

This report was delivered to BBC Legal in what was intended to be final form on 8 October 2024, for circulation to the BBC Board. It was delivered to BBC Legal in draft on 27 March 2024. The 8 October 2024 report was identical to the draft delivered on 27 March 2024 save for the correction of some typographical errors and minor points of style. This publicly accessible version of the 8 October 2024 report has had some information redacted as a result of processes which followed my delivery of the draft report. I have also made some changes to Part V(ii) (paragraphs 252, 253, 256(a), 257, 259, 261, 266, 267, 271 and footnote 51) and the associated summary in Part I (paragraph 25) as a result of further investigation which was carried out after delivery of the report to the Board (explained in the final sentence of paragraph 257 and footnote 51).

After delivery of the draft report the Review Team and BBC Legal engaged in discussions with the Metropolitan Police Service which were aimed at ensuring that any steps taken (including publication of the report) do not have a negative impact on any ongoing police investigation and/or eventual prosecution. Those discussions resulted in redactions being applied to some of the text, principally to descriptions of directly reported allegations of potentially criminal sexual misconduct.

I have always been aware of the BBC's intention to publish my report and drafted it with publication in mind. Conscious of the ongoing criminal investigation into Tim Westwood, and of the need to avoid prejudice to any criminal proceedings, my descriptions of allegations of potentially criminal conduct include only the limited amount of detail I considered necessary to fulfil my Terms of Reference. My hope was that the report I delivered would be considered suitable for publication in full. However, I made it clear to the BBC that I would support appropriate redaction to address any issues which might be raised by the police. At that point the agreed redactions related principally to directly reported allegations of potentially criminal conduct.

After these redactions had been agreed BBC Legal embarked on a process of contacting some individuals who are identified or identifiable in the report in order to provide them with the opportunity to provide any reasons as to why their identifying details should be redacted. Save for the few cases where I made contact with individuals personally, I was not involved in the detail of this process. BBC Legal wrote to me after the process had concluded and informed me that they were not proposing any redactions of identifying details.

BBC Legal did, however, ask me to approve additional redactions relating to the name of the off-the-shelf reporting system used by BBC Corporate Investigations due to concerns about potential cyber-security risk. Since the name of the system is immaterial to my analysis and conclusions I agreed to the redactions. They appear in paragraphs 91, 94-95, 97, 285, 289, 293, 294, 301 and 312, footnotes 14, 25, 64, 65, 66, 69 and 70, and on page 11 of Appendix ii to the report.

Days before intended publication of the report, in December 2024, the police asked the BBC to pause publication in order to allow investigating authorities further time to consider the impact of the report on the ongoing investigation. In January 2025 the Metropolitan Police Service wrote to the BBC suggesting further redactions to the report. The BBC, in consultation with me, agreed to a limited number of further redactions. These further redactions were to information containing details of a specific allegation of potentially criminal conduct which was not already in the public domain where the relevant information could be redacted without removing significant meaning from my findings in relation to BBC knowledge of and/or response to allegations or concerns.

All redactions have been agreed by me. Redactions appear as black boxes over the relevant text so that their extent and context is clear.

I appreciate that some people who provided me with information about their experiences are likely to be disappointed not to see what they told me published at this stage. The information with which they provided me was of fundamental importance to my understanding of the nature and scale of allegations. Details provided by these contributors enabled the Review Team closely to examine the extent of BBC knowledge. The information will also be fundamental to the understanding of the BBC Board and will, no doubt, inform their response to this report.

Finally, the Metropolitan Police Service has informed me that metropolitan and national police systems hold no record of the intelligence to which I have referred in paragraph 37 and in Part V, Chapter 5 being passed from the BBC to the police. Nevertheless I remain satisfied of the conclusions I have reached in relation to the Metropolitan Police Service on the basis of the evidence set out in Part V, Chapter 5 (in particular at paragraphs 326, 341, 361, 371(a) and 371(b)).

GEMMA WHITE KC

25 FEBRUARY 2025

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## I

**INTRODUCTION AND EXECUTIVE SUMMARY**

- 1) On 26 April 2022 BBC News and the Guardian published allegations from seven women accusing Tim Westwood, a former BBC DJ, of sexual misconduct. BBC News described allegations of “predatory and unwanted sexual behaviour and touching”.<sup>1</sup> The Guardian reported that: “Three women have accused the DJ of opportunistic and predatory sexual behaviour, while four others allege they were groped by him at events.”<sup>2</sup> A BBC Three documentary: “Tim Westwood: Abuse of Power”, reporting the stories, aired that night. Tim Westwood was reported as having strenuously denied all the allegations.
- 2) The following day the BBC Director-General said that the BBC had looked at its records and that he had seen no evidence of complaints being made to BBC managers in the past. He invited anyone who had evidence of things not being followed up to bring it to the BBC. A number of individuals responded to this invitation with allegations of misconduct by Tim Westwood. The BBC itself conducted further checks which resulted in the identification of records of two allegations made in 2012.<sup>3</sup> As a result, the BBC commissioned an internal review into what had happened in respect of the 2012 allegations and the allegations made to the BBC after the *Abuse of Power* documentary was broadcast. The internal review was conducted by the BBC Corporate Investigations team.<sup>4</sup>
- 3) On 13 July 2022 a further article in the Guardian carried the headline: “Tim Westwood accused of sex with 14-year-old girl when in his 30s: Former Radio 1 star faces new claims of sexual abuse from multiple women; he has previously denied wrongdoing”.<sup>5</sup> On the same day a second documentary “Hip-Hop’s Open Secret: Tim Westwood” was broadcast on BBC Three covering the accounts of five Black women who alleged sexual misconduct. On 25 July 2022 a further BBC News article reported that a former BBC staff member told the paper that they had raised concerns of bullying by Tim Westwood.<sup>6</sup>
- 4) On 4 August 2022 the BBC announced that I had been appointed to “fully examine what was known about concerns regarding Tim Westwood’s conduct during his time with the BBC”.<sup>7</sup> Terms of Reference, published on that day, are at Appendix (i) to this report. In this report I refer to the review conducted pursuant to those terms of reference as “the Review”. As I explain in Part II, I have been

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<sup>1</sup> The BBC News article is [here](#).

<sup>2</sup> The Guardian article is [here](#).

<sup>3</sup> The records were of the two allegations – referred to as L214 and L402 – considered in Part V, Chapter 5.

<sup>4</sup> The BBC summary of the process and update on the Corporate Investigations’ review published on 4 August 2022 can be found [here](#).

<sup>5</sup> The Guardian article is [here](#).

<sup>6</sup> The BBC News Article is [here](#).

<sup>7</sup> The BBC announcement is [here](#).

supported throughout the Review by a team of solicitors from Linklaters LLP, to whom I refer as “the Solicitors to the Review”.<sup>8</sup> I have also been assisted by Jahnine Davis, one of the UK’s leading specialists in the safeguarding of Black children, whose experience includes working with and supporting women and girls impacted by sexual violence.

- 5) After undertaking necessary preparatory work the Solicitors to the Review requested, and started the process of reviewing, BBC documents. On 3 October 2022 the BBC published a call for evidence inviting anyone with relevant information to contact me, or the Solicitors to the Review. The call for evidence was renewed on 10 November 2022 and in April 2023 when a dedicated phoneline was established.
- 6) These calls for evidence resulted in people contacting the Review Team to provide information. The majority of the information provided fell into one of two broad categories: (i) allegations and concerns relating to Tim Westwood’s conduct towards BBC colleagues; and (ii) allegations and concerns relating to Tim Westwood’s conduct towards members of the public. The majority of the reports in the latter category related to alleged sexual misconduct.
- 7) In addition to hearing (in writing and in interviews) from people who responded to the calls for evidence the Review Team contacted others who we believed might be able to provide relevant information. Most of the people we contacted agreed to speak or write to us, although some did not.
- 8) Tim Westwood declined my invitations to meet and/or to contribute to the Review in writing, citing the ongoing Metropolitan Police Service (“MPS”) investigation.
- 9) The Solicitors to the Review requested, and reviewed, large numbers of documents from the BBC and conducted a “disclosure assurance” exercise which was designed to ensure that we had been provided with comprehensive information about where, within BBC document storage systems, relevant documents might be located. Our focus has been on establishing whether or not the BBC knew of specific allegations and concerns which have been reported to us and also whether the BBC was aware of any concerns about sexual misconduct more generally. Where there was evidence that the BBC knew of specific allegations and concerns, we have sought to establish how it responded to them.
- 10) In the later stages of the Review, those who this report may have criticised were provided with information about my proposed findings and invited to make representations, in particular about anything which they considered to be wrong or unfair. I carefully considered all of the representations made to me and, where appropriate, made changes to the draft report reflecting some of their responses.
- 11) Parts II and III of this report contain respectively an explanation of the methodology adopted for the Review and of certain background information. Parts IV and V contain my account of allegations and

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<sup>8</sup> I refer to the Solicitors to the Review and me, collectively, as “the Review Team”.

concerns relating to BBC colleagues and the general public respectively. The details are set out in the body of this report. Key findings are summarised below.

### **ALLEGATIONS AND CONCERNS ABOUT TREATMENT OF BBC COLLEAGUES (PART IV)**

- 12) The Review Team heard from many current and former BBC employees who worked with Tim Westwood at the BBC and who expressed concerns about his conduct in the workplace. Some contacted us in response to the call for evidence. Others were approached by us. The vast majority of concerns expressed were about Tim Westwood's behaviour towards producers and assistant producers working on the 1Xtra drivetime show, which he presented from September 2009 to July 2012. Many of the allegations and concerns amounted to allegations and concerns about bullying and/or harassment (although they were often not expressed in these terms).
- 13) People referred to Tim Westwood refusing to talk to some of his BBC production team members, *"freezing them out"* and giving them the *"silent treatment"*. Many told me that they, and others, found it very difficult to work with him. Third parties described observing BBC staff on Tim Westwood's show being upset and in tears as a result of the way they were being treated by Tim Westwood.
- 14) Tim Westwood's 1Xtra drivetime show followed what is known as the "zoo format", with members of the production team and others in the studio (such as newsreaders) being brought into conversations and many people raised concerns about the way in which Tim Westwood treated people on air. There are repeated examples of Tim Westwood discussing, or referring to, the bodies of those who were in the studio with him and of jokes at their expense. One of the most frequent concerns raised with me was about Tim Westwood's on-air references to people's bodies, and in particular women's breasts, often by euphemism. The Review Team listened to a selection of 1Xtra drivetime shows, within which there are multiple examples of Tim Westwood speaking about the bodies of people in the studio with him and referring to their breasts using words such as *"rack"*, *"stack"*, *"those two things under your blouse"*. I did not hear of any allegation of inappropriate sexual contact with BBC colleagues and no BBC employee who worked with Tim Westwood told me that they regarded inappropriate sexualised language that Tim Westwood is alleged to have used about them to be a sexual advance.
- 15) Most of the concerns expressed to me were not recorded in writing at the time and many were general rather than specific. It has therefore not been possible to determine precisely and comprehensively which concerns about workplace misconduct were known to the BBC and what, if any, action was taken in response to them. However, the Review Team's requests to the BBC for document sources which were considered most likely to contain records of any complaints produced evidence which enabled me to piece together the response to particular concerns raised in some cases, addressed in Part IV, paragraphs (145) to (167). The concerns raised in those cases are illustrative of the types of concern which were raised more widely. They include a complaint about the use of racist language, concerns about the on-air treatment of a junior employee and a complaint of bullying and sexual harassment.

- 16) It is clear from the documentary evidence that Executive Producers of Tim Westwood's 1Xtra drivetime show were well aware of concerns expressed by others, that they shared some of those concerns and also had their own concerns. The Executive Producers generally responded promptly by speaking to the affected BBC employees (either in person or by email) and to Tim Westwood (usually in person). It is also clear that some concerns were raised with Senior Management<sup>9</sup> but the full extent to which Senior Management took any action in response to the concerns which were raised is not clear from the documentary record. Until 2012 the approach appears to have been to raise issues informally in conversation with Tim Westwood and, when the situation did not improve, to move BBC staff working on the 1Xtra drivetime show to other programmes. In 2012 the then Controller of Radio 1 and 1Xtra decided to remove Tim Westwood from the 1Xtra drivetime show.
- 17) As to the BBC response to these allegations and concerns my conclusion is that the Executive Producers were doing their very best to respond to concerns raised by more junior BBC employees in challenging circumstances. Not only were they generally sympathetic to individual concerns when raised but there is evidence that they proactively intervened to address inappropriate behaviour when they saw it. While their approach was at times not sufficiently formal, it was in line with the (informal) approach and expectations of Senior Management and they cannot be criticised for having failed to drive forward and adopt a different, more formal, institutional approach to allegations and concerns of workplace bullying and harassment.
- 18) Regarding systems and procedures (as opposed to individuals), overall, there was inadequate record keeping, inadequate communication with people who raised complaints or concerns and an insufficiently structured process for recording and addressing complaints made about the conduct of freelancer talent. The lack of records means that it has not been possible to determine precisely what conclusions were reached in respect of particular complaints, but the evidence which is available suggests that there was an insufficiently rigorous attempt to address the substance of concerns raised.
- 19) Finally, I have found that there was insufficient consideration of the risks associated with Tim Westwood's use of the "zoo format" and an insufficiently proactive response to concerns about Tim Westwood commenting on people's bodies, and in particular women's breasts. Such commentary constitutes sexual harassment if it is unwanted by the recipient. Even if wanted by a particular recipient, broadcasting this type of material risked creating a hostile working environment for others. It is also likely to have given rise to an understanding that this type of conduct was acceptable to the BBC and to have discouraged people from raising their legitimate concerns about it.
- 20) My Terms of Reference require me to report on the reasons for which allegations or concerns were not brought to the attention of the BBC. In a general sense the concerns referred to in Part IV were brought to the attention of the BBC: many of them were shared with Executive Producers and some were raised with Senior Management. Concerns were not often escalated by the people concerned to Senior Management or raised formally as a complaint, however. In addition to the understanding

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<sup>9</sup> By Senior Management I refer to one or more of the Controller of Radio 1/1Xtra, Deputy Controller, Head of Programmes, Managing Editor and/or (from December 2011) the Network Manager.



referred to in paragraph (19) above those who spoke or wrote to me referred to a feeling that they could not raise issues with the Controller or other people in Senior Management because of the importance of the “talent” to Radio 1/Xtra: there was a feeling that presenters were valued over production staff and that Senior Management were likely to side with presenters. There was also considered to be a culture in which production staff were expected to put up with poor treatment by presenters, with issues being addressed via management conversations. Finally, many (current and former) BBC employees who spoke to me perceived there to be a close relationship between the Controllers and Tim Westwood. I have not considered it necessary to examine the extent to which these feelings and perceptions were justified. I have no doubt that they were genuinely held and played a part in BBC employees not raising concerns, or taking concerns which they did raise further.

