



BBC Northern Ireland

9th December 2015

Dear Sirs

Thank you for your letter of 16 November 2015 in response to my letter of 19 October 2015.

I am sorry that your client is not satisfied with the response that it has so far received. However, I am concerned that your letter misrepresents my position on several of these issues and I would like to take the opportunity to clarify further before you decide whether to progress the complaint.

I have addressed each of the "key issues" you raise in your most recent letter under the relevant sub-heading in bold.

"No response to letter of 10 August"

You make the point that your letter of 15 September included reference to an earlier letter, dated 10 August. You believe that my 19 October letter to you was deficient because it failed to provide a separate substantive response to this 10 August letter, which was received ahead of the programme's broadcast on 17 August.

I do not think it is necessary for us to provide a response to the points in the letter of 10 August in addition to those raised in the 15th September letter, because the 10 August letter is one part of the exhaustive correspondence, telephone calls and meetings that formed the pre-broadcast process. That process was extensively scrutinised at the time and we addressed all of these issues before the programme went out. Our position has not changed since then.

"No valid justification for failing to provide adequate information to Post Office"

You complain that my previous letter bases many of its conclusions on an interpretation of the BBC's guidelines that you cannot accept. The disputed guideline is paragraph 6.4.1, which I said you had misapplied because it refers to the informed consent of contributors who take part in the programme.

You are of course fully entitled to complain based on your interpretation of the guidelines. However, it is for the BBC to ultimately interpret and apply its own guidelines. Following your letter, I have confirmed that it is indeed the BBC's position that the intended meaning of the term "contributors" in guideline 6.4.1 governs the informed consent of people taking part in the programme and not to the fair treatment of organisations who are criticised (that being governed by other guidelines).

I included this explanation of the guideline in order to help you apply it correctly in your complaint. I did not intend to argue the BBC's case "retrospectively" in the way that you suggest. I had hoped to make this clear in my previous letter of 19 October, which I quote here for ease of reference:

"We wanted to report the whistleblower's honestly held beliefs because we believed they were important and in the public interest. Therefore we were keen to ensure that his testimony was not unduly affected by external pressure. The guideline that deals with this, 6.4.1, is about the preparation for an interview, which at that stage we were hoping to get. It states that we should normally tell contributors the names of other likely contributors. It does however, give programme makers the right to withhold names where appropriate. We gave Post Office the names of all the

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contributors except Mr Roll, which we believe was appropriate in the circumstances I have described. Not providing his name did not affect Post Office's ability to respond to what Mr Roll had told us. We described the whistleblower's job and the title of the team he worked for at Fujitsu."

Even if guideline 6.4.1 were to apply to Post Office, we wouldn't have broken this guideline by failing to provide Mr Roll's identity. A more detailed account of our reasoning for this is laid out below under the subheading "no valid justification for withholding whistleblower's identity".

You also complained that you have received no satisfactory response to explain why your client was not provided with more detail on the allegations to be made. We have repeatedly explained, not only in our previous letter but in much of the correspondence with the Post Office itself why the information we provided about the allegations and the programme was sufficient.

To spell out that process again for ease of reference, the evidence that supports our allegations is for us to evaluate as part of our investigation; it does not require review by Post Office. We provide details of those allegations we consider sufficiently robust to broadcast to the Post Office, so that the Post Office can offer a response to the facts of the allegation. Whether the evidence supporting the allegation is robust is a matter for us. Whether the allegations are true, or not, is a matter for the Post Office, as they relate to its conduct.

I notice that you mention the "hiatus" in correspondence in your letter. I wanted to point out again that the "hiatus" does not negate the fact that throughout the full 12 weeks, Post Office was in possession of information about the programme that was sufficient for them to consider their position and contribute to our editorial process.

You also complained that "*providing information on the broad question areas for an interview does not constitute describing the allegations in sufficient detail to enable an informed response*".

When bidding for an interview we must balance the requirement to carry out an appropriately robust interview with the important principle of BBC journalism that a recorded interview is not pre-prepared but constitutes an accurate reflection of a real series of questions and answers. The amount of information that should be supplied to potential contributors when bidding for an interview is a careful judgement for that reason. For example, the email that was sent in error by Matt Bardo to Mark Davies on 17 June 2015 was a snapshot of the editorial consultation involved in this process. He was attempting to ensure that we gave the potential interviewee sufficient information to be able to respond, without giving so much away as to break this principle of BBC journalism. It was not, as you suggest, an inappropriate attempt to withhold requested information from Post Office; it was an entirely appropriate discussion about what level of detail should be provided to Post Office.)

