keeping it within safe boundaries. Through its near monopolistic state in broadcasting, Savile’s career could only have reached such heights within the BBC. The BBC made him the celebrity he became, and thus should have had a duty of care to ensure that his cultivated camouflage of eccentric personality (The Telegraph, 2011) was subject to checks and balances. As Smith (2016) revealed however, the internal culture meant that blind eyes were turned in the presence of “VIPs”. The culture of celebrity overrode common sense. Smith identified the following cultures:

- not complaining (because it would affect career prospects)
- not complaining about the talent (= celebrities)

- lack of any suitable route for the making of complaints
- organisational silos
- macho culture
- lack of co-ordinated approach to investigating complaints

2017 Britain treats sexual assault far more seriously than it did during the 1970s-1990s. BBC governance cannot be held responsible for the era's lax attitudes; however, the board were responsible for perpetuating a system that discouraged individuals to whistleblow where they discovered wrong-doing. In the case of Savile, there were countless episodes at which he could have been stopped, but wasn't, because the culture worked against this.

Corporate ethics within a three-level hierarchy (Stiles, 2017), whereby systemic and corporate ethics affect individual behaviour.

Thus, governance failed here on all three levels:

- **Individual:** the collective responsibility of BBC employees failed to give a duty of care to young people on BBC premises. This was caused by:
- **Corporate:** the organisation failed through perpetuating the problematic cultures noted above. This was caused by:
- **Systemic:** Savile perpetrated across differing sectors: the BBC, hospitals, mortuaries, schools and care homes. Yet, the system failed young people in every case. Analysing through the lens of the Establishment hegemony (Fairlie, 1955), the matrix of power protected the powerful and wealthy. This is a variation on the Class theory of corporate governance.

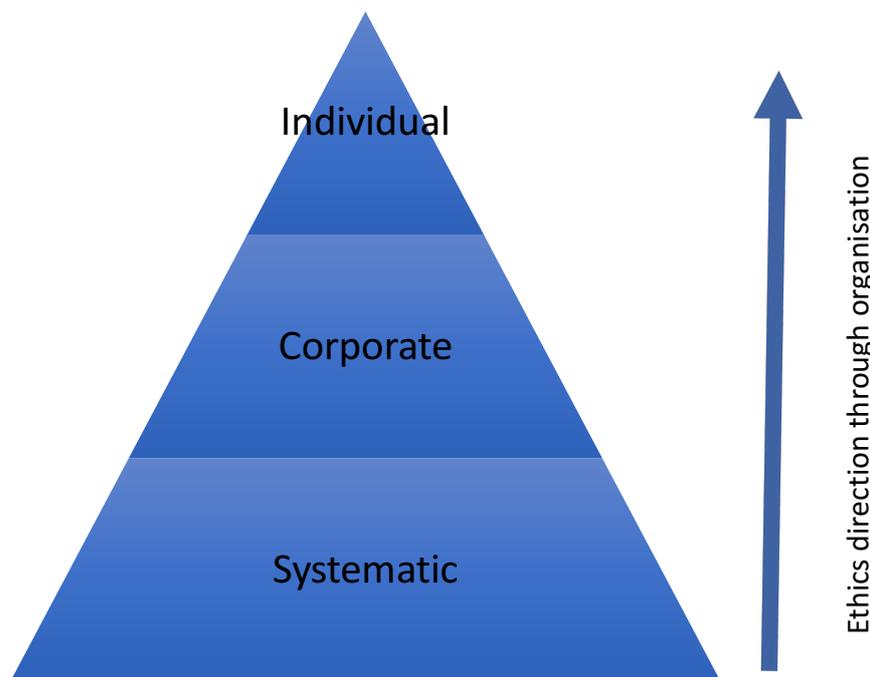


Figure 1 Ethics travelling through an organisation

As such, where governance should have been deontological and taken a maternal/paternalistic approach to celebrity culture, it took a culturally-relativistic and utilitarian approach instead. In this context, the once familiar term Auntie Beeb seems an oxymoron.