- 21) I note, however, that there is evidence, to which I refer in Part IV, of Senior Management reacting firmly to public complaints concerning Tim Westwood. There is also evidence of their intention to create an environment in which employees would feel able to raise concerns. Nevertheless, the combination of the lack of formality adopted in respect of concerns about workplace misconduct which were raised and the type of material which was broadcast on air is likely to have led to the creation of an environment in which employees did not have confidence that concerns about workplace misconduct on the part of Tim Westwood would be properly addressed.
- 22) The conclusions I have reached in Part IV are, necessarily, about historic events and practices. During the representations process the BBC invited my attention to work which has been carried out after the events considered in this report and (amongst other things) to changes to policies and procedures, and progress which the BBC considers to have been made. Since consideration of these matters falls outside my Terms of Reference I have not commented on them but the BBC will, no doubt, wish to consider for itself whether progress has been made in relation to the issues I have identified. I emphasise, however, that progress cannot be measured by reference to policies and procedures alone. It is their effective implementation that matters.

## **ALLEGATIONS AND CONCERNS ABOUT TREATMENT OF MEMBERS OF THE PUBLIC (PART V)**

- 23) The Review Team received evidence of a wide range of allegations and concerns about Tim Westwood's conduct towards members of the public, principally of sexual misconduct. There was very little evidence of these concerns being reported to the BBC.
- 24) **Allegations and concerns not reported to the BBC.** Chapter 1 of Part V contains an account of allegations and concerns which were reported to the Review Team in the course of the Review but which were not reported or otherwise known to, the BBC. Some are allegations of conduct which may be a criminal offence. In order to ensure that those reporting allegations or concerns are not identifiable, and to avoid prejudice to any eventual criminal proceedings, the account I have provided includes very little of the detail which was provided to me. Reporting in more detail is not necessary in order to fulfil my Terms of Reference because they make it clear that my role is to report the allegations themselves and not to investigate and/or reach any conclusions as to whether the



allegations are substantiated. I did, however, explore whether there was, or may have been, BBC knowledge of the allegations or concerns. In most cases there was no evidence of BBC knowledge at all. In a few cases the people who spoke to me said they subsequently came to work at the BBC and one person said they mentioned the conduct in question to some colleagues. I do not regard the knowledge of these individual people as constituting BBC knowledge. Those few cases in which the evidence establishes that the BBC knew of particular allegations or concerns are addressed in Part V, Chapters 2 to 5, and below.

- 25) **Club allegation 2004-2007.** At a club outside the UK in either 2004, 2005, 2006 or 2007 a member of the public who was a guest of Radio 1 told a BBC employee that Tim Westwood had [REDACTED]. The member of the public did not contribute evidence to the Review and the only evidence relating to the allegation has been provided by the BBC employee, who reported the allegation to BBC Corporate Investigations in April 2022 following the first of the BBC Three documentaries. The BBC employee does not recall key details, such as the identity of a more senior BBC employee to whom they said they reported the allegation at the time. There is no contemporaneous (or near contemporaneous) documentary record of either the allegation or the BBC's response to it. In the circumstances, the only conclusion I have been able to reach with confidence is that the BBC's response to the allegation was inadequate.
- 26) The allegation was of conduct which, if substantiated, may have amounted to a criminal offence (sexual assault). Before anything else, the BBC ought to have considered whether immediate action was required to address the risk of similar conduct occurring. The allegation ought to have been investigated, in slower time if necessary. Had the BBC investigated and concluded that the conduct occurred in the way the employee described it to me, serious consideration should have been given to terminating the BBC's relationship with Tim Westwood. There was no consideration of whether immediate action was required, no investigation of the allegation and, as a result, no consideration of its effect on the BBC's continuing relationship with Tim Westwood.
- 27) **1Xtra drivetime show allegation 2010.** A student who had been invited on to the 1Xtra drivetime show with a group of university friends to participate in a feature called "*The College Dropout*" wrote to the Review about her experience saying that Tim Westwood had called her "cuddly" and mimed grabbing her breasts, heavily implying to listeners that she had large breasts. She wrote that she managed to dodge physical contact during the show but that afterwards [REDACTED]. I interviewed the student who said to me that [REDACTED].
- 28) By searching recordings of the 1Xtra drivetime show at the relevant time the Review Team was able to identify the occasion on which the conduct described by the student was alleged to have taken place. The overall tone of the conversation is of light-hearted banter between the group of students and Tim Westwood. Consistently with the student's recollection, the audio reveals Tim Westwood referring to the student's breasts (although not in those terms). During his conversation with the student he said, amongst other things, "*you look a healthy girl*". He later described her as "*mad cuddly*" and said that it looked like someone "*would get lost in there*". The student intervened saying "*oh you are talking about my breasts*", to which Tim Westwood responded (apparently to someone

else in the studio) *“that’s why I keep forgetting what I’m saying. Can you put a monitor in front of her chest because it’s so hard to concentrate.”* In response, a voice (which I understand to be Tim Westwood’s producer) is heard saying *“Tim, that’s terrible”*.

- 29) The student described a BBC employee who may have observed the [REDACTED] but the Review Team’s attempts to contact this person were unsuccessful. Although the student did not complain about the way in which she was treated at the time, it is clear that there was BBC knowledge, at least, of the way in which the student was treated on air. I consider the producer of the show (who did not witness, and was not informed of, the [REDACTED]) to have done their best to control the situation as it developed in front of them. This is, however, an example of a case in which more formal proactive action ought to have been taken to address the conduct in question and prevent future occurrences (see paragraph (19) above in relation to BBC colleagues).

- 30) **Ayia Napa text allegation 2011.** In March 2011 a text was sent to 1Xtra in the following terms:

“BIG UP WESTWOOD N [...]”<sup>10</sup> [REDACTED]  
 ME IN AYIA NAPA 2001 WHILE [...]”<sup>11</sup> WATCHED N LAUGHED. [REDACTED],  
 BEATEN KNIFE TO MY LEG FR OM 1ST 1 N THEM F\*\*\*\*<sup>12</sup> N JOIN IN. BIG  
 UP BBC FOR EMPLOYIN DEM DUTTY BC MEMORIES CLEAR NOW EVEN  
 THO THE [REDACTED] N MY HEAD SMASHED UP ON FLOOR. DEM KNO WAT  
 D EM A DO BLOOD CUMIN OUT MY HEADBACK WHILE WESTWOOD  
 [REDACTED], BROKEN SHOULDER N CUT UP IV SUFFERED  
 FOR 10YRS BECAUSE OF IT. AND DER PICTURES TO PROVE IT FROM  
 WEN [...]”<sup>13</sup> [REDACTED]. BUN FIRE PON DEM N BBC N INDUSTRY FOR  
 TUNIN BLIND EYE!”

- 31) The text was picked up by the team producing the show which was on air at the time and was referred, along with another text received two days earlier, to the Radio 1/1Xtra Operations Manager. The Operations Manager promptly referred the texts to BBC Corporate Investigations. Evidence contained on the BBC Corporate Investigations systems records a discussion about a *“watching brief”* and the file being closed just over three months later because the messages had stopped.
- 32) The response described above is understandable in light of the way in which the investigator viewed the allegation: the evidence establishes that the investigator very quickly classified the texts as *“crank”* *“malicious communications”* with the person who sent the text considered as a *“suspect”* and the 1Xtra presenter who was alleged to have witnessed the assault described as the *“victim”*. However, I consider the decision to approach the text as a malicious communication from the outset to have been wrong and the overall approach to the allegation to have been inadequate.

<sup>10</sup> Here the texter named another 1Xtra presenter.

<sup>11</sup> Here the texter named a further 1Xtra presenter.

<sup>12</sup> I understand that messages viewed in the text console would have certain words, or parts of words, in texts replaced with \*\* but that it is not possible to tell whether the \*\* in this message were part of the original message or substituted for text console viewing.

<sup>13</sup> Here the texter referred to the presenter to whom footnote 10 relates.

- 33) There is very little evidence as to the reasons why the investigator treated the text as a crank malicious communication. In the absence of any other evidence, it appears to me to be likely that the language in which the allegation was expressed played a part in the investigator's decision. Language such as that used by the person who sent the text in this case should not lead to allegations made by them being regarded as necessarily without foundation. The text contained an allegation of serious, criminal, sexual misconduct on the part of more than one person who worked for the BBC. No steps were taken to establish whether there was or may have been any truth in the allegation, or any parts of it. Nor was there any consideration given to whether the allegation gave rise to safeguarding concerns. The BBC ought to have, at the very least, contacted the person who made the allegation and asked to speak with them before deciding what, if any, further action to take.
- 34) The appropriate response thereafter would have been dependent on the content of any further communications but is likely to have involved asking the named 1Xtra presenters for their response and communicating the outcome to 1Xtra Senior Management. It may have been appropriate to refer the allegation to the police.
- 35) Regardless of the outcome of any further communications (and even if there were none), the allegation and associated information ought to have been recorded on BBC systems in a place and manner which made it readily accessible to anyone considering any further allegations or, more generally, whether there were safeguarding concerns around the continued engagement of Tim Westwood. The way in which the information was in fact recorded and stored made it extremely unlikely that it would have been identified as being relevant for these purposes.<sup>14</sup>
- 36) **Allegations in 2012.** In May 2012 Tim Westwood announced on Twitter that he would be leaving the 1Xtra drivetime show. The announcement of his departure generated considerable Twitter activity, including speculation as to whether he had been sacked for "fingering" a 15 year old girl. In June 2012 a British rapper with whom Tim Westwood had a pre-existing "beef" released a "diss track" called "Sack City" which included the line "You're more known for touching girls that are 15". Radio 1 Senior Management, and others in BBC Radio, were aware of the track but there was no significant consideration given to it until December 2012.
- 37) In the meantime, in October 2012, the BBC received numerous allegations about the behaviour of a large number of its staff and freelance contributors (past and present) following an ITV broadcast of a documentary about Jimmy Savile. The allegations made to the BBC included an allegation that Tim Westwood had propositioned a 15 year old girl (who was the girlfriend of the son of a former BBC employee) in a club around five years previously. The BBC Corporate Investigations team interviewed the former BBC employee, who was unwilling to provide details of their son or the girlfriend. The allegation was reported by the BBC to the MPS in accordance with BBC procedures that had been put in place for handling allegations at that time. At some time before 3 December 2012 the MPS informed the BBC that it was taking no action in respect of the allegation.

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<sup>14</sup> The way in which the information was recorded and stored resulted in the BBC initially failing to identify and provide the [REDACTED] report to the Review Team in the circumstances described in Part II.

- 38) In November 2012 a journalist from The Sun contacted Radio 1 making enquiries about Tim Westwood and “inappropriate relations with young girls” and making reference to “tip-offs”. In an email alerting BBC HR and BBC Corporate Investigations to the enquiry, the Acting Director of Audio and Music referred to allegations having appeared online, principally on Twitter, that Tim Westwood was a “paedophile”.
- 39) By mid-December 2012 the team responsible for dealing with allegations coming in to the BBC at that time had decided that no action would be taken in relation to the allegations against Tim Westwood unless any new supporting information was provided. No further material consideration was given to the allegations after this point.
- 40) On 17 December 2012 there was an altercation between Tim Westwood and the British rapper which was reported to Radio 1 and wider BBC management. In the course of correspondence about the altercation there was reference to the diss track, to the British rapper having accused Tim Westwood of “touching up 15 year old girls” and to Tim Westwood wanting “*the libel about 15 year old girls addressed by BBC lawyers*”. A BBC lawyer was contacted and asked for names of firms Tim Westwood could approach but the Review has found no evidence as to what, if anything, happened as a result of that request.
- 41) There was a meeting between the British rapper’s management and the Radio 1 Head of Programmes. Following that meeting the British rapper’s management sent an email referring to the lyrics of “Sack City” as “tongue in cheek banter”. As to the particular lyric about 15 year old girls, they said that “*[i]t is merely a jiving poke at an age old rumour with absolutely no factual backing as far as we are aware*”.
- 42) Later that month the British rapper’s management emailed saying that they had sent emails to uploaders asking them to remove “Sack City”. In January 2013 the Radio 1 Head of Programmes raised the issue again, noting that they were still all over YouTube. The evidence the Review Team have been provided with does not indicate any further BBC involvement with this issue.
- 43) For the reasons I explain in Part V, Chapter 5, I consider the BBC response to the allegations and concerns brought to its attention in 2012 to have been inadequate. In summary: even if it was not possible to obtain further detail, the allegation that Tim Westwood propositioned a 15 year old girl ought to have been formally raised with him; there ought to have been consideration of the content, and significance, of the online allegations about Tim Westwood; and there ought also to have been careful consideration of the reasons why the British rapper referred to Tim Westwood being known for touching up 15 year old girls, including the reasons for any “age old rumour”.
- 44) Comments such as those which were made on Twitter and in diss tracks do not have to be taken at face value. Serious consideration ought, however, to be given to the content of allegations and concerns, wherever and however they are raised.
- 45) I have had no hesitation in concluding, on the basis of the evidence available to me, that none of those who were aware of the allegations positively believed that Tim Westwood had engaged in

sexual contact with 15 year old girls. I am also satisfied, on the basis of the evidence available to me, that had those individuals been in possession of credible evidence of a specific allegation that Tim Westwood had engaged in sexual contact with a 15 year old girl serious consideration would have been given to appropriate action. There was, however, a considerable body of evidence either known to, or available to, the BBC which raised more general questions about Tim Westwood's conduct. The BBC ought to have had in place a system for considering all such concerns alongside each other and ensuring that any risks associated with its provision of a BBC platform to Tim Westwood were appropriately managed. On the basis of the evidence available to me, the BBC does not appear to have had any such system in place and there was no adequate assessment of the risks presented by Tim Westwood's engagement.