It is at this stage of the process, while bidding for an interview, when broad question areas for an interview are relevant. Further information may then follow during preparation for the interview, in the course of the interview filming process, or as part of the right of reply process where that interview is refused. Details of precisely what information to provide can only be finalised once the identity of an interviewee is confirmed. Clearly, a chief executive can appropriately be asked about an organisation's policies, but may have less grasp on the details of implementation. A mid-level manager will be in the opposite situation. Nonetheless, these broad question areas were sufficient for the Post Office to make initial enquiries about the subject matter and begin the process of



deciding how they would like to respond. They were sufficient to begin preparing an interview or researching a statement.

Once it was clear to us that Post Office was going to decline the opportunity to put anyone forward for interview, the guidelines about interviews and the informed consent of contributors no longer governed the process. The applicable guidelines were those that refer to our duty of fairness to organisations that we criticise. At that stage, it was important that allegations were presented to Post Office "in sufficient detail to enable an informed response".

I am pleased to provide this somewhat technical analysis of the guidelines and our processes but I would like to reiterate that our rebuttal of your complaint does not rely upon the disputed reading of 6.4.1 in the way you suggest. It was simply provided in the first place by way of context. I hope this clarifies the situation.

"No valid justification for withholding 'whistleblower's' identity"

You also complain that in my previous letter I used your client's decision to decline an interview as a retrospective justification for withholding Mr Roll's details, since it was the lack of a contributor (or interviewee) that meant guideline 6.4.1 did not apply. I hope it is clear from my explanation above that our reasoning is not inconsistent or retrospectively applied.

Our concern was that giving the names of interviewees could lead to pressure being exerted upon those identified individuals prior to transmission. That was justified at the time we made the decision by our concern that Post Office might then approach our interviewees and apply pressure to them. For that reason the decision was taken to withhold the identity of the interviewee most vulnerable to such pressure, Richard Roll. The fact that Post Office did indeed go on to contact two of the contributors who we named did not form the basis of our justification for withholding his identity at the time but it does provide reinforcement for our concerns.

By way of further explanation about our wish to avoid "external pressure", I would point out that Post Office may not be in the best position to judge whether or not it should be brought to bear upon interviewees in our programme. What the Post Office regards to be "due pressure" and what a contributor to a BBC investigation experiences when subjected to it, may not be equivalent. I think that pressure of this kind restricts the opportunity for our contributors to place their honestly held views on the record and stand by them after broadcast. Where our investigation is in the public interest, as it manifestly was in this case, it is entirely appropriate to withhold the identities of interviewees to protect honestly held opinions from interference.

"No valid justification for declining offer to review further evidence"

Regarding the BBC's decision to decline Post Office's offer to share certain confidential documents with us, you have complained about the position that I outlined to you in my previous letter. I explained in that letter that this was a decision that was very carefully taken. In the end that decision was made to protect our duty to "due accuracy" and preserve editorial integrity for the reasons that I explained. I quote the relevant section of the letter here for your reference:

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"We would have needed the opportunity to check and verify the information provided in order to ensure "due accuracy" and that would have involved discussion of the material with other sources, which we would not have been able to do [under the terms that the information was offered].

Secondly there was a concern that the arrangement could compromise the BBC's editorial integrity (see Editorial Guidelines 1.2.4 and 14.1) because we were being asked to give up our ability and duty to verify it, nor would we be able to refer to it or attribute it in the broadcast."

You say that you object to this because it is contrary to the principles of good journalism. You believe that it effectively says that the BBC should avoid a line of enquiry that may disprove a story. You also say that it is an illogical explanation because the BBC would have had to review these materials in order to know whether further verification was necessary and that such review might have led to further lines of enquiry that could have been investigated without breaking the pre-agreed confidence. I am concerned at the way you have characterised our decision and the careful editorial process that surrounded it. I will deal with each of these elements of your complaint in turn.

Most importantly and straightforwardly, we were satisfied that our source material for raising our questions about Jo Hamilton's prosecution was sufficiently strong to be confident that it wasn't taken out of context. It was not necessary to review the information that was offered by Post Office in order to know whether further verification of our source material was required.