It might be deduced that the size of the BBC, and thus remoteness of employees from board, was a factor in the scandal. However, this should be no defence. The larger the organisation, the greater the need for good corporate governance, and the bigger the failing it represents if the wrong culture exists. Groupthink infected much of the BBC, through which it is easy to see how a treasured British institution can also be a “lumbering, out-of-control behemoth” (Mosey, 2015).

Timeline of the Savile story

2011

- 29th Oct Savile dies
- 31st Oct BBC1 Controller proposes a *Jim'll Fix It* prime-time special at Christmas
Newsnight Producer proposes an investigation into Savile allegations
- 2nd Dec Director of Vision, George Entwistle, and Director of News, Helen Boden discuss the conflict between the two programmes
- 9th Dec *Newsnight* report shelved
- 26th Dec *Jim'll Fix It* show broadcast

2012

- 17th Sept Entwistle promoted to new BBC Director General
 - 3rd Oct ITV broadcast *Exposure: The Dark Side of Jimmy Savile* (2012)
 - 22nd Oct BBC Panorama broadcasts its investigation into the BBC's handling of Savile allegations *Jimmy Savile: what the BBC knew* (2012)
 - 2nd Nov *Newsnight* broadcasts paedophile allegations against a senior Conservative politician, despite C4 broadcasting denials from the accused
 - 10th Nov George Entwistle resigns as Director General 12 hours after a *Today* interview in which he said he was not aware of:
 - the allegations before the BBC broadcast them, or
 - the witness's admission that he might have mistaken the identity
 - 15th Nov BBC agrees to pay £185k in damages to the senior politician without even going to court
- (Sabbagh & Deans, 2012 and Guardian, 2013)

BBC Governance reaction to the scandal

Jimmy Savile

A key difficulty in the BBC's reaction to the Savile allegations was that whilst it was the centre of the allegations, it was also a producer of investigative news content, and a producer of light entertainment. This was a clear conflict of interest: a fact made even more important because of its dominant role in the media marketplace.

Although each department acted in editorial silos (Smith, 2016), there was a clear advantage for the organisation to develop a common policy to controversial attitudes. Thus, the following decision was discussed by the Head of News and the Head of Vision on 2nd December. Should:

- BBC2 broadcast its *Newsnight* investigations into the Savile allegations? or

- BBC1 broadcast its planned tribute to Savile's legacy with a Boxing Day *Jim'll Fix It* special with Shane Ritchie?

With its primetime channel and broadcast slot, the latter would be expected to gain a much bigger audience; it had already been advertised too, whereas the Newsnight allegations were still secret and involved activities 40 years ago.

In a process not entirely transparent, the BBC decided to shelve the Newsnight allegations, tell the journalist to conclude his investigations (*ibid.*), and proceed with the *Jim'll Fix It* tribute special.

With the allegations becoming increasingly known about, the idea was snapped up by ITV, who produced *Exposure: The Dark Side of Jimmy Savile* (2012). The narrative across the media now was not just that the BBC had let the abuse take place, but had then effectively instigated a cover up (Goodman & González, 2012). The ITV documentary was the tipping point of the *zeitgeist*, and led directly to the police setting up Operation Yew Tree, to investigate.

By the BBC not broadcasting the Savile exposé, I argue that it unintentionally outsourced its corporate governance to ITV. This is not as surprising as it seems. Rivalry between media organisations means that they often comment on the BBC, often leading to correcting weak governance issues. For example, pressure to cap excessive salaries and expenses was exerted externally by competitors such as the *Daily Mail* e.g. (Rushton, 2015) and (Evening Standard, 2008). The left-wing Guardian may attack the BBC's right-wing attackers for their commercial agenda (Martinson, 2015), but I argue that without their frequent attacks on the BBC, weak governance of the BBC would go unchecked.