- 46) **General BBC knowledge.** Significant numbers of contributors to the Review expressed views to the effect that the BBC "must have known" of concerns about the type of predatory sexual behaviour which featured in the Guardian articles and BBC Three documentaries. Amongst the documents reviewed by the Solicitors to the Review there was evidence that the BBC knew of Tim Westwood's use of highly sexualised language (for example referring to "*wet pussies*") at his non-BBC club events and many contributors spoke about this. There was also evidence provided to me in numerous interviews of a belief, widely shared by Radio 1/1Xtra staff, that Tim Westwood had a "type", namely significantly younger Black women. However, although many people remarked on the age difference between Tim Westwood and partners to whom they referred, I have not found there to have been significant or widespread knowledge of concerns about predatory sexual behaviour. Amongst other things many believed Tim Westwood to have had steady girlfriends, with whom he had respectful relationships, at the relevant time.

### **NON-RENEWAL OF ENGAGEMENT 2013 (PART VI)**

- 47) The Terms of Reference for the Review provide that this report should set out a conclusion as to whether concerns about Tim Westwood's conduct were a factor in the decision not to renew his engagement in 2013. The decision not to renew Tim Westwood's engagement was taken by the Controller, in consultation with the Head of Programmes. On the basis of the evidence which they provided to me, I have concluded that concerns about Tim Westwood's conduct were a factor in their decision, but only in the limited sense described by them (and set out in paragraphs (440) and (441) below).

### **CONCLUDING OBSERVATIONS (PART VII)**

- 48) Apart from those cases which I have addressed in Part IV and in Chapters 2 to 5 of Part V I have not found there to be significant BBC knowledge of allegations or concerns about sexual misconduct on Tim Westwood's part. However, the overview from which I have benefited as a result of having conducted this Review demonstrates the clear need for a robust mechanism for the assessment of the risks presented by the engagement of particular individuals. There were, in my view, a range of factors which ought to have alerted the BBC to the possibility that Tim Westwood might present a

risk to young women and girls. The BBC ought to have had in place procedures which resulted in all relevant information being provided to a person who was suitably qualified and experienced to assess the nature and extent of any risk posed by Tim Westwood and to make recommendations as to how any risk should be managed.

- 49) My Terms of Reference expressly state that I should not make any recommendations. I have not, therefore, examined the procedures which the BBC currently has in place with a view to determining whether they adequately provide for the recording and consideration of this type of information. The BBC will no doubt wish to consider for itself whether issues such as those which I have highlighted in this report would be properly addressed under the procedures it has in place today. The final part of this report contains some observations which are intended to assist the BBC with this process.

### **POSTSCRIPT – TIM WESTWOOD’S POSITION**

- 50) Although Tim Westwood had declined previous invitations to participate I nevertheless provided him and his solicitors with extracts from my draft report and other information about what I proposed to write. I invited any comments they wished to make. In response, I received representations from Tim Westwood’s solicitors on his behalf. Amongst other things, Tim Westwood’s solicitors made it clear that he denies the allegations of criminal and other misconduct and “confirms that he has never had any sexual interest in children under the age of 16”. His solicitors have stated that he has never acted in a “predatory and/or sexual manner” and “did not (and does not) present any risk to young women, at the BBC nor elsewhere”. They also said that he has been denied the opportunity of presenting a defence to allegations set out in Part V, Chapter 1, as a result of the vague nature of the allegations and the ongoing police investigation. As I explain in Part V, Chapter 1, my role has been to gather evidence of allegations and concerns and to explore BBC knowledge of, and response to, them. My Terms of Reference expressly state that I should not determine whether any allegations of misconduct are substantiated. It has not, therefore, been necessary for me to seek and consider Tim Westwood’s defence to any allegations in order to report under my Terms of Reference. It is important to note, however, that the reason Tim Westwood has not been provided with more detailed information is that he chose not to participate in the Review and therefore has only been provided with the information I proposed to include in my final report. Any inability to present a defence to the allegations during this process is the result of his own decision not to participate in the Review at an earlier stage.
- 51) I nevertheless consider it important that those reading this report are aware of Tim Westwood’s position, as it has been communicated to me by his solicitors. I have therefore included reference to principal parts of their representations in Parts IV, V and VI.



## II

### **METHODOLOGY AND APPROACH TO REPORTING**

- 52) Consistently with standard practice in this area the Terms of Reference for the Review require me to report on the methodology I have adopted, which I do below. I also explain the approach I have adopted to reporting on the Review.

### **PREPARATORY WORK**

- 53) I was appointed by the BBC Board in August 2022 to conduct the Review. At the same time the Board appointed Linklaters LLP, a firm of solicitors which provides legal advice to the BBC from time to time, to assist me. In order to ensure the independence of the Review I sought and received an assurance from Linklaters that information barriers would be put in place so that there was no question of any solicitor who was, or had been, a member of the team working on the Review providing legal advice to the BBC or providing confidential information relating to the Review to anyone who was, or may be, providing legal advice to the BBC. I refer to the team of Linklaters' solicitors who have assisted me with the Review (rather than Linklaters generally) as "the Solicitors to the Review". Any references to "the Review Team" are to me and the Solicitors to the Review collectively.
- 54) Following publication of the Terms of Reference for the Review, the Review Team worked with BBC Legal to agree processes for conduct of the Review. The agreed processes were set out in a document -- the "Process Protocol" -- which addresses key areas such as requests to the BBC for information and documents, arrangements for meetings with individuals, and confidentiality. Other early preparatory work included: discussions with the MPS resulting in a Memorandum of Understanding providing a framework for co-operation and the appropriate exchange of relevant information; work on documents setting out information about support available to contributors to the Review and complaints routes; and considering the BBC Corporate Investigations team's internal review, and related documents.<sup>15</sup>

### **OVERVIEW OF REVIEW PROCESSES**

- 55) Substantively, the Review has been comprised of two main workstreams:
- a) Requesting and reviewing BBC documents; and

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<sup>15</sup> The BBC provided the Review Team with a working draft report dated 11 July 2022.



b) Gathering and analysing evidence from individuals.

- 56) The document review work was largely carried out by the Solicitors to the Review. Save in exceptional cases towards the end of the Review, individual interviews were conducted by me, assisted by the Solicitors to the Review. Jahnine Davis and I spoke to people on a dedicated phoneline in April and May 2023 (see paragraph (86) below).
- 57) Although I describe the main workstreams separately below, there was considerable overlap between them. The process we adopted was flexible, and responsive to issues which arose. The Solicitors to the Review and I had regular meetings and worked together to identify areas which required investigation. Our main focus throughout the Review has been on establishing whether or not the BBC knew of specific allegations and concerns which have been reported to us and also whether the BBC was aware more generally of the types of allegations and concerns which we have heard about. Where the BBC did know of allegations and concerns, we investigated how it responded to them by requesting and reviewing relevant documents, and approaching individuals who we considered were likely to hold relevant knowledge.
- 58) We were provided with a wide range of information in the course of the Review, of varying degrees of reliability. Our approach has been to encourage contributors to provide any information which they consider to be relevant. In addition to receiving directly reported evidence of experiences, we have been provided with second and third hand information. We have also been provided, in confidence, with suggestions as to leads we should follow. We focussed on those which may have indicated that there was BBC knowledge of allegations or concerns, and particularly those where it appeared that complaints may have been made to the BBC. Some information provided to us in this way resulted in the identification of significant evidence being obtained but much of it did not.<sup>16</sup> In addition to following up leads directly I asked for the assistance of contributors who told me that they knew of people with relevant information. In some cases I provided letters which contributors agreed to distribute to others. I am aware of several contacts which were made with me as a result of these approaches and am grateful to those who assisted me in this way.
- 59) The key workstreams are described below.

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<sup>16</sup> An example of a lead which did not lead to significant information was third hand information relating to a person who was said to have complained to the BBC, and in particular the current Director-General, about Tim Westwood's behaviour on a particular occasion in the USA. The Solicitors to the Review conducted searches over BBC documents (such as emails from what we understood to be the relevant time period) using the name of a music festival which had been provided to us. We were unable to find any documents related to the issue. Later, we were provided with the telephone number of a person in the USA who said they were the friend of the person who had complained to the BBC about Tim Westwood's behaviour. The Solicitors to the Review and I spoke on the telephone to the person, who said their friend said she had sent an email to "the other Tim" and explained (in response to questions) that they were referring to the person they described as the "head of the corporate entity ... at the BBC". However, at the time when the email was described to us as having been sent the current Director-General did not work for the BBC. We were not able to identify any other "Tim" in a relevant position. Nor were we able to contact the friend who was said to have sent the email. I did not raise this issue with the current Director-General since there was no credible evidence that any complaint had been made to him by the friend.

## BBC DOCUMENT REVIEW

- 60) At the outset of the Review, the Solicitors to the Review agreed with BBC Legal “hold notices” which were circulated to all BBC employees to ensure that material which was potentially relevant to the Review was preserved. BBC employees were also asked (i) to make any relevant documents available to the Review Team and (ii) to inform the Review of any database, area, system or device that contains any such documents.
- 61) In September 2022 the Solicitors to the Review made requests to BBC Legal for various categories of background information and documents such as employment policies and reporting lines within the BBC during the relevant period,<sup>17</sup> a list of individuals who produced Tim Westwood and contractual documents relating to Tim Westwood’s BBC engagements. The Solicitors to the Review also requested details of the sources of documents held by or available to the BBC which may relate to the period during which Tim Westwood was engaged by the BBC.
- 62) In September and early October 2022 BBC Legal provided the Solicitors to the Review with large numbers of documents falling within the categories in respect of which the early requests were made. An email relating to documents which had been provided in response to our initial seven requests explained that BBC Legal had gathered information and documents which they were able to in the timeframe requested. However, in relation to some requests, they said that they had “*checked the most likely sources for the documents requested*” but underlined that “*due to the incomplete nature of the records held, there are still come gaps (e.g. for the policies and the contracts)*”. BBC Legal explained that to try to fill the gaps would require “*targeted trial-and-error searches of much larger document repositories such as the hard copy archives, SharePoint or emails.*” BBC Legal indicated that if the searches referred to were required they would like to work with the Solicitors to the Review to formulate and agree proposals for proportionate searches, their scope and timing.
- 63) The early requests were for information and documents which it was considered would provide the Review Team with a good understanding of the background to the events with which the Review was likely to be concerned. They related to categories of information which the Review Team had expected to be readily available. BBC Legal’s response made it clear that our expectations in relation to the availability of these documents were optimistic. It was also apparent that locating other relevant documents within the BBC’s storage systems was likely to be considerably more difficult and time-consuming than we had anticipated. In light of BBC Legal’s response to our early requests we did not generally pursue requests for comprehensive sets of background documents but focussed on ways in which to identify and obtain documents relevant to allegations and concerns about misconduct on Tim Westwood’s part. That approach required an understanding of the locations in which the BBC’s documents were stored and the ways in which they could be searched.

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<sup>17</sup> I have treated the period during which Tim Westwood worked regularly for the BBC as the relevant period for the purposes of the Review: see Part III, paragraph (107).

- 64) In early September 2022 BBC Legal had provided the Solicitors to the Review with a working draft document referred to as the “Document Collection Guide”. That draft document, which was updated on a number of occasions until April 2023, provided a detailed explanation of what was known by BBC Legal about the BBC’s retention policies; the location and storage of BBC hardcopy records; the location and storage of BBC electronic records; and the location and storage of BBC visual-audio records. The draft document was prepared on the basis of enquiries made by BBC Legal within selected areas of the organisation which were considered likely to hold documents relevant to my Terms of Reference and by individuals in those areas in turn making enquiries within their teams to understand how information was held. It provided a description of BBC document repositories that are both centrally held and held within specific divisions of the BBC that may have contained documents relevant to the Review. The draft contained suggestions as to documents which the Review Team may wish to request and review and explanations as to the way in which various hard copy and electronic document repositories may be searched.
- 65) The draft Document Collection Guide was a very helpful source of information as to potential document sources. It was not, however, drafted in terms which provided me with a sufficient level of assurance that all areas in which relevant documents might be held had been identified to the Review Team. This is not a criticism of the individuals within BBC Legal who produced that document. The BBC is a very large organisation which creates and holds very large volumes of records. The period with which the Review has been concerned began almost 30 years ago and lasted almost 20 years. The BBC’s record keeping and storage practices have changed considerably over that time and many people with direct knowledge of how information would have been stored and retained have left the organisation.
- 66) Following discussions with BBC Legal as to how a sufficient level of assurance could be provided, the Solicitors to the Review developed a process, which they referred to as the “disclosure assurance process”. This involved the BBC identifying business areas whose systems might reasonably contain documents relevant to my Terms of Reference (such as teams that might deal with employee grievances, complaints going to the BBC, legal issues, corporate investigations, freelancer engagement or the administration involved with producing radio shows). Senior individuals within each of those business areas were then asked to explain the roles of their departments, the systems they currently use in respect of electronic and hard copy documents, and the systems used over the relevant period. The Solicitors to the Review asked questions which were, where relevant, informed by the draft Document Collection Guide. They sought to verify the information provided in the draft Document Collection Guide and to identify any new sources of documents. They asked interviewees to confirm where documents relevant to the Terms of Reference would be most likely to be located within the systems of their business areas.
- 67) Following these interviews, the Solicitors to the Review produced written summaries. Each written summary was reviewed by a senior individual (or multiple individuals if relevant knowledge was spread across a number of people) from the relevant BBC business area. Each individual was asked to sign a written confirmation in broadly similar terms that to the best of their knowledge and having made reasonable and proportionate enquiries, they could confirm that: (i) the summary they had been provided with was an accurate reflection of their understanding of the document sources within

their area of the BBC; and (ii) that they were not aware of any other document sources which were accessible within their area of the BBC which they thought might contain information relating to the Terms of Reference. Interviewees also confirmed that on the basis of their present knowledge (and having not conducted any searches independently of those specifically requested by the Review) they were not personally aware of any information or documents evidencing allegations of misconduct on the part of Tim Westwood that had not been identified to the Solicitors to the Review. I was also provided with signed assurances from the BBC Legal Director, Litigation and from the Linklaters' partner with overall responsibility for the Solicitors to the Review.