On the question of whether a review of these materials might have led to further lines of enquiry that could have been investigated with third parties, I would point out that if Post Office were in possession of important lines of enquiry that were not bound by confidentiality requirements, they were at liberty to make these clear to us at any stage during the 12 weeks that we were in contact. However, if the content of the relevant material was only shared confidentially and on an unattributable basis then we would have been unable to verify, discuss or interrogate it with any third party. These are indeed the terms that were described to us in the email on 13 August that made the offer to share documents:

"we can only allow you to inspect these documents on the basis that the BBC only use them for this specific purpose and that you confirm to us that you accept disclosure on that basis. For the avoidance of doubt, this means that you could not share the information (our emphasis) with any third party, and that you be in breach of confidence if you did so."

For this reason, accepting sight of these documents on these terms would have meant being forced to take them at face value

You make the point that the BBC regularly receives information from those who might be considered to be partisan. That is correct. But where we do so, we are always at pains not to put ourselves in a position where such information cannot be subjected to verification or sufficient additional sourcing. We would have been prevented from even referring to the information in the programme.

You further claim that inspecting the confidential documents would not have broken guideline 14.1, which says:

"Our audiences must be able to trust the BBC and be confident that our editorial decisions are not influenced by outside interests, political or commercial pressures, or any personal interests."

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I can only reiterate what I have said previously.

More broadly, the Post Office asked the BBC to enter into an agreement on terms the BBC could not accept. We have explained why we could not accept. It seems to me that any any comparable organisation put in that position would do as we did.

"Failure to include elements of Post Office's statement relating to the CCRC and misrepresenting the involvement of the CCRC"

You complain that our reporting about the involvement of the Criminal Cases Review Commission (CCRC) assumes a level of understanding from the viewer that they could not be expected to hold. You say this is because the statement that the "sense of injustice is growing" is reported close to the reference to the CCRC's investigation, and that therefore these viewers would believe that the CCRC investigation represents evidence of injustice having actually taken place. You say that means that your client's statement that any convicted criminal in the UK can apply for review should have been included next to this in order to rebut this potential misunderstanding. The relevant lines of commentary are:

"The Criminal Cases Review Commission is now investigating the convictions of 20 postmasters to see whether miscarriages of justice have occurred.

Among them Noel, Seema and Jo.

The sense of injustice is growing."

Immediately after this, the programme goes on to hear from Seema and Jo about their sense of injustice. I think in this context it is clear that the "sense of injustice" concerns the views related by Seema and Jo and not to the potential injustice being investigated by the CCRC.

You are also concerned that a viewer could become confused by our presentation of the facts and not realise that, as you rightly say, any convicted individual can apply to the CCRC for a case review. However, that is different from having their case investigated by the CCRC. To the extent that an allegation in need of a response is made here, it is that the CCRC appear to believe there is sufficient concern in 20 cases to warrant investigation. In this context, Post Office's statement about the right of anyone to apply to the CCRC for review is not the relevant aspect of the statement. The relevant part of the statement is the part that we have made clear repeatedly by the time we reach this stage of the programme - that Post Office denies that convicted postmasters have been wrongfully prosecuted.

You also say that we should have included Post Office's statement that it was providing the CCRC with any assistance it requires. I am afraid I don't agree that reporting the fact of this investigation implies that the Post Office have failed to co-operate with it. The fact of the CCRC's investigation only implies the potential that the CCRC may ultimately find that the Post Office have wrongfully prosecuted postmasters. As I explained above, we made clear repeatedly that the Post Office do not accept this.

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I should also point out that Post Office's statement was three pages long. We could not include all of it in the programme. The response about the CCRC was not included in the main statement, but was part of the section entitled "Specific Allegations". We had not made a specific allegation about Post Office's reaction to the CCRC and we did not therefore include Post Office's response.

"Failure to include key elements of Post Office's statement relating to the manner in which Post Office conducts private prosecutions"

You also say that because the programme stated that Post Office does not have to go through the Police or the CPS and because we reported Professor Button's comment that this creates potential risks of miscarriages of justice, we should have reported Post Office's statement that it follows the Code of Crown Prosecutors. The Code of Crown Prosecutors is not something that we referred to in the programme because it requires a level of technical knowledge that we would not expect most of our viewers to possess.

However, the Code covers principles that can be clearly understood and which were referred to in the broadcast. Therefore, without explicitly referring to the Code, we included Post Office's insistence that it complies with the Code by including the statement that "it complies with all legal requirements", "has a duty to protect public money" and "only prosecutes where there's a realistic prospect of conviction and never for making innocent mistakes". These points cover the same ground as the key principles of the Code and it is fundamental to the Code that prosecutions should be in the public interest and that they should only be brought where there is a reasonable prospect of conviction. We did not specifically make the allegation that the Code was broken by Post Office so we did not include Post Office's rejection of this unmade allegation.

