

Message

From: Rodric Williams [GRO]
on behalf of Rodric Williams [GRO]
Sent: 09/12/2014 12:28:40
To: Mark R Davies [GRO]; Melanie Corfield [GRO]; Patrick Bourke [GRO]
CC: Belinda Crowe [GRO]; Chris Aujard [GRO]; Tom Wechsler [GRO]; ruth [GRO]; Susan.BARTY [GRO]
Subject: RE: The One Show URGENT

Thanks Mark.

We think we should send the letter. There's no legal downside - the BBC's likely response will be that it's an editorial matter.

We would like to keep in the reference to the BBC Editorial Guidelines and the Ofcom Broadcasting Code. I've set them out below, but they basically say that fairness dictates that we be told what's being levelled against us and have the ability to properly reply. We think this is important because the BBC are likely to be changing how they present the story as the day progresses. We don't think it's inconsistent with not commenting on individual cases.

We don't think we should add in anything in about the Tweets. They are very hard to pull down – they aren't covered by the guidelines, so we'd have to say they're defamatory causing us serious financial harm – and experience suggests that trying to take them down makes them worse.

On the basis that we're going to send something, Susan is making a couple of small changes (mainly to make it clear that not everyone on the Scheme was convicted) which will be circulated shortly.

Please let me know if anyone has any objections.

Rod

THE GUIDELINES

The BBC Editorial Guidelines Section 6: Fairness, Contributors and Consent, Right of Reply, 6.4.25 says:

"When our output makes allegations of wrongdoing, iniquity or incompetence or lays out a strong and damaging critique of an individual or institution the presumption is that those criticised should be given a "right of reply", that is, given a fair opportunity to respond to the allegations. We must ensure we have a record of any request for a response including dates, times, the name of the person approached and the key elements of the exchange. We should normally describe the allegations in sufficient detail to enable an informed response, and set a fair and appropriate deadline by which to respond."

Ofcom Broadcasting Code 7.11 states *"If a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond."*

The Practice to follow 7.11 states *"Opportunity to respond - An individual or organisation needs to be given sufficient information concerning the arguments and evidence to be included in the programme to enable them to respond properly. The programme should fairly represent the substance of any response but it is not normally necessary, in the interests of fairness, to reproduce a response in its entirety."*

Rodric Williams I Litigation Lawyer



148 Old Street, LONDON, EC1V 9HQ

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rodric.williams **GRO**

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POST
OFFICE

From: Mark R Davies

Sent: 09 December 2014 10:20

To: Rodric Williams; Melanie Corfield; Patrick Bourke

Cc: Belinda Crowe; Chris Aujard; Tom Wechsler; ruth **GRO**; Susan.BARTY **GRO**

Subject: RE: The One Show URGENT

Thanks for this Rod. I think it is potentially useful. I have taken out the first section but left the bulk of the rest. Would welcome other views as to whether we use this for the One Show. It puts our position across very well.
Mark

Mark Davies I Communications and Corporate Affairs Director

1st Floor, Banner Wing, 148 Old Street, London, EC1V 9HQ

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mark.r.davies **GRO**

POST
OFFICE

From: Rodric Williams

Sent: 08 December 2014 19:24

To: Melanie Corfield; Patrick Bourke; Mark R Davies

Cc: Nina Arnott; Belinda Crowe; Chris Aujard; Tom Wechsler; ruth **GRO**; Susan.BARTY **GRO**

Subject: RE: The One Show URGENT

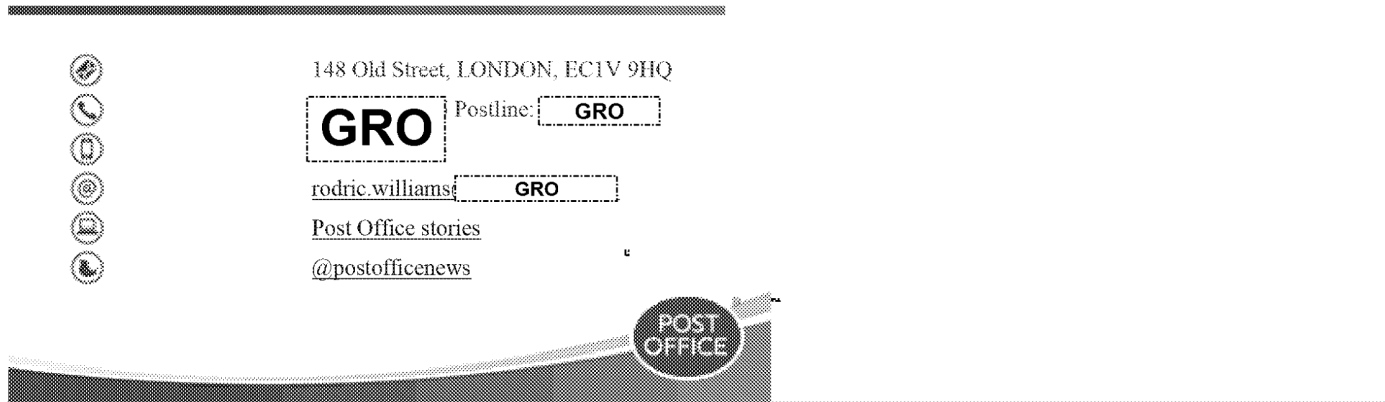
All – you may recall we agreed to draft a lawyer’s letter to the BBC in case we wanted to take a more formal, arm’s length stance with them.

I attach for your consideration the draft that Susan has prepared. It seems that events have overtaken, but if we do want to send something like this, it should ideally go by midday tomorrow.

I would therefore be grateful for any comments on the draft as soon as possible, including (if relevant) confirmation that we don’t want to send it.

Thanks, Rod

Rodric Williams I Litigation Lawyer



From: Melanie Corfield

Sent: 08 December 2014 16:02

To: Patrick Bourke; Mark R Davies

Cc: Nina Arnott; Belinda Crowe; Rodric Williams; Chris Aujard; Tom Wechsler; ruth@

Susan.BARTY@GRO

Subject: RE: The One Show URGENT

Latest version which now has Belinda's initial comments, although still making further potential revisions.

Matt Prodger of BBC has just been on apparently. Just going to look at that enquiry now.

Mel

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