- 68) The Disclosure Assurance Process continued for a large part of the Review period. Signed statements for the majority of the relevant business areas had been provided by November 2023, with all remaining statements provided by mid-January 2024. At my request, the Solicitors to the Review have produced an appendix to this report which explains (in summary form) the work carried out under the Disclosure Assurance Process.<sup>18</sup>
- 69) From the beginning of the Review, and in parallel with the Disclosure Assurance Process, the Solicitors to the Review made requests for a wide variety of documents from the BBC. Many requests were wide-ranging requests for any documents related to Tim Westwood held within particular document repositories which had been identified. Others were targeted requests related to particular issues which had been raised by individual contributors or which had been identified by the Review Team as arising from documents which had already been provided and reviewed. The requests included requests for the entire electronic mailboxes which had been retained by the BBC for key individuals such as the Controllers of Radio 1/1Xtra and others in Senior Management positions over specific periods.
- 70) To assist with the document review process, a third-party eDiscovery provider was engaged by the BBC. The eDiscovery provider received document sets and provided technical assistance to the Solicitors to the Review so that large scale document reviews could be undertaken.
- 71) Many of the requests resulted in the BBC providing the Solicitors to the Review with large volumes of documents for review. A comprehensive review of all of the documents by the Review Team would have been very time-consuming, costly, and therefore disproportionate. The process adopted by the Solicitors to the Review (and agreed by me) in order to keep the Review within reasonable limits is described below. The aim of the process was to identify documents relevant to the Review's Terms of Reference in the most time efficient and cost effective manner.
- 72) The Solicitors to the Review produced a "document review protocol" which explained, amongst other things, how relevant documents were to be identified. Documents were reviewed at first level by paralegals/support lawyers and trainee solicitors and at second level by solicitors (in some instances, where the documents were particularly likely to be relevant or particularly sensitive, first level review was also conducted by solicitors). The second level review checked whether the tagging of relevant documents at first level was correct. Those documents that remained tagged as relevant after the

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<sup>18</sup> See Appendix (ii).

second level review were provided to me with a summary overview. A quality check of 12% of documents considered not to be relevant was also carried out at the second level review.

- 73) Where a large volume of data was provided (such as entire electronic mailboxes of certain individuals over certain periods), a set of electronic search terms were agreed with me and then applied to the relevant dataset to reduce the number of documents requiring review. In addition to running agreed search terms over certain datasets hosted by the eDiscovery provider, the Solicitors to the Review asked BBC Legal to apply search terms to specific BBC document repositories identified in the draft Document Collection Guide or as a result of the Disclosure Assurance Process. In some instances, a member (or members) of the Review Team attended the BBC offices and sat with the person running the searches to identify the nature of the responsive documents and to amend, as needed, the search terms being applied. Once a set of search terms had been agreed, BBC Legal shared the responsive documents with the Solicitors to the Review. These documents were then reviewed in accordance with the process described at paragraph (72) above.
- 74) In other instances, BBC Legal identified responsive documents and provided them to the Solicitors to the Review, explaining they had adopted an inclusive approach, excluding only those which were irrelevant because they either had no apparent connection at all to Tim Westwood (e.g. documents relating to another person with the surname Westwood, or including a “Westwood” street address) or referred to Tim Westwood in a way that had no apparent connection to my Terms of Reference (for example BBC reports analysing metadata that contained passing reference to coverage of the Review).
- 75) In order, amongst other things, to facilitate the document request and retrieval process members of the Review Team held frequent meetings with members of BBC Legal. These meetings enabled us to understand any issues with obtaining categories of documents we had requested and/or were considering requesting.
- 76) Over the course of the Review the Review Team made 90 formal requests to BBC Legal for documents and information. In addition to responding to requests for information and documents, BBC Legal also provided certain documents proactively. Examples are the working draft Corporate Investigations team report which preceded the Review and a bundle of documents related to the BBC response to the 2012 allegations (addressed in Part V, Chapter 5).
- 77) I understand, on the basis of information provided by the eDiscovery provider to the Solicitors to the Review that 616,531 documents were uploaded, 23,049 were reviewed at first level and 6,646 at second level. Of these, 2,944 were identified by the Solicitors to the Review as being relevant to the Review’s Terms of Reference.

## EVIDENCE FROM INDIVIDUALS

- 78) On 3 October 2022 the BBC published a “call for evidence” providing the general public with information about the Review and inviting anyone with information relevant to the Terms of Reference to contact me or the Solicitors to the Review. Other documents related to the Review were published

at the same time. The suite of documents published included: the Process Protocol; Privacy Notices explaining the way in which the Solicitors to the Review and I would deal with information provided to us; and a *“Frequently Asked Questions”* document.<sup>19</sup>

- 79) The Solicitors to the Review and I very quickly started to receive communications from people offering to speak, and/or providing us with information in writing. Some described Tim Westwood’s conduct which they had experienced directly. Some described conduct which they had observed. Others described conduct which they had heard about. Some offered to provide background information and/or made suggestions as to people we should contact for information. Amongst those who contacted the Review Team offering assistance were some individuals who had been managerially responsible for Tim Westwood at the BBC at the relevant time. We decided to approach evidence gathering from individuals by hearing from those who were making allegations or raising concerns before hearing from people within the BBC who we understood would have been responsible for responding to them. Although there was some overlap between these categories, interviews with BBC managers generally took place from February to May 2023. For some, follow up interviews were required at a later stage.
- 80) By mid-October 2022 I had formed the view that the Review would benefit from the assistance of an independent safeguarding expert. I asked the BBC to appoint Jahnine Davis who is one of the UK’s leading specialists in the safeguarding of Black children and whose experience includes working with and supporting women and girls impacted by sexual violence. The BBC agreed to my request. Jahnine was available to attend conversations and meetings with me from November 2022. My practice from this point was to suggest to contributors that she be present at interviews to which I considered her expertise to be relevant, and to invite her to attend where they consented.
- 81) In October 2022 an Executive Producer in the BBC News Division had contacted me on behalf of the production team of the BBC Three documentaries. The Executive Producer informed me that the majority of information held by the team was subject to confidentiality agreements but that to be of assistance they would reach out to relevant sources with whom they were in contact to make sure they were aware of the Review and the Call for Evidence.
- 82) The initial call for evidence asked for responses by 31 October 2022. It was clear to me from correspondence and communications with contributors during this period that some of those who had responded to the call for evidence in that time had found it difficult to do and that there were likely to be others who required more time. Amongst other things, few of those who had appeared in the BBC Three documentaries and/or had described their experiences had made contact with the Review Team. I therefore decided to ask the BBC to publish a further call for evidence. That call for evidence, published on 10 November 2022, provided information about Jahnine’s appointment and asked people to get in touch by 2 December 2022.
- 83) As well as hearing from people who responded to the call for evidence, the Review Team identified people who we believed may have relevant information to contribute. Some people were identified

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<sup>19</sup> The Call for Evidence and associated documents as published by the BBC are [here](#).



as having potentially relevant evidence to contribute on the basis of the BBC document review. Other names arose in the course of interviews or were specifically provided to us by contributors. We made contact asking people to meet and/or to provide information in writing.<sup>20</sup> Where we were not able to make contact with people by email we tried a variety of other means such as social media. Our attempts to make contact with people in this way were largely successful and resulted in people agreeing to meet or speak in the majority of cases. However, some people made it clear they did not wish to participate in the Review and others did not respond to our communications. One person said that they would only contribute if we paid them (we did not).

- 84) From a very early stage most of the information provided by those who wrote or spoke to the Review about Tim Westwood's conduct fell into one of two categories: (i) allegations and concerns about conduct towards BBC colleagues in the BBC workplace; and (ii) allegations and concerns about sexual misconduct towards members of the public (usually but not always outside the BBC workplace). By early 2023 most of the information which had been provided related to conduct in the workplace. The workplace conduct which was described was very different in significant respects to the conduct described in the BBC Three documentaries which were an important part of the background to the Review and which highlighted the experiences of Black women. While we had received some contributions describing this type of conduct the numbers of contributions received did not appear to me to reflect the nature and extent of concerns which had been publicly expressed. In February 2023 I was contacted by a representative of a UK based group called the Hip Hop Alliance<sup>21</sup> who provided me with evidence that there were people who had wanted to contribute to the Review but had been unable to do so. Members of the Review Team, Jahnine Davis and I met with members of that group to explore the issues that they had raised. They provided us with helpful information which assisted us in deciding on process moving forward.
- 85) Although the Review was already nearing the original target date for reporting, I considered it important that steps were taken to facilitate wider participation, in particular of Black women. On the basis of the information which had been provided to me by the Hip Hop Alliance and others it appeared that some of those who wished to contribute to the Review may have preferred to make contact with the Review directly by telephone rather than having to email me or the Solicitors to the Review to arrange a meeting. It also appeared that information about the Review may not have reached sufficiently widely and that some people who wished to contribute had not been aware of the Review until after the published dates for contributing had passed.
- 86) I raised these issues with the BBC and asked that consideration be given to extending the timeline for the Review<sup>22</sup> and to making changes to the process for contributing, in particular by providing the

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<sup>20</sup> In December 2022 BBC Legal agreed, at my request, to vary the Process Protocol to permit the Review Team to make direct contact with BBC employees. I made this request because I had been provided with information which suggested that some people may have been reluctant to participate if initial contact was made by the BBC as provided for by the Process Protocol at that time.

<sup>21</sup> I have emphasised that the group was UK based in order to avoid confusion with an American organisation of the same name which describes itself as "Hip Hop's first labor force organisation on a mission to promote and secure fair wages, fair royalties and strong health/retirement benefits for all creators in the Hip Hop and R&B community".

<sup>22</sup> It was already clear by that point that the original target date would not be met. Amongst other things there were outstanding requests for documents and we had yet to interview key members of BBC management. However, inviting contributions from



opportunity for people to contribute to the Review by telephone. I also asked the BBC to consider providing funding for specialist advice and assistance in communications, in particular with Black communities. The BBC agreed to my requests. We explored engaging a particular third party organisation with experience of evidence gathering in cases involving sexual violence but ultimately decided that it would be preferable for callers to be able speak directly to Jahnine or to me. Arrangements were made for a dedicated phonenumber to be open from 20 April 2023 until Saturday 20 May 2023, with an answering system in place at times when Jahnine and I were not able to answer.

87) The phonenumber received 71 calls, of which 31 were calls from callers who spoke to Jahnine Davis or me.<sup>23</sup> Ten of the specific allegations set out in Part V, Chapter 1, were communicated via the phonenumber. Other callers provided information about concerns. Our communications surrounding the introduction of the phonenumber also invited people to contact us by email, which they did.

88) Over 120 individuals, most of whom were interviewed, contributed information to the Review.

### CONCLUDING PHASE

89) After the phonenumber closed, on 20 May 2023, our focus was on following up and concluding our investigation of issues which had been raised. By the end of May 2023 the Review Team had conducted 51 interviews. Over June and July 2023 we conducted a further 36 interviews, largely with current and former BBC employees and freelancers (including DJs).<sup>24</sup> We continued to request, and receive, a large number of documents from the BBC. At the same time work began on drafting parts of this report. The “representations process”, described in paragraph (99) below, began in August 2023 and continued throughout September and October, with 7 further interviews focussed on specific issues conducted in August and September. Information was sent to the BBC in early November and institutional representations were received on 23 November 2023. What remained was to consider those representations and send information to the MPS and to Tim Westwood before finalising the report for delivery to the BBC.

90) However, on 28 November 2023 BBC Legal emailed and informed me that they had recently been made aware of an allegation by an individual that she was subject to a serious sexual assault by Tim Westwood in 2001. With the consent of the person concerned, BBC Legal provided me with the information which had been provided to them. We agreed that consideration of the allegation came within my Terms of Reference and that, notwithstanding the late stage at which the information had come to light, I should report on it.

91) We also agreed that in order to complete the Review as efficiently and cost effectively as possible I would seek assistance directly from BBC Legal rather than from the Solicitors to the Review. I

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the general public at this stage was likely to have an additional effect, particularly if the contributions generated further lines of inquiry.

<sup>23</sup> The others included: initial missed calls from callers who Jahnine or I later spoke to; calls where the caller did not respond to the Review Team’s call back or text message asking to arrange a convenient time to speak; and calls which were disconnected as well as “prank” calls. Where possible, we followed up the numbers from which calls had been made.