"Failure to make clear that Mr Roll was not employed at the relevant time" and concern over Mr Roll in Right of Reply process

The dates of Mr Roll's employment were shown on the screen because this was thought to be relevant context. I do not agree that viewers will not have read this and I do not agree that we misleadingly characterised the dates of his employment either. However, I also reject the idea that the relationship between the dates of Mr Roll's employment and that of our three case studies is as important as you suggest.

The three case studies are examples that we made clear in our broadcast are part of a wider group (from a wider timeframe). The primary importance of Mr Roll's testimony and its applicability to all these cases is that it suggests that Post Office may not have been transparent and open about the possibility of remote access in the Horizon system or the number of loss-causing errors that have had to be fixed within it. This importance was made clear in the programme. As you may know, Post Office's lack of transparency over remote access and the possibility of problems with the system is something about which Post Office's own investigators, Second Sight, have also raised concerns.

You also expressed concern about our more detailed explanation of Richard Roll's evidence, which was not broadcast in the film but formed a part of the basis of the broadcast. The unbroadcast evidence from Richard Roll that we sent to you as part of a response to your first letter of complaint was shared because Post Office had alleged that such evidence did not exist and we wanted to demonstrate the falsity of that allegation. However, we did not have to put this evidence to Post

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Office before broadcast because we did not intend to broadcast it. We do not agree that such evidence should have been submitted to Post Office for comment.

You say that Mr Roll's allegation that "he and his colleagues [in Bracknell] could make changes under the postmaster's log in" and that "this process left no record that anybody else had been on the system" represents a "fundamentally different" allegation from the one that was put to Post Office in Mr Bardo's email of 17 June. The allegation that was put to Post Office on 17 June was that: *"we have interviewed a former employee at Fujitsu, who worked in 'third line support' for the Horizon system. He says it was possible to remotely access data held on branch terminals and to amend that data"*. Subsequent correspondence made clear the allegation that this access could take place *"without the postmaster's knowledge"*. I do not agree that these two allegations are fundamentally different.

By not submitting the above evidence to Post Office, we did not in any way limit Post Office's ability to deny the allegations or to submit information to us that might have further informed our journalism. I would add that where we did submit more detail about the potential for Horizon to misidentify and misdirect transactions, but Post Office declined to comment upon it or issue any denial at all.

You also complain that the "only detail that the BBC provided regarding Mr Roll was that he was employed prior to 2010". This is simply untrue. We described his job at Fujitsu in a team of "around 30". The reason for providing the period prior to 2010 rather than no date at all, was that we believed the introduction of Horizon Online in that year might have had technical implications that could have affected the work of the team at Fujitsu and therefore Post Office's response. (In the event it did not affect Post Office's position at all - their statement was a re-statement of their existing position).

We chose not to narrow down the dates of Mr Roll's employment too precisely because we did not think that very many people would have left this team of Fujitsu employees in this timeframe. Had we given Mr Roll's dates of employment, we judged that Mr Roll would have been identifiable as the only employee to have left that team in 2004. For the reasons explained above and in my previous letter, we wanted to prevent Mr Roll from being identified personally.

Finally on this point, the small size of the team he worked for was one reason why we did not believe Post Office's ability to respond would be hampered by our decision not to identify Mr Roll personally. The information provided to Post Office had identified the type of work and the small group of people at Fujitsu who were reportedly handling these errors and who had the technical capability of remotely accessing branch terminals. On the basis of this information, inquiries could have been made and a fuller response provided, had Post Office wished to do so.

"Misleading viewers into believing that Mr Roll had personal knowledge of the featured cases"

You complain that guideline 3.2.3 requires the BBC to "not knowingly and materially mislead its audience [and to] not distort known facts" and that this should in fact be applicable to your allegation that Mr Roll was presented as if he had knowledge of specific cases. You objected to our application of 3.4.12 on the basis that two guidelines can apply to the same issue. This is to fundamentally misunderstand our Guidelines. Each Editorial Guideline consists of 4 parts: an introduction, a set of principles, a list of mandatory referrals and a set of practices. 3.2.3 sets out a

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principle. 3.4.12 is one of eleven practices, grouped under the generic heading "Avoiding Misleading Audiences", all of which set out various ways in which audiences might be misled and would therefore lead to a breach of the principle. So, necessarily, what you appear to regard as two separate guidelines can – indeed, frequently do – apply to the same issue. In short, that's because 3.4.12 (a "practice") is an amplification of the "principle" in 3.2.3. It is more applicable here because it deals directly with the issue at hand. That issue is the presentation of Richard Roll as a source of information and significant contributor. You appear to agree that we may have complied with paragraph 3.4.12 but disagree that this serves to defend our position on 3.2.3. The fundamental point is that our role is to make clear the context in which a contributor makes their comments and to report those comments accurately. As long as we do this we also satisfy the general principle not to mislead the audience. That is why I believe that we satisfied both of these guidelines.