Lord McAlpine

With the BBC in crisis mode towards the end of 2012, a new set of mistakes were made. Newsnight broadcast sexual allegations against senior British politician Lord McAlpine, despite him having denied the allegations. The story very quickly unravelled as due journalistic diligence hadn't been done: the witness admitted that he may have mistaken the identity of the perpetrator. The BBC quickly accepted liability, and paid £185,000 in damages 2 weeks later. Furthermore, when the Director General was interviewed on the matter on the *Today* programme (the same one who as Head of Vision had discussed the Savile tribute vs expose), he confessed to not knowing of the allegations before broadcast, or even much of the story's detail, and resigned within 12 hours.

The failure here was one of going into panic mode in an attempt to look in control of the news agenda. Journalistic standards had slipped, and the organisation looked rudderless because the DG wasn't aware of what his organisation was up to on a story of potential seismic importance for the political elite.

Mike Brewer

In August 2011 (2 months before Savile's death), one of the country's leading choral directors, Mike Brewer (founder of the National Youth Choir) was arrested on allegations of sexual abuse. The events were alleged to have taken place in the late 1970's, when he was Music Director at Chetham's specialist music school.

The story gained traction in the run-up to his trial in February 2013, as it coincided with the Savile scandal breaking (Tozer, 2012), with the Daily Mail making every effort to title him a “BBC conductor”. Savile was a true product of the BBC, but Brewer wasn’t: his only big BBC contract had been a starring role in *Last Choir Standing* in 2008.

However, the BBC went into panic mode again, and prevented the Radio 3 broadcast of anything that included him for the duration of the trial and any subsequent imprisonment (Wright, 2012). This is a stance full of inconsistency. The BBC has never banned the music of people whose views and actions we now consider inappropriate, Richard Wagner, for example. Arguably the UK’s most important 20th century composer Benjamin Britten, has also had many allegations of an inappropriate nature with children (Bridcut, 2011) since his death.

The inconsistency with Brewer’s treatment is compounded by the fact that Brewer’s only BBC recordings were with the National Youth Choir, an organisation in which no allegations had been placed against him. In effect, generations of young people were banned from the airwaves because they were conducted by someone who had allegations against him in a previous job.

When the author of this essay challenged the BBC Trust on this matter, they replied that *“the Trust’s role is distinct from that of the BBC’s management... responsibility for which rests with the BBC’s management and ultimately the Director-General as Editor-in-Chief. It would therefore be inappropriate for the Trustees to comment on editorial decisions.”* (Hamer, 2013). Their response suggests that the board did not want to get involved with monitoring editorial policy: a stance that demonstrated little leadership given the Savile events of this period.

Brewer was found guilty, and sentenced to jail for 6 years. Better governance of the situation would be to say that National Youth Choir recordings could be broadcast, without mentioning his name as conductor. That way, the young people wouldn’t be punished for the previous wrongdoing of their leader.

Paul Gambaccini

Gambaccini may not have had the celebrity status as Savile, but his work had the rare distinction of spanning Radios 1, 2, 3 and 4, and BBC1, 2 and 4. In November 2013, he was arrested as part of Operation Yew Tree (Gambaccini, 2015), the subject of allegations dating from the 1970s by a sole accuser. Gambaccini was immediately suspended from the BBC without pay, but was then hung out like “flypaper” for 18 months for others to raise allegations. His earnings dropped to zero, and was banned from BBC premises, being offered no pastoral help from the BBC. Despite Operation Yew Tree giving frequent media briefings to encourage others to come forward with evidence against him, none was ever received. Eventually, the case was dropped, with the CPS suggesting that there was less than a 2% chance of a conviction because the sole accuser was known to have a history of unproven allegations against others. That Gambaccini felt let down by “flypaper” the justice system in this case is not surprising, particularly as it cost him his career, his salary and substantial legal fees. However, he also felt let down by the BBC, because he was given no support by his employer.