<sup>24</sup> In order to free up some of my time for working on this report the BBC agreed to an amendment to the Process Protocol permitting the Solicitors to the Review to conduct certain interviews alone from May 2023.

suggested this change to procedure as, having worked on the Review for over a year, I had found the approach of BBC Legal to be consistently helpful and proactive. I did, however, request the assistance of the Solicitors to the Review with interviews as I did not consider it appropriate for BBC Legal to be present during interviews of BBC employees in particular. Nor did I share my provisional analysis of the BBC response to this allegation with BBC Legal in advance of providing a draft of the relevant part of the report to the BBC as part of the representations process. In practice their role was to assist me in ensuring that I had obtained all relevant documents and to assist me in understanding information stored on the Corporate Investigations team's [REDACTED] system.<sup>25</sup> 9 further interviews were conducted, including with members of the Corporate Investigations team. I invited others to answer questions by email, which they did. My analysis of the BBC response to this allegation is contained in Part V, Chapter 4 of this report ("the Ayia Napa text allegation 2011").

- 92) My provisional conclusions were provided to the BBC for comment on 26 January 2024 and representations were received in early February. In the meantime, Tim Westwood and his solicitors had been invited to participate in the representations process. They responded on 12 February 2024. This report was finalised after some further correspondence in relation to BBC representations and those made on behalf of Tim Westwood. I explain the way in which I have approached reporting on the Review in paragraphs (98) to (105) below.
- 93) Before I do so it is necessary to explain the reasons for which documents relating to the Ayia Napa text allegation were not identified and considered by the Review Team at an earlier stage.
- 94) In April 2023 the Solicitors to the Review had requested that BBC Legal provide documents which were responsive (amongst other things) to a search for the term "Westwood" across the Corporate Investigations team's [REDACTED] system. This request was intended to identify (amongst other things) any occasions on which allegations about misconduct on Tim Westwood's part had been reported to the Corporate Investigations team. In response to this request, the BBC provided the Review Team with what were described by BBC Legal as *"all reports from [REDACTED] that are related to 'Tim Westwood' via a 'Name Search'"*, explaining that *"this includes any reports where he is registered as a victim, subject of enquiry, or other role e.g. witness"*. BBC Legal also informed the Review Team that they had asked the then head of Corporate Investigations *"to cross-check that all reports relating to TW had been captured by also running a search of 'Westwood' over the 'Quick Search' functionality of [REDACTED]"* and that the then head of Corporate Investigations had *"confirmed that [their] team did this, checked the results, and did not identify any additional reports relating to TW that were not covered by the 'Name Search' function."* No documents relating to the Ayia Napa text allegation were provided.
- 95) My understanding is that the [REDACTED] report relating to the Ayia Napa text allegation would not have been identified via the *"Name Search"* function because the investigator did not identify Tim Westwood as having any particular role (see Part V, Chapter 4, paragraphs (294) and (307)). It ought, however, to have been identified by the further searches and checks which we were told were carried

<sup>25</sup> [REDACTED] is the name of the reporting system used by the Corporate Investigations team to record and report action taken in relation to incidents reported to them: see paragraph (285) below.

out via the “Quick Search” function. Further searches carried out in December 2023 and January 2024 identified the [REDACTED] report relating to the Ayia Napa text allegation in this way. In response to my request to BBC Legal for an explanation I have been told that the former head of Corporate Investigations’ position is that *“it could have been either a human or technical error which meant that the report was inadvertently omitted from the results provided in June 2023”*.

- 96) In May 2023 the author of the Ayia Napa text had contacted the dedicated phoneline and spoken to me. She told me, amongst other things, that she had texted 1Xtra saying that Tim Westwood [REDACTED] and thought that she had sent texts in around the year of the 40<sup>th</sup> Glastonbury anniversary, which she thought was in 2011 (it was in fact in 2010). The caller referred to having had premonitions about Tim Westwood and did not describe specific events. I did not understand her to be making an allegation that [REDACTED] or to be saying that she had reported such an allegation to the BBC. Nevertheless I considered that any text messages alleging that Tim Westwood [REDACTED] were potentially significant and therefore asked the Solicitors to the Review to make enquiries of the BBC as to whether records of text messages to 1Xtra over that period had been retained. BBC Legal responded to their inquiries telling them that they had been informed that the BBC no longer holds any text/SMS communications sent to the short numbers dating from 2010. The Solicitors to the Review also looked into the data retention policies of mobile network carriers and concluded that it was very unlikely that such data would have been retained.
- 97) The documents referred to in Part V, Chapter 4 were only identified after the caller’s more recent communications, in which she referred to specific events having taken place in Ayia Napa, were brought to my attention in November 2023. In order to check whether there were amongst the documents provided to the Review Team any documents which referred to the allegation I searched “Ayia Napa” over the whole database of documents which had been provided by that point. This search returned several documents, some of which were the emails discussed in Part V, Chapter 4. The emails had been provided to the Review Team in response to a request I had made for the emails of one of Tim Westwood’s Executive Producers over a specific period in order to follow through what happened in relation to some of the allegations discussed in Part IV of this report, namely the allegations relating to treatment of BBC colleagues. Because my request had been made for this specific purpose at a relatively late stage of the Review (late August 2023), and in light of the extent of the review of documents which had already taken place, I decided that it would be a disproportionate use of time (and associated cost) for the Solicitors to the Review to review the contents of that electronic mailbox. The emails in relation to the Ayia Napa text allegation were not, therefore, identified as being relevant to the Review at that point. Once they were identified it became apparent that the allegation had been passed to the Corporate Investigations team and that there was a report on the [REDACTED] system which had not been provided to us.

## APPROACH TO REPORTING

- 98) The vast majority of the allegations and concerns raised by contributors to the Review fell into one of the two categories I have described above, namely: (i) allegations and concerns about conduct towards BBC colleagues in the BBC workplace; and (ii) allegations and concerns about sexual misconduct towards members of the public (usually but not always outside the BBC workplace). The

Review has therefore been focussed on (i) BBC knowledge of, and response to, allegations and concerns about Tim Westwood's treatment of his BBC colleagues and (ii) BBC knowledge of, and response to, allegations and concerns about treatment of members of the public. It follows that this report is largely devoted to those areas (addressed in Parts IV and V). Amongst the documents provided by the BBC in response to requests made by the Solicitors to the Review were lists of audience complaints about Tim Westwood's shows and documents relating to some of them. There were also considerable numbers of emails relating to audience complaints contained within the mailboxes that were provided to the Review Team. There was, however, no comprehensive documentary record of the way in which the vast majority of those complaints were addressed. Since no significant concerns were raised by contributors about the content of Tim Westwood's radio shows beyond the types of concern which are examined in Part IV I decided that it was not necessary, and would not have been proportionate, to examine in detail and report on the response to these audience complaints. The Review Team did, however, review the complaints documents with which we were provided for evidence of BBC knowledge of the types of allegations and concerns which had been expressed to us, and the responses to some of these complaints were explored in interviews with BBC employees.

- 99) In August 2023 the Review Team embarked upon a process of what is often referred to as "Maxwellisation" and which the Process Protocol calls the "representations process". This involved writing to those in respect of whom this report may have included critical information and providing them with the opportunity to make representations as to what I proposed to say about them. We also wrote to those who were likely to be widely identifiable and in respect of whom I proposed to include substantial personal information, whether or not I proposed to criticise them. In some cases we provided extracts of my proposed draft report (in confidence) for comment. Where representations and/or comments were made I considered whether amendments were appropriate. The process continued throughout September and October 2023. After receiving and considering comments from the majority of individuals concerned, in November 2023 we wrote to the BBC inviting institutional representations and/or comments, which were provided at the end of that month. In late January 2024 we wrote separately to the BBC in relation to the Ayia Napa text allegation and received representations in early February 2024. Although Tim Westwood had declined my invitations to participate in the Review, in January 2024 he and his solicitors were provided with information and extracts from my draft report for comment. Their comments were received in February 2024.
- 100) Amongst other things, Tim Westwood's solicitors made it clear that he denies the allegations of criminal and other misconduct and *"confirms that he has never had any sexual interest in children under the age of 16"*. His solicitors have stated that he has never acted in a *"predatory and/or sexual manner"* and *"did not (and does not) present any risk to young women, at the BBC nor elsewhere"*. They also said that he has been denied the opportunity of presenting a defence to allegations set out in Part V, Chapter 1 as a result of the vague nature of the allegations and the ongoing police investigation.
- 101) My role under my Terms of Reference has been to gather evidence of allegations and concerns of misconduct and to explore BBC knowledge of, and response to, them. My Terms of Reference expressly state that I should not determine whether any allegations of misconduct are substantiated.

It has not, therefore, been necessary for me to seek and consider Tim Westwood's defence to any allegations in order to report under my Terms of Reference. In accordance with my Terms of Reference I have not determined whether or not any allegations are substantiated. My reporting on the allegations and concerns is exactly, and only, that. As I have explained above Tim Westwood declined my invitations to participate in the Review. Had he chosen to participate and had he wished to provide me with evidence relevant to the allegations made against him I would have considered whether it was appropriate to provide him with further, more detailed, information about what had been said. Because he did not participate at an earlier stage, the information with which he was provided was limited to the information which I was proposing to include in this report. Notwithstanding the late stage at which Tim Westwood has chosen to provide information to the Review I consider it appropriate to reflect what his solicitors have said on his behalf. I have done so above in paragraphs (50) and (100), in a postscript to Part IV (paragraph (211)) and in Part V, Chapter 1 (paragraph (218)), Chapter 2 (paragraph (264)), Chapter 3 (paragraph (280)), Chapter 4 (paragraph (313)), in a postscript to Chapter 5 (paragraphs (392) to (395)), in Chapter 6 (paragraph (434)) and Part VI (paragraph (443)).

- 102) The Review has necessarily involved considering large amounts of personal information relating to individuals, some of which is highly sensitive. Reporting on these matters requires a delicate balance to be struck between the interests of individuals who are, or may be, identifiable and the interests of those to whom the report will be provided. Since the BBC has always made its intention to publish this report clear, I have approached it with publication in mind. As a result, the report contains considerably less detailed analysis of evidence provided by, and relating to, individuals than it would have done were it a confidential report to the BBC Board. I have informed the BBC Board that if further information is required in relation to any particular aspect of the analysis I will be happy to consider providing it.
- 103) One important aspect of the balance I have struck relates to the names of people referred to in this report. The general approach I have adopted (save on specific and limited occasions) is to refer to people by reference to their position or role rather than by name as it is their role which is of primary importance. In my judgement, referring to people in this way meets the public interest in transparency while respecting insofar as possible the privacy interests of individuals concerned.
- 104) Parts of this report contained extensive citation from documents which have been provided to the Review Team, including emails. Those citations generally appear as they appeared in the documents themselves. On occasion I have made minor amendments to correct obvious typographical or grammatical errors. I have also made amendments to remove names or identifying details, as indicated by [square brackets].
- 105) Before addressing the allegations and concerns which have been reported to me (in Parts IV and V), I provide some background information (in Part III) which will assist in placing what follows in context.

### III

## **BACKGROUND AND CONTEXT**

106) What follows is a broad summary of some key contextual information relating to Tim Westwood and his work for the BBC. The information below is based on documents provided to the Review Team by the BBC and evidence provided by individuals, supplemented in places by publicly available information.

### **TIM WESTWOOD**

107) Tim Westwood was born on 3 October 1957. He worked in London clubs and began a radio career on the London pirate radio stations LWR<sup>26</sup> and Kiss FM in the 1980s. From 1987 to 1994 he presented a rap show on Capital FM. In 1994 Tim Westwood moved to the BBC in the circumstances described by the then Controller of Radio 1 in paragraph (115) below. He worked regularly for the BBC from December 1994 to September 2013, presenting the Radio 1 Rap show. Over that period he had numerous other short-term and long-term BBC engagements, including: presenting a Sunday night Rap show on 1Xtra from 2007; presenting the 1Xtra drivetime show from 2009 to 2012; presenting “In New Music We Trust” on Radio 1, appearing at numerous Radio 1/1Xtra “outside broadcasts” both in the UK and overseas; and appearing as a guest on other BBC Radio shows. There were also some short, discrete, BBC engagements outside that period. I have treated the relevant period for the purposes of my Terms of Reference as being 1994-2013, during which time Tim Westwood worked regularly for the BBC.

108) Tim Westwood was never a BBC employee. His services were provided to the BBC for particular purposes under contracts which were entered into either with him directly, or with one of his independent service/production companies. It is not necessary to distinguish between those companies for the purposes of this report and I refer to each and all of them simply as “Justice” (reflecting their common name).<sup>27</sup>

109) Before, during and after his work for the BBC Tim Westwood hosted numerous party events in nightclubs and other venues, including universities. These events focussed on hip hop music and largely attracted crowds of young Black people.

110) As well as employing people, through Justice, to produce his shows Tim Westwood had a “street team”, which he described in the following way in a 2003 interview.<sup>28</sup>

“A street team is a concept which is well established in New York and it’s also established back home now. That street team promotes all my own parties for

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<sup>26</sup> London Weekend Radio.

<sup>27</sup> The documents with which we have been provided refer variously to Justice Productions Ltd, Justice Events Ltd, Justice Entertainment Ltd and Justice Promotions Ltd.

<sup>28</sup> [Red Bull Music Academy interview, 2003.](#)



me and promotes the radio show and promotes the album. I find that has been very important because I think especially when you've been successful in this game, you have a duty to give back. I think artists definitely have that and I think also DJs, who've made money out of the game. That's one way of introducing people into the business. We recruit the street team literally off the radio, from the streets, from the clubs. I've had people on my street team, one of my street team got a job as head of marketing at Def Jam, they got jobs at 1Xtra, and it's from there I find the DJs who work with me. One day – I'm not gonna do this for ever, unfortunately – so one day I hope that my production company will still have the shows on Radio 1 and a hot DJ who I can nurture and bring up in the game through my street team, through my company Justice Entertainment, get them put on as well."