You also complain that Mr Roll's job title on screen would have suggested that he was directly qualified to comment on the three cases featured in the programme. He was described as "Fujitsu computer technician 2001-2004". I do not agree that this gave a misleading impression.

"Leading question asked to Mr Roll"

You also allege that a "leading question" asked of Mr Roll may have led audiences to believe that he had a more thorough knowledge of individual postmaster cases than he did in fact have. Given that we presented him accurately and gave details of the context in which he was making his comments, I do not agree with your allegation that a "leading question" inappropriately added to his credibility. I would urge you to note the context in which his comments are made. They come in a section of the programme that is devoted to dealing with Mr Roll's testimony and his comments are not adjacent to our three case studies. Mr Roll appears after we have explained the context about the computer system being run by Fujitsu. We also summarise Mr Roll's position before we hear from him in the programme by saying "He says errors with Horizon were far more widespread than have ever been reported." The interview exchange then follows (reporter, John Sweeney in bold):

"The office was located in Bracknell. We were on the 6th floor. It was pretty secure. By the time you got in there it was like Fort Knox."

There was a large team employed there. 30 or so of us and we were all full time, and we were all pretty busy. So there were a lot of, a lot of errors, a lot of glitches coming through.

There errors with the system?

There were errors with the system.

Some people have been ruined financially, people have gone to prison. Is it possible that suffering could have been caused because there are problems in the Horizon system?

Yes it is possible."

We then summarise in commentary that Mr Roll has alleged that he and his team of computer technicians were dealing with errors that could create false losses. The context contains no reference to the three case studies in the programme. The context makes clear that this line of

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questioning is about the reliability of the Horizon system and the possibility that people could have been wrongly blamed for losses because of malfunctions in the Horizon system.

"Failure to include elements of Post Office's statement relating to allegations raised against Ms Vennells"

You complain that our previous response has not explained why the section of Post Office statement that said Ms Vennells had taken action in response to postmasters' complaints, such as initiating an independent inquiry, was not included. In fact, we did include the fact that Ms Vennells and Post Office had initiated an independent inquiry. After showing David Cameron's statement at PMQs that "we must get to the bottom" of the Post Office issue, we report:

"The Post Office says it already has. It appointed a firm of independent experts called Second Sight to investigate the complaints about Horizon".

Later in the programme, when we report on Ms Vennells appearance at the 3 February Select Committee, we say:

"the independent review by Second Sight was set up by the Chief Executive of the Post Office".

We then quote Ms Vennells appearance at the Select Committee in which she explained her position and the Post Office's in more detail:

"We are a business that does genuinely care about the people that work for us and if there had been any miscarriages of justice, it would have been really important to me and the Post Office that we actually surfaced those and as the investigators have gone through so far we've had no evidence of that."

Having explained Ms Vennells' position at length, we then point out that this has not pleased everyone, among them Mr Arbuthnot. As explained in my previous letter, it was the alleged failure of the Post Office to satisfactorily investigate wrongful convictions during the independent review that led Mr Arbuthnot to call for Ms Vennells' resignation.

In summary, I do not agree that we failed to include a sufficient reflection of Post Office having set up the independent review.

"Misleading viewers into believing that Mr McLachlan was questioning the sufficiency of Post Office's investigations"

You complain that while Mr McLachlan's comment about the importance of taking the correct action when computer systems go wrong matches Post Office's own view, the context of a programme that contains allegations about Post Office's handling of errors means that viewers will conclude that Mr McLachlan is talking directly about the Post Office's failure to respond to problems with the system.

But Mr McLachlan does not make that allegation in his comment. What we take to be happening in that interview exchange is that a pertinent question is being asked of an expert and he gives a response that happens to match Post Office's own view. When Mr McLachlan says: "Any computer system can go wrong. What's important is the way that you deal with things when they do go wrong,"

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he puts into context, early in the broadcast, a key question that is then followed up and explored throughout the programme: how does Post Office respond when things do go wrong? In due course, Post Office's own answer to that question is reflected when we report Post Office's statement that:

"Horizon is 'effective and robust' and is 'independently audited'. It's been used by nearly 500,000 people and the 'overwhelming majority' haven't complained".