In this instance, the failure of governance was the duty of care to its employees. Whilst clearly it wasn’t in the BBC’s interests to have him on air after his arrest, due to the sensitivities around the Savile case, an organisation must treat its staff with presumption of innocence until proven guilty. Better governance in this instance might

have led to him being suspended on full pay, and being given emotional support during his ordeal.

Cliff Richard

On 14th August 2014, Operation Yew Tree searched the UK home of Richard in his absence, in response to a single allegation dating back to 1985. What was remarkable about the incident was that the BBC chose to charter a helicopter to give aerial footage of the search: an act that demonstrated collusion between the police and the BBC (BBC News, 2014), which later forced the BBC to apologise for its actions. With the investigations into Richards now dropped, he is suing both the BBC and the police (BBC News, 2016).

The failure of governance here was an ethical one in how news footage is obtained. Tip offs by the police are a common part of media coverage of events, however the proportionality here seems to have been driven by sensationalism rather than actuality. Because of the BBC's disproportionate response, its chartering of the helicopter became the story across the media for several weeks after (e.g. Hope, 2014).

Conclusion

The above cases show how conflicts of interest within an organisation that is its own regulator produce failures of corporate governance, particularly of ethics. This was compounded by uncertain chains of accountability, and a culture in which whistleblowing was discouraged. Whilst the appointment of the new BBC Unitary Board on 3rd April 2017, with external regulation by OFCOM, will provide more transparency, I argue that the only solution to conflicts of interest is more radical. Only through total separation of the BBC's activities of both platform and content could conflicts of interest be avoided. Then News would have no problems on reporting on Entertainment.

References

- BBC (2016) *Annual Report and Accounts*. Available at:
<http://downloads.bbc.co.uk/aboutthebbc/insidethebbc/reports/pdf/bbc-annualreport-201516.pdf>
(Accessed: 12th March 2017)
- BBC News (2014). "MPs to quiz BBC and police bosses over Cliff Richard raid", BBC News website, 22nd August.
Available at:
<http://www.bbc.co.uk/news/uk-28901918> (Accessed on 16th March 2017).
- BBC News (2016). "Sir Cliff Richard lodges papers suing BBC and police", BBC News website, 6th October.
Available at: <http://www.bbc.co.uk/news/uk-37580723> (Accessed on 16th March 2017)
- Bridcut, J. (2011). *Britten's Children*. London: Faber & Faber
- Chamorro-Premuzic, T. (2013). "Seven Rules for Managing Creative-But-Difficult People". Harvard Business Review. URL <https://hbr.org/2013/04/seven-rules-for-managing-creat> (accessed 3rd March 2017).
- Dudley, W.C. (2016) "Financial Regulation Nine Years On from the Global Financial Crisis—Where Do We Stand?" *Harvard Law School Forum on Corporate Governance and Financial Regulation*, 9th December.
Available at:
<https://corpgov.law.harvard.edu/2016/12/09/financial-regulation-nine-years-on-from-the-gfc-where-do-we-stand/#more-76000> (Accessed: 12th March 2017)
- Evening Standard (2008) "Outrage over Alan Yentob's £27,000 BBC expenses claim... including a £120 cake"
Evening Standard, 13th April
- Fairlie, H., (1955) "Political Commentary", *The Spectator*, 23rd September.
- Gambaccini, P. (2015) "Love, Paul: a year under the Yew Tree" London: Biteback Publishing
- Goodman, A. & González, J. (2012). "BBC Scandal Exposes Cover-Up of Host Jimmy Savile's Paedophilia, Fuelling Public Broadcaster's Foes", *Huffington Post*, 14th November. Available at:
http://www.huffingtonpost.co.uk/democracy-now/bbc-jimmy-savile_b_2123462.html (Accessed on 16th March 2017)
- Goyder, M. & Centre for Tomorrow's Company (1998). *Living tomorrow's company*. Aldershot: Gower
- Hall, T. (2016) Tony Hall response to the Report of the Dame Janet Smith Review. Available at:
<http://www.bbc.co.uk/mediacentre/statements/tony-hall-dame-janet-smith> Accessed on 11th March 2017.
- Hamer, J. (2013) official BBC Trust email response to the author of this essay, 14th February.
- Hope, C. (2014) "Police gave BBC an aerial photo of Sir Cliff Richard's home so its helicopter could find it", Daily Telegraph, 2nd September. Available at: <http://www.telegraph.co.uk/news/politics/11071271/Police-gave-BBC-an-aerial-photo-of-Sir-Cliff-Richards-home-so-its-helicopter-could-find-it.html> (Accessed 16th March 2017)
- "Jimmy Savile: what the BBC knew" (2012) *Panorama*, Season 60, episode 39. BBC, 22nd October 2012
- Martin, J. (2015) "Rightwing press scents BBC blood – but does the public back a mauling?" *The Guardian* 12th May 2015. Available at: <https://www.theguardian.com/media/2015/may/12/rightwing-press-bbc-john-whittingdale-telegraph-mail> (Accessed on: 12th March 2017)
- Mosey, R. (2015). *Getting out alive: news, sport & politics at the BBC*. London: Biteback Publishing.