- 111) I understand that the street team was made up largely of young Black people (male and female).
- 112) During the time he worked regularly for the BBC Tim Westwood was widely regarded as the UK's top hip hop DJ with unparalleled access to American hip hop artists. The way in which he was regarded by the BBC is illustrated by a biography posted on the BBC website in 2010 on a webpage dedicated to a Radio 1 show (*"In New Music We Trust"*) he presented at the time.<sup>29</sup>

"Westwood is the most recognized urban DJ of the decade. He is regarded as the most influential figure in hip hop in Europe and as a pioneer of the UK scene.

Westwood on Radio One is the top ranked hip hop show in the UK. Pimp My Ride UK was the most successful MTV UK production of all time and the second highest rated show in the history of MTV Europe. He has sold over 1.7 million albums to date with the biggest selling urban compilation in history. Westwood DJs in the clubs to over 350,000 people a year.

### Quotes

**Snoop Dogg** - "You can't come to the kingdom and not see the prince"

**Eminem** - "I'm a big fan of Tim. The guy is a one-off. No one does what he does"

**Pharrell Williams** - "Any man should be able to speak the way they want. The people who don't know him don't know nothing. Westwood. Radio One. Everyone else get your s\*\*t together"

**50 Cent** - "Westwood is like my Funkmaster Flex overseas. He's one of the leading DJ's"

<sup>29</sup> [Tim Westwood In New Music We Trust Biography.](#)



**Nelson George** ('Hip Hop America') - "The gate keeper of UK hip hop"

**Wyclef** - "Everybody wants someone when they blow up, man. But he takes an artist before anybody knows who they are and blows them up. He had my back even *before* The Fugees, you know what I'm saying? Shade is just shade, Tim is hip hop through and through"

**Pete Rock** - "Tim's like a hip hop brother to me, man. He's always treated me with respect and I pay him with high regard"

**Juelz Santana** - "As far as putting myself out there and letting everybody know I've got stuff coming out he's definitely the first person I'm a see. I rely on Tim for info on what's going on in the UK , it's like a telephone wire we gotta keep each other posted"

**DJ Green Lantern** - "Other DJs look at Tim like, you know, he's official. Whenever you hear that name Tim Westwood, you always hear Funkmaster Flex big him up. There's a lot of respect for him."

- 113) Within the BBC, the people who were ultimately responsible for taking decisions in relation to Tim Westwood's career were the Controllers of Radio 1 (and from 2002, also of 1Xtra). I summarise below what each of them told me about their role and relationship with Tim Westwood over the period for which they were managerially responsible for him at the BBC. I distinguish between them by reference to the period during which they occupied the role.

## THE RADIO 1 CONTROLLERS

- 114) **The 1993-1998 Controller.** The 1993-1998 Controller was appointed to the Radio 1 Controller role in 1993 and became BBC Director of Radio in 1996. He continued in both roles until February 1998, when he was replaced as Controller of Radio 1 by his then deputy. He had two main objectives: to attract a younger audience to Radio 1; and to make it more distinctive from commercial radio (to justify its existence as part of the BBC). He set about what he described to me as "*quite a radical repositioning of the network*" aimed at attracting the 15 to 24 year old audience and reflecting the range of new music in the country at the time. He dispensed with the services of some of the existing Radio 1 DJs and recruited new DJs who were specialists in the kinds of music in which young people were interested at the time, including rap music.
- 115) The 1993-1998 Controller was also tasked with attracting a more diverse audience to Radio 1. Research at the time showed that young Black people disproportionately lived in London and disproportionately listened to the Tim Westwood show on Friday and Saturday night on Capital Radio. The 1993-1998 Controller considered Tim Westwood to be "*absolutely the dominant force*" in rap music at that time and thought it would be important to try to recruit him, which he did. It was agreed

that Tim Westwood would broadcast on Radio 1 on Friday and Saturday nights through his independent production company, with his first Radio 1 Rap show being broadcast on 10 December 1994.

- 116) The 1993-1998 Controller was aware that broadcasting a rap show on Radio 1 was potentially controversial in the sense that some of the music contained offensive lyrics such as misogynistic references, homophobic references and swear words. He was concerned to ensure that nothing inappropriate was broadcast on Radio 1 and had conversations with Tim Westwood about this. Songs were routinely edited for broadcast, with offensive lyrics being removed or changed. Another concern was security at events which were promoted independently by Tim Westwood. Although the BBC was not involved in these events the 1993-1998 Controller spoke to Tim Westwood about making sure that there was an appropriate level of security present to prevent overcrowding. On one occasion the 1993-1998 Controller told Tim Westwood he wanted to see the arrangements for himself and went to a club in Tottenham. He told me that he did not see Tim Westwood behaving badly or using language that he would not have wanted to be associated with.
- 117) **The 1998-2011 Controller.** The 1998-2011 Controller had been Deputy Controller of Radio 1 since 1997 and Editor of Commissioning and Planning before that, working under the 1993-1998 Controller. He took over as Controller on 1 February 1998, launching 1Xtra<sup>30</sup> in 2002 and remaining Controller of Radio 1 and 1Xtra until he stepped down in July 2011. At this point he had a wide range of responsibilities including for BBC Popular Music, the Asian Network and the Glastonbury festival.
- 118) As Editor of Commissioning and Planning the 1998-2011 Controller was responsible, amongst other things, for helping the 1993-1998 Controller plan out of a difficult period following the report of the Peacock Committee which had recommended, in 1986, that Radio 1 be privatised. Part of his role was to commission speech programmes and specialist music programmes. In what he described as a “*renewal strategy*” his job was to assemble genre leading DJs in areas such as dance music, hip hop, and R&B. He was introduced to Tim Westwood, who was at that time the UK’s top hip hop DJ, by someone else in the music industry and was involved in negotiating the contract with Tim Westwood’s production company (Justice) when he agreed to move from Capital Radio to Radio 1, in 1994. As Editor the 1998-2011 Controller was then, as he put it, responsible for “handholding him in” to the BBC which, as a publicly funded organisation, was very different to the commercial (Capital) and pirate (Kiss FM) radio stations Tim Westwood had previously worked for.
- 119) The 1998-2011 Controller explained that Tim Westwood provided the BBC with an opportunity to serve new audiences that they had not previously reached. He built up a good, strong working relationship with Tim Westwood, visited him in hospital after he was shot in 1999 and invited him to the occasional social event.
- 120) **The 2011-2019 Controller.** The 2011-2019 Controller started working in local BBC Radio in the early 90s and in 1997 got a job at Radio 1 working as a producer. At that time he worked on day time

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<sup>30</sup> 1Xtra was described by the BBC as “a digital sister to Radio 1 ... aimed squarely at fans of contemporary Black music”: [History of the BBC launch of 1Xtra](#).

shows and did not have many dealings with Tim Westwood, who was on night-time “specialist” shows. The 2011-2019 Controller knew at that point that Tim Westwood was the most famous hip hop DJ outside America and had relationships with artists from America which enabled him to get exclusive interviews etc.

- 121) The 2011-2019 Controller left to work at Capital Radio and came back to Radio 1 in 2003 where he became head of daytime Radio 1, leading a team of Executive Producers. He was appointed Deputy Controller of Radio 1 and 1Xtra from 2009. In that role the Deputy Controller appointed Tim Westwood to present the 1Xtra Drivetime show because he was the most famous hip hop presenter in the country and there was a need to grow the 1Xtra audience. The 2011-2019 Deputy Controller described his relationship with Tim Westwood as purely professional and said that he did not meet him socially.
- 122) **The Director of Audio & Music (2008-2012).** In addition to considering, in particular, the roles of the Controllers of Radio 1/1Xtra at the relevant time I have also had firmly in mind the public interest in examining the extent of any involvement of the current BBC Director-General, who was BBC Director of Radio/ Audio & Music<sup>31</sup> from September 2008 to 31 October 2012. He left that role to become CEO of BBC Worldwide on 1 November 2012 but quickly took up a role as Acting Director-General in the wake of allegations about the former BBC presenter and DJ Jimmy Savile. He remained in that role until a new Director-General was appointed in April 2013, and returned to BBC worldwide. On the basis of the evidence provided to the Review Team the current Director-General (to whom the Controller of Radio 1 and 1Xtra reported from 1 September 2008 to 30 October 2012) had very limited involvement with Tim Westwood, or with issues relating to him. The limited documentary evidence of his involvement related to the consideration, with others including the Controllers of Radio 1, of a handful of audience complaints about aspects of Tim Westwood’s broadcasts.<sup>32</sup>

## CHALLENGES

- 123) It is very clear from many of the BBC documents considered by the Review Team that Tim Westwood’s radio shows presented challenges for the BBC. The context and key issues as they appeared in 1999/2000 were neatly summarised in a memo written by the then Controller of Radio 1 and addressed to the Chief Executive of BBC Broadcast. Its subject was “Rap Music on Radio 1”.<sup>33</sup> Substantial parts are set out below.

### **“Radio 1’s public service proposition**

The UK has a rich and successful contemporary music culture. For over 40 years the UK music industry has been a centre for innovation. Many

<sup>31</sup> The Director of Radio post was renamed Director of Audio & Music.

<sup>32</sup> Two of which are referred to in Part V.

<sup>33</sup> The copy of the memo provided to the Review Team was attached to an email sent by the Controller to another person on 20 December 2006 and the attached memo itself bore the date 20 December 2006. However, it is clear from its content that the memo must have been written in 1999/2000 (for example it refers to Tim Westwood having presented his Rap shows for approximately 5 years and to “recent developments”, Tim Westwood’s shooting, which took place in 1999).

commentators say that Radio 1 has played an important role in the strength of popular music in the UK, in that it embraces all genres and does not have to satisfy the market alone. Radio 1 introduces this music to a wide young audience. The Network's aim is to broaden the musical and cultural horizons of young Radio listeners in the UK. This gives the station a clear public purpose in a crowded music radio market.

### **Target audience**

The Radio 1 team have set out to understand the young audience better than anyone else. They have developed a deep understanding of the attitudes, tastes and lifestyles of the UK's 15-24s. The signs are that this strategy has been a success, Radio 1 now reaches over 50% of 15-24s in the UK. The BBC relies principally on Radio 1 to connect with and deliver the young tribes. Radio 1's position can sometimes lead to an editorial tension between it and other audiences or parts of the BBC.

### **Radio 1's specialist programmes**

The network has assembled an impressive line-up of specialist music programmes. These programmes are unique in UK popular music radio. They reflect the best new music across a wide range of genres and encourage new talent through sessions and live performance. Radio 1's specialist programmes are presented by DJ's who are acknowledged as authentic experts. The roster includes the Radio 1 Rap shows, which are scheduled on Fridays at 2300-0100 and on Saturdays at 2100-2400. They are presented by Tim Westwood.

### **Tim Westwood and the Radio 1 Rap shows**

Tim Westwood has presented 2 weekly Rap shows on Radio 1 for approximately 5 years. Tim Westwood has won 3 Gold Sony awards for his radio work. He was co-founder of the original pirate, Kiss FM, in London and had a successful career on Capital FM before being commissioned by the BBC.

Tim Westwood is widely regarded as the UK's number 1 Rap DJ.

In 1997 the BBC carried out qualitative research amongst ethnic groups into Network Radio output. Tim Westwood was among only two presenters to have made an impact with young Black and Asian listeners.

Tim Westwood has single-handedly spearheaded the BBC's presence at the Notting Hill Carnival.

### **A brief history of Rap music**

- Hip Hop culture, of which Rap music is a major part, is a diverse social phenomenon some 30 years old. It emerged from the Bronx in the 1970's.

- It's genesis has connections with the Black consciousness movements of the late 1960's. It was promoted by its founders as a "civilising" alternative to urban American gang culture.
- It became the indigenous "street level" Black music of urban America.
- As a creative innovation, Hip Hop revolutionised contemporary Black music making in the USA. It brought sounds, techniques and formats to the fore that are now global standards of much youth culture. One of the key themes of Hip Hop was the rhythmic spoken story-line (Rap) that described the life, times and characters of deprived urban America.
- Many have described the genre as "poetic" and the "central expression of Black American culture".

### **The mainstream**

- In the 1980s Hip Hop spread across America and the world. The central figures in the genre built a multi-million dollar industry (Puff Daddy, the Rapper, producer and music executive, is listed amongst the top 100 most wealthy Americans).
- In the late 1990s Hip Hop music accounts for 11% of all US music sales. It is bigger than Country, Rock or any other genre.

### **Controversy**

- The language of Rap is often un-compromising, and depending on perspective can be seen as poetic and "real" or aggressive and provocative (e.g. "N\*\*\*\*\*" can be seen as either a racist label or a positive re-appropriation of language). In the early 1990s so called "Gangsta Rap" from LA contained content that many said glorified violence, gun culture and misogyny.
- American right wingers fuelled the disquiet at songs such as "Cop Killer" and Hip Hop artists such as NWA (N\*\*\*\*\*s With Attitude).
- Rap became the subject of national US debate. George Bush called it "sick" and there was a lawsuit against the music giant Time Warner who produced and distributed certain Rap records.
- Other commentators took the view that there were double standards being applied. They said whilst critics were happy to cite, for example, the film Taxi Driver as having artistic merit and in doing so separate the graphic content from the real Martin Scorsese. This was not a distinction they afforded Hip Hop culture.

## **The UK**

- Hip Hop has become a global phenomenon and is integrated into the UK mainstream. Puff Daddy's "I'll Be Missing You", a million selling tribute to dead rapper Biggy Smalls, spent many weeks at number 1.
- In the mid August Top 40 15-20% of the songs had some connection with Hip Hop.
- Radio 1's music title testing shows that Rap is tightly focused in its appeal, enjoyed most by 15-24s and less by 25-34s. Over 35s are likely to reject Rap.
- The GWR group, targeting 25-54s, used to have a strap line for their stations - "The best music of the 80s - with no Rap" as a selling point.