Mr McLachlan's comments were important because he is an expert on computers and a former expert witness on Horizon. I am afraid I do not understand why you *"fail to see why Mr McLachlan's comments in this regard were necessary"*.

"Misleading viewers into believing that Second Sight were experts on the sufficiency of Post Office's criminal investigations"

Regarding Second Sight you raise concerns that a viewer could be confused by Mr Henderson's use of the word "investigate" when he says:

"Horizon works reasonably well if not very well, most of the time. In any large IT system it is inevitable problems will occur. What seems to have gone wrong within the Post Office, is a failure to investigate properly and in detail, cases where those problems occurred. It's almost like institutional sort of blindness."

You believe viewers could take it that Mr Henderson was referring to a criminal investigation and also take him to be an expert on that. That could mean they understood him to be alleging "institutional blindness" about the criminal investigation rather than investigations into problems with the computer. To support this, you highlight that a nearby line of commentary refers to "investigators" in connection with private prosecutions, which you say adds to the potential for audiences to have been misled.

I disagree with this primarily because before Mr Henderson speaks, the nature of the "investigation" under discussion is made quite clear. In order to set Mr Henderson's comments in the correct context, we reported that:

"[the Post Office] appointed a firm of independent experts called Second Sight to investigate the complaints about Horizon. But now in their first ever interview, even they say the Post Office's behaviour is troubling."

This makes clear that the subsequent comments relate to complaints about Horizon. When Mr Henderson refers to "institutional blindness" it clearly refers to cases where "those problems have occurred", that is reported problems with Horizon and not to the "prosecutions themselves" as you suggest.

You also complain that in this context, we should have included details of the Working Group, the Mediation Scheme and the involvement of The Centre for Dispute Resolution (CEDR). The processes involving these bodies were part of the second stage of complaint review and mediation after Second Sight's "case report" was completed. However, our film was primarily examining convicted postmasters who have not advanced to the next stage of mediation. The CEDR and Working Group were therefore not relevant. We did make clear to viewers that an independent investigation was

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commissioned by the Post Office and that individual case reports were prepared by Second Sight in response to postmasters' complaints.

"Misleading viewers into believing that Mr Head [sic] had personal knowledge of the featured cases"

You have requested further explanation about Professor Button's position that "the way private prosecutions are conducted at Post Office increases the risk of potential miscarriages of justice when compared with prosecution [sic] emanating from the Police." I presume this part of your complaint relates to the "key issue" in which you suggest that we misled viewers into believing that Professor Button had personal knowledge of the featured cases.

Professor Button's view is quite simple and clearly explained in the programme. He says:

"The police's work is checked by an independent organisation, the CPS - in the Post Office situation you have the prosecutors and investigators all working for the same organisation. It becomes much more difficult to truly separate those functions and with the Post Office I think that creates potential risks of miscarriages of justice"

To explain in more detail, perhaps it would help if I paraphrase Professor Button's comments. He believes there is a risk that there is not complete separation of the three functions of investigation, prosecution and commercial practice at the Post Office because they are all taking place in the same organisation. In his view that makes it difficult to truly separate those functions from one another. In Professor Button's opinion, that creates potential risks of miscarriages of justice because of the potential for conflicts between the interests of these three functions. Such conflicts do not occur where the Police conduct the investigation and an independent organisation (the CPS) decides whether to prosecute. Professor Button is an appropriately qualified expert, that is his view and we are entitled to broadcast it. It is not "entirely meaningless" and nor does it imply he has knowledge of the three cases featured in the programme, as you suggest.

"Misleading viewers by presenting contributions from a narrow subset of relevant parties"

You have concerns about the alleged "narrow subset of relevant people" who were interviewed for the programme. You complain that we did not interview neutral observers such as the National Federation for Subpostmasters (NFSP). Leaving aside the question of whether the NFSP is "neutral", we select interviewees for our programmes on the basis of whether they have useful information that should be brought to viewers' attention. It was our view that neither the NFSP nor other organisations, such as the Justice for Subpostmasters Alliance (JFSA), had any such information.

In summary, I do not agree that the natural process of editorial selection led to a distorted subset of relevant parties being interviewed.

I hope that this response satisfies your client's concerns.

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