- Rushton, K. (2015) "BBC Cuts stars' pay – to £188m! Corporation boasts about 'vast' reductions in top salaries despite 14 big name presenters pocketing £12m between them" *Daily Mail* 4th March. Available at: <http://www.dailymail.co.uk/news/article-2978671/BBC-cuts-stars-pay-188m-Corporation-boasts-vast-reductions-salaries-despite-14-big-presenters-pocketing-12m-them.html#ixzz4b7oYri4G> (Accessed on: 12th March 2017)
- Sabbagh, D and Deans, J (2012) <https://www.theguardian.com/politics/2012/nov/15/bbc-lord-mcalpine-compensation-newsnight>
- Bradley, I. (2006) "Believing in Britain: The Spiritual Identity of 'Britishness'" London: Tauris
- The Guardian (2013) "Jimmy Savile scandal: the BBC's timeline". Available at: <https://www.theguardian.com/media/2013/feb/25/jimmy-savile-scandal-bbc-timeline> (Accessed 12th March 2017)
- "The Other Side of Jimmy Savile" (2012) *Exposure*, Series 1, episode 2. ITV, 3rd October 2012
- TV Licensing (2017) "Licences Facts and Figures" Available at: <http://www.tvlicensing.co.uk/about/foi-licences-facts-and-figures-AB18> (Accessed 15th March 2017)
- Wright, R. (2012) private conversation with the Controller of BBC Radio 3, September 17th.
- Stiles, P. (2017) "Governance and Ethics". *Corporate Governance: Organisations*, 7th March, University of Cambridge Judge Business School. Available at: <https://vle.jbs.cam.ac.uk/mod/resource/view.php?id=11431> (Accessed on 7th March 2017).
- Smith, J. (2016) IICM or whatever The Dame Janet Smith Report: http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/our_work/dame_janet_smith_review/conclusions_summaries.pdf
- The Telegraph (2011), "Sir Jimmy Saville Obituary", 29th Oct 2011. Available at: <http://www.telegraph.co.uk/news/obituaries/8857428/Sir-Jimmy-Savile.html> (Accessed on 12th March 2017)
- Tozer, J. (2012). "BBC Conductor given an OBE by the Queen and his WIFE 'both raped former pupil at prestigious music school'", *Daily Mail*, 7th June. Available at: <http://www.dailymail.co.uk/news/article-2155834/BBC-conductor-honoured-Queen-WIFE-raped-pupil-prestigious-music-school.html> (Accessed on: 17th March 2017)