## **The BBC's editorial position**

Radio 1 have continually reviewed its Rap programmes and policies relating to questions of language and content. There is undoubtedly a line to be drawn between reflecting an important genre and the threshold of what is acceptable on the BBC. When Tim Westwood was first commissioned by the BBC [...] organised a seminar on the language in Rap. There have been recent discussions relating to the parameters of acceptable language between Radio 1 [...] and Justice Productions (producers of the Tim Westwood shows).

There has been virtually no complaints by listeners. Over the past 5 years there have been no upheld complaints against the Radio 1 Rap Show. In January 1999 the BSC considered a complaint about bad language. They said:

*"The standards panel listened to the song and considered that the language, although strong, was unlikely to have exceeded the expectations of the audience to this specific music programme. The complaint was not upheld".*

## **Recent developments**

On the 18th July [1999] Tim Westwood was injured in a shooting incident as he returned from a Radio 1 off-air event at the Lambeth County Fair. The resulting newspaper coverage of the incident brought suggestions from some quarters that Rap encouraged violence. "Gangsta Rap" was condemned as violent and misogynistic and it was claimed by some that Rap music was connected with crime, drugs and the underworld in general. The coverage generally sensationalised and took a narrow view of Rap.

## **Questions**

In the light of the recent incident, and the subsequent press coverage, it is appropriate that Radio 1 reviews it's position on Rap, to check that:

- Radio 1 are connecting effectively and sensitively with 15-24s
- Parameters of taste are set at an acceptable threshold
- Existing editorial management is and effective

### **Editorial parameters, current position**

Radio 1's objective has been to define and follow a policy which allows the BBC to reflect an important music genre and connect with a young audience, within the BBC's Guidelines.

### **The target audience**

All Radio 1's programmes are aimed at 15-24 yr. old young adults. To be successful with this group it is crucial to provide "authentic" output which relates genuinely to their lives.

Age is the key factor when it comes to attitudes towards taste and decency. The BBC's PSR 2 report on "The Young" reinforced this point on pages 101 and 125 (The Culture of Non-Complaint & Offence or Authenticity):

The Young:

- almost never complain about content on TV or Radio
- are unlikely to be shocked by sex or violence
- have a strong feelings of self responsibility. They don't want anybody else to protect them.

The BBC:

- needs to talk to them straight
- to be an engaged participant rather than a distant expert
- must uphold values of frankness, honesty and authenticity

### **Content policy**

The current policy is to broadcast only radio edits of Rap records. Radio edits have had swear words and some other content "mixed out". Radio edits naturally still contain the main elements of the Rap story-line, so in some songs references to gangs, guns and violence are left largely unchanged. Also, unedited are the ubiquitous Hip Hop slang terms such as "n\*\*\*\*\*". It should be stressed that only a limited proportion of Rap focuses only on story-lines that feature gangs, guns or misogynistic content. When these topics are featured Rap artists and producers will say that they are describing a situation or character in dramatic way, not advocating criminal or anti social behaviour. However, it should also be understood that the language and



imagery of some of the most creative and best selling Rap records is strong and that might be offensive to some audiences.

### **Scheduling**

The Rap shows are scheduled late at night: a) When there are virtually no children listening and b) when general audiences tend not to listen to the Radio. The demographic profile of the audience to the Radio 1 Rap shows confirms that they are accurately scheduled.

The two Rap shows have differing emphasis. The Friday show (2300-0100) is designed for the core fan and will feature the latest records from key artists at the heart of the genre. On Saturday evenings (2100-2400) the Rap Show is aimed at a broader cross over audience. This programme features more RnB records, comedy clips and interviews.

### **Editorial controls**

The content of these shows are not subject to pre transmission approval. (Tim Westwood has no record company connections) To understand why this is the policy it is necessary to understand how the Hip Hop DJ works. Often the DJ will not select a record until a few seconds before it is due to be played, sometimes the record is only played for a few seconds to introduce a particular section “in the mix” before moving on. These techniques are central to Hip Hop and they ensure the “feel” and energy of a show is maintained. It would not be practical or desirable to attempt to produce an authentic programme if records had to be approved before TX. Therefore the Rap shows is subject to regular review. Radio 1’s Managing Editor discusses the content of show with the producers and liaises with Policy and Planning when appropriate. There is a shared understanding of what is, and is not, acceptable.

### **Other measures**

There are other measures which Radio 1 have considered and rejected as neither practical nor desirable. For example, Radio 1 could concentrate only on cross-over “safe” Rap music, but this is would be counter to our strategy of reflecting a wide range of specialist music. Authentic Rap is a key genre for 15-24 year olds, particularly for young Black and Asian audiences. Radio 1 could alternatively insist that radio edits are further “sanitised” but extensive editing would destroy the story-lines and render records virtually un-playable. Such a policy would also risk being seen as “heavy handed” and out of touch with a young audience that we know is sensitive to censorship.”

- 124) The paper concluded with a suggestion that an expert panel, of named individuals, be appointed to gather evidence and conduct a review, the result of which would be agreed, written, selection criteria for Rap music on Radio 1. It was not necessary for the purposes of the Review to investigate what happened as a result of that suggestion but it was clear from documents and audio recordings of shows we reviewed that policy in relation to the editing of language in Rap songs (amongst other

things) changed considerably over the course of the period with which the Review has been concerned.

- 125) The Radio 1 Rap show was produced, and provided to the BBC, by Tim Westwood's independent production company, Justice. In practice this meant (amongst other things) that it was produced by people who were employed by Tim Westwood/Justice and that the BBC did not have as much control over content as it did with shows produced by the BBC. In 2008 the BBC had cause to consider its editorial oversight of independent production companies following a very well publicised offensive Radio 2 broadcast in October 2008.<sup>34</sup> Email correspondence from this time shows that there was discussion between Tim Westwood and the Radio 1 management team of the ways in which BBC oversight of BBC output produced by Justice could be strengthened. These included BBC approval of Justice producers on Tim Westwood's BBC shows and the requirement that Justice appoint a senior editorial figure familiar with BBC editorial guidelines.
- 126) In contrast to the Radio 1 Rap shows, the 1Xtra drivetime show which Tim Westwood started presenting in September 2009 was produced in-house by BBC employees. The 1Xtra drivetime show was very different to the Tim Westwood Rap shows, consisting of a mix of playlisted music and "banter" between Tim Westwood, members of his production team, other BBC colleagues (in particular newsreaders) and invited guests. Tim Westwood's 1Xtra drivetime show also contained special features in which members of the audience could apply to participate. One such feature was the "College Dropout" in which groups of students from a particular university could apply to be on the show (an allegation relating to this feature is considered in Part V, Chapter 3).
- 127) An email sent by the first Executive Producer of the Tim Westwood 1Xtra drivetime show to the BBC Head of Editorial Standards for Audio & Music refers to some of the important differences between that show and the Radio 1 Rap shows.

"We spoke at our meeting last week about me having a final 'editorial headlines' conversation with Tim Westwood in advance of him starting his new 4-7pm show on 1Xtra.

This conversation has occurred and here is a summary of what was discussed:

- the key point is that there should be 'no surprises' - all content for the show must be discussed in advance with the producer and referred up to me where necessary.

- similarly to above point, the show is a 1Xtra production and editorial control rests with us (not with Tim or his production company Justice).

- the audience for the 4-7pm show is different from Tim's more familiar timeslot of Saturday nights. There are higher numbers of younger people listening and the audience expectation at this time of day is to hear 'daytime' language and

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<sup>34</sup> Tim Westwood was not involved.

content. The discussion about what constitutes being acceptable for this slot will be ongoing between myself, the production team and Tim.

-music must where possible be played via our digital playout system VCS to ensure 100% compliance. Any 'free choices' must be submitted to the show producer in good time to enable listening.

Tim confirmed he understood all of the above.”

- 128) Amongst the documents provided to the Review Team by the BBC were email reports from producers of the 1Xtra drivetime show to the Executive Producer setting out concerns from the day's show. Many of those concerns were about the use of particular language and occasions on which Tim Westwood may have overstepped the line of what was acceptable, including by making sexual references. These challenges provide the backdrop to consideration of allegations and concerns which have been raised about Tim Westwood's treatment of his BBC colleagues, to which I now turn.

**IV****ALLEGATIONS AND CONCERNS ABOUT TREATMENT OF BBC COLLEAGUES****Introductory Note on Senior Management changes between 2009 and 2012**

129) This Part is predominantly concerned with events which took place between September 2009 and July 2012, while Tim Westwood was presenting the 1Xtra drivetime show. During this period there were significant staff changes in Radio 1 and 1Xtra. The changes which are relevant to the events addressed in this Part are that:

- a) At the end of July 2011 the then Controller left Radio 1 and 1Xtra.
- b) On the departure of the then Controller, the then Deputy Controller of Radio 1 and 1Xtra became Acting Controller of Radio 1 and 1Xtra.
- c) With effect from 28 October 2011 the Deputy Controller was appointed Controller of Radio 1 and 1Xtra.
- d) With effect from 14 December 2011 the new Controller appointed a longstanding Radio 1 Executive Producer as Head of Programmes and the longstanding Radio 1 Business Manager as Network Manager. The Head of Programmes role replaced the Controller's previous role as Deputy Controller. The Network Manager role incorporated the role of the Managing Editor, who was leaving at the end of December 2011 but once formally appointed the Network Manager continued to be heavily focussed on completing the move of Radio 1 and 1Xtra from Yalding House to the newly built New Broadcasting House (and remained so for the rest of 2012).

130) Consistently with the approach I have adopted throughout this report, where it is necessary to refer to individuals I generally do so by reference to their position at the time of the events I describe. Occasionally, and where necessary in order to avoid confusion between the two Controllers, I refer to them as "the 1998-2011 Controller" and "the 2011-2019 Controller" respectively (including in respect of the period when he was Acting Controller). The person appointed to the role of Head of Programmes in December 2011 was an existing Executive Producer and was at the time the Executive Producer of Tim Westwood's Radio 1 Rap show. In order to avoid confusion with the Executive Producers of Tim Westwood's 1Xtra drivetime show, I refer to that person throughout this part as the Head of Programmes although he did not officially<sup>35</sup> hold a Senior Management role until December 2011.

131) References to Senior Management in this Part are to one or more of the Controller, Deputy Controller, Head of Programmes, Managing Editor and/or (from December 2011) the Network Manager.

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<sup>35</sup> It also appears that he was relied upon by Senior Management (for example by being asked to and included in some Senior Management decision making well before that, e.g. he was asked to cover for the Deputy Controller in 2011 and invited to attend the Deputy Controller's core team meetings from the start of 2011).

- 132) References to BBC employees and staff members include both current and former BBC employees.

## INTRODUCTION

- 133) Over the course of the Review I heard from many current and former BBC employees who worked with Tim Westwood at the BBC. They, and others, wrote and spoke to me about aspects of Tim Westwood's conduct in the BBC workplace which they considered to be inappropriate. The concerns expressed to me were predominantly about Tim Westwood's behaviour towards producers and assistant producers working on the 1Xtra drivetime show, which he presented from September 2009 to July 2012. However, I also heard about work on and connected to the Sunday night 1Xtra Rap show which ran from 2007 to 2009. In contrast to the Radio 1 Rap show, both of these shows were produced in-house by the BBC rather than by Tim Westwood's own production company (Justice). For present purposes, the significance of the distinction is that for the in-house shows Tim Westwood was required to take editorial direction from BBC producers and assistant producers rather than from people employed in his own company.
- 134) People referred to Tim Westwood refusing to talk to some of his BBC production team members, "*freezing them out*" and giving them the "*silent treatment*". Many told me that they, and others, found it very difficult to work with him with one person speaking of being "*filled with absolute fear as to what was going to happen*" because of the unpredictability of what would happen on the show they were producing. Third parties described observing BBC staff on Tim Westwood's show being upset and in tears as a result of the way they were being treated by Tim Westwood. A common theme amongst those who spoke to me was of the high turnover of BBC staff on Tim Westwood's 1Xtra drivetime show.
- 135) Many people raised concerns about the way in which Tim Westwood treated people on air. One of the most frequent concerns raised with me was about Tim Westwood's on-air references to people's bodies, and in particular women's breasts, often by euphemism. One person told me that their name on "urban dictionary" is defined as a sex act and that Tim Westwood would use it on air in that context. I heard that Tim Westwood described a producer as fat on air and in front of an outside broadcast crowd, and that he warmed up the crowd at an outside broadcast by inviting them to chant that his BBC producer was a "wanker".
- 136) Most of the concerns expressed to me were not recorded in writing at the time and many were general rather than specific. As I explain in paragraphs (189) to (192) below, at that time there was no practice of systematically recording workplace concerns raised about the conduct of freelance presenters in Radio 1 and 1Xtra. Nor was there any system for recording any action taken in response to any concerns which were raised. It has therefore not been possible to determine precisely and comprehensively which concerns about workplace misconduct were known to the BBC and what, if any, action was taken in response to them. However, the Review Team's requests to the BBC for document sources which were considered most likely to contain records of any complaints (and in particular emails of key people) produced evidence which has enabled me to piece together the response to particular concerns raised in a few cases. The concerns raised in these particular cases,

addressed in paragraphs (145) to (180) below, are illustrative of the types of concern which were raised with me more widely.

137) Before exploring the concerns in this Part, it is important for me to record that many people who spoke of Tim Westwood's treatment of them stated that they considered the way in which they were treated to be of minor importance compared to the allegations of sexual misconduct which were the subject of the Guardian articles and BBC Three documentaries. Some were concerned that my covering their issues might diminish or detract from what they consider to be the more important and serious allegations relating to Tim Westwood's conduct outside the BBC workplace.

138) There is, for the most part, a clear distinction between the nature of the concerns which have been raised about Tim Westwood's alleged misconduct in the BBC workplace and his alleged misconduct outside it. In particular, I did not hear of any allegation of inappropriate sexual contact with BBC colleagues and no BBC employee said that they regarded inappropriate sexualised language that Tim Westwood is alleged to have used about them to be a sexual advance. However, the concerns about misconduct in the workplace fall squarely within my Terms of Reference and it is therefore right that this report addresses them directly.<sup>36</sup>

139) Throughout the period that Tim Westwood presented the 1Xtra drivetime show, the BBC Bullying and Harassment Policy opened with the following statement.

The BBC will not tolerate any form of bullying and/or harassment and is committed to providing a workplace in which the dignity of individuals is respected. Any behaviour which constitutes bullying and/or harassment will be dealt with under the BBC's *Disciplinary Policy* and, in serious cases, may be treated as gross misconduct leading to summary dismissal.

140) Bullying was defined in the policy in following way:

- Bullying is behaviour that could reasonably be considered to be offensive, intimidating, malicious, insulting or humiliating, and/or an abuse of power or position which attempts to undermine an individual or group of employees.
- Bullying can be physical, verbal or non-verbal.
- Bullying may be obvious or it may be insidious.

141) Harassment was defined in the policy as follows:

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<sup>36</sup> My contact with so many people who worked in Radio 1 and/or 1Xtra at the relevant time served an additional, important, purpose. It provided me with the opportunity to ask a wide range of people questions about BBC knowledge of Tim Westwood's behaviour outside the BBC workplace, which I address in Part IV, Chapter 6.



- Harassment is unwanted behaviour that could reasonably be considered as violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive working environment.
- Harassment may be directed towards people because of their age, religion or belief, sexual orientation, disability, gender, ethnicity, nationality, any other personal characteristics or for no obvious reason.
- Harassment can be physical, verbal or non-verbal, and may amount to a criminal offence.
- Harassment may be obvious or it may be insidious.

142) With effect from 5 April 2011, the definition of harassment was amended (perhaps to more closely reflect the provisions of the Equality Act 2010) as follows:

Harassment may be:

- unwanted conduct which is related to a protected characteristic (age, disability, gender re-assignment, race, religion or belief, sex or sexual orientation) or unwanted conduct of a sexual nature; and that conduct has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive working environment
- physical, verbal or non-verbal, and may amount to a criminal offence
- obvious or insidious
- unwanted conduct from a third party (e.g. BBC suppliers) directed at a BBC employee
- treating someone less favourably because they have submitted to, or rejected, unwanted conduct of a sexual nature
- treating someone less favourably because they have submitted to, or rejected, unwanted conduct which is related to sex or gender reassignment about behaviour not directed at the employee making the claim (but for whom it has created a hostile environment).

143) Although not always expressed in these terms, the concerns which have been raised about Tim Westwood's misconduct in the workplace are effectively concerns about bullying and/or harassment. Although action could not have been taken against Tim Westwood under the BBC's Disciplinary Policy (which applied only to employees), the BBC had made a commitment to its employees not to tolerate bullying and harassment in the workplace and action could have been taken under the contracts governing the provision of his services.

144) I turn now to the specific examples of concerns which were raised with me. In order to minimise the likelihood of identification of those who raised concerns I have not provided the dates of the correspondence referred to. Identifying details (including, in the second case, precise details of Tim Westwood's on-air conduct about which complaint was made) have been removed.

## EXAMPLES OF ALLEGATIONS/CONCERNS AND ACTION TAKEN IN RESPONSE TO THEM

### Complaint about Racist Language

- 145) A 1Xtra Executive Producer emailed the 1Xtra Editor and the Executive Producer of Tim Westwood's 1Xtra drivetime show:

"Hi both

Again a few comments around the office about this Westwood clip. Particularly since it refers to Black and asian people in a negative and stereotypical way. Some staff and DJ members feel offended by this and I must say I feel so too - he does have to watch himself when talking about other races. I for one don't want to hear this type of commentary at work - as many others here do not. Would appreciate if someone had a word with him about this - since no one should be made to feel uncomfortable at work. The last time this happened was when he ran the feature about knowing your Jamaican neighbour - which really pissed people off.

Not sure but another thing to note or investigate further is that some staff are saying that [...] <sup>37</sup> is Jewish and it was Westwood's "Bodean Pork" reference to him that people have also taken offence to in the 1Xtra Live video. I'm not sure if [...] is Jewish or not myself.

Aside from that the video seemed light hearted to me - but this if true feels far more out of order and sinister since it was just slipped in with no context.

Thanks"

- 146) Before this email was sent, Tim Westwood's Executive Producer had already emailed the 1Xtra Editor:

Following our conversation, here's an overview of the situation.

Westwood made a joke around 1655 yesterday along the following lines "[x] is half Black and half Asian – it was the Black half that put rims on the car and the Asian half that crashed it."

At the time, the producer warned him that it was "close to the bone" but didn't feel it warranted an on-air apology. [The producer] also flagged the issue to me via email.

On listening back, I think the joke was inappropriate and have had a conversation with Tim to let him know this.

- 147) The 1Xtra Editor replied that speaking and reminding the producer was the correct thing to do.

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<sup>37</sup> Here the Executive Producer named a member of a band.

- 148) Five days later the 1Xtra Editor forwarded the employee complaint to the Deputy Controller saying *“Just so you know I spoke to [Tim Westwood’s Executive Producer] before this. [The Executive Producer] warned Tim as he thought that comment could have received complaints.”*
- 149) The BBC also received an external complaint about the show: *“Tim Westwood made very inappropriate comments about [x] in respect of his racial ethnicity I believe this will promote narrow mindedness.”* At this point the Deputy Controller forwarded the email chain containing the employee complaint to the Controller *“FYI”*.
- 150) The Controller emailed the Head of Editorial Standards (Audio & Music), copying in the Director of Audio & Music and the Deputy Controller saying: *“have listened to the Westwood comment which was the subject of a complaint this morning – it was unacceptable....Action was taken by the Executive Producer after the programme in question and Tim was told it was wrong and not to be repeated.”* The Controller then forwarded the audio clip to the Head of Editorial Standards (Audio & Music) and said: *“As you can imagine it went down badly among some staff and DJs”*. The Director of Audio & Music emailed the Head of Editorial Standards: *“I think you and I should listen then discuss”*.<sup>38</sup> The Review Team could not identify any record of any further action being taken nor could we find any record of anyone responding to the employee (another Executive Producer) who had first raised concerns.

### Concerns about On Air Treatment of a Junior Employee

- 151) A junior employee who had previously worked on Tim Westwood’s 1Xtra drivetime show was subject to disciplinary proceedings relating, amongst other things, to their on-air conduct on another DJ’s show. A disciplinary hearing was chaired by the Deputy Controller, supported by a BBC HR manager. In advance of the hearing, the employee’s representative emailed the HR manager and Deputy Controller asking them to listen to audio from a particular part of Tim Westwood’s 1Xtra drivetime show saying: *“this on air incident caused work related absence due to stress and is very pertinent to [the employee]’s meeting tomorrow.”*
- 152) Minutes of the disciplinary hearing, amongst other things, recorded the employee’s representative explaining that the level of abuse directed at the employee by Tim Westwood was not reasonable “banter” and that it had left the employee feeling undermined and embarrassed about how their peers would see them. The representative said that the employee would not have behaved as they did towards the other DJ if the incident on the Tim Westwood show had been addressed following the show.
- 153) Following the disciplinary hearing, the Deputy Controller decided that the employee should be summarily dismissed on the grounds of gross misconduct. The letter informing the employee of the disciplinary outcome stated (amongst other things) that the Deputy Controller did not consider that

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<sup>38</sup> The Director of Audio & Music explained to me that the purpose of he and the Head of Editorial Standards listening was to calibrate whether they took the same view as the local (Radio 1/1Xtra) team and to be satisfied that a serious broadcast issue was taken seriously, which he was.

the employee's feelings about the comments on Tim Westwood's show provided mitigation for the employee's conduct, which warranted dismissal.

- 154) The employee appealed the disciplinary outcome and sanction, inviting attention to three specific incidents of their treatment on separate dates on Tim Westwood's show. The appeal was chaired by the Controller, supported by a different BBC HR Manager. The appeal hearing notes record the employee's representative saying that: R1/1Xtra's format of production staff contributing to on-air discussions was not a common format in the BBC; that one obvious stress hazard was having nerves about performing adequately; that the nature of on-air contribution meant that there was no option to "opt out" for staff when the banter becomes offensive; that sometimes it is the content of the on-air contribution that can cause a stress hazard; and that it was not unusual for on-air content to feature "banter" between the presenter and members of the production team, but sometimes this banter descends into abuse. The employee's representative said that there were three incidents on Tim Westwood's show that created stress for the employee and that these incidents were hard for the employee to deal with emotionally without adequate management support. The representative stated that the incidents were examples of banter that could constitute abuse.
- 155) The employee's representative provided the Controller and BBC HR Manager with the exact dates and timings of the incidents and the Controller asked how the incidents related to the incident on the other DJ's show. The appeal hearing notes record the employee's representative stating that the incidents on Tim Westwood's show should have been picked up by the station management and that the employee should have been offered coaching and guidance about both their "performance" and the potentially stressful nature of the content. The employee's representative stated that the incidents impacted the employee's morale and affected the way they treated talent.
- 156) The employee's representative stated that the role of employees in that position contributing to on-air content should be subject to a generic stress risk assessment, and adequate control measures be put in place (such as the ability to opt out, or de-briefing sessions with line managers).
- 157) Much of the appeal hearing which followed was occupied by the Controller asking questions about the effect of the incidents referred to on the employee. Amongst other things the employee's representative explained that when the employee had become confrontational on the Tim Westwood show (following the third of the three incidents) the banter/abuse directed towards the employee by Tim Westwood had ended. The representative said that had the Tim Westwood show incidents been properly managed it was unlikely that the employee would have been confrontational towards the other DJ. The employee's representative argued that in all the circumstances dismissal was too harsh a sanction.
- 158) Following the appeal meeting the Controller met with the employee's manager, the then Executive Producer of the Tim Westwood 1Xtra drivetime show. The notes of that meeting record the manager saying, amongst other things, that the Executive Producer had anticipated that there might be an issue with the employee going on the show so the Executive Producer had ensured that they were across output (i.e. what was broadcast). They also said that following the employee appearing on air they had approached the employee to ask if the employee was comfortable with

what had been said and that the employee said that they could handle it and that it was not of concern. Amongst other things the interview notes record the Executive Producer saying that *“it was well known that Westwood’s style can be quite caustic”*.

- 159) The Controller did not uphold the appeal. In the disciplinary appeal letter the Controller said that he was satisfied that the manager was aware of the risks associated with the Tim Westwood show and was satisfied that the manager gave the employee appropriate support. The letter stated that after the initial incident the manager had asked whether the employee was OK and the employee had advised that they *“could handle it”*. The Controller wrote that at no point did the employee raise concerns about the incidents with their manager and that they continued to work on other programmes in the intervening period with no issue or incident. Therefore the Controller did not believe that the incidents mitigated the behaviour for which the employee was summarily dismissed.
- 160) It is no part of my role to reach any conclusions as to the fairness, or otherwise, of the disciplinary sanction applied to the employee and I have not done so. I note, however, that the reasons provided for the sanction imposed covered issues which I have not found it necessary to include in my summary above. The reason I have highlighted this case is that it provides a detailed and well documented account of allegations and concerns of misconduct being made against Tim Westwood, albeit within the context of an employee disciplinary procedure. There is no record of any consideration having been given to raising these concerns with Tim Westwood and, potentially, taking action against him. Nor is there any record of consideration being given, outside the disciplinary process, to the points made by the employee’s representative about the risks of the programme format and on-air contributions.
- 161) However, around six months after the disciplinary hearing, the Deputy Controller sent an email to all Radio 1 and 1Xtra staff in the following terms:

“Re: Being On-air

With the increase in zoo format, and on-air contributions of production staff, I just want to be very clear on a couple of things.

If you do not want to have an on-air presence then when you move shows or start working in a production role, you must make the exec producer of the programme aware of your wishes. The exec will then make this clear to the presenter and you will have my backing in your decision.

However, if you are happy to appear on-air, whether with the odd comment or becoming a show character, then you should make sure this is discussed in your regular meetings with your exec producer. This will allow you to get feedback on whether it is enhancing the programme and also check that you are happy with your portrayal.

You should also take the personal responsibility to make sure that you consider, what is called in news, the 'jigsaw effect'. In other words, that you are happy that the information you give out on-air, along with facebook, twitter, etc. is all out in public, and the audience maybe able to piece together that information.

I'll make sure this advice is added to the intranet site."

- 162) This policy appears to have been swiftly put into effect. A couple of weeks later the Executive Producer emailed Tim Westwood informing him of a change of BBC producer for the day, inviting Tim Westwood's attention to the Deputy Controller's email, and saying that the producer "*has asked not to be on air so please can you keep him off mic*".

### **Complaint of Bullying and Sexual Harassment**

- 163) A BBC employee who had worked on Tim Westwood's 1Xtra drivetime show for around five months wrote to their Executive Producer under the subject heading "*request to move show*".

"Having raised concerns about working with Tim on numerous occasions, I would like to ask that my request for a move to an alternative position within Radio 1/1Xtra be considered as a matter of urgency. I believe the working relationship between myself and Tim has deteriorated to the point that the situation cannot be sustained.

The crux of the issue relates to mutual respect and professionalism. I believe I have worked hard and proved myself in my career to date to be a capable, professional and competent [...], as can be evidenced by feedback from previous positions. However, due to Tim's behaviour I have been unable to fully contribute to my current role in the manner I would have liked as it has not been possible to develop a good working relationship. It is of note that I'm not the first person to work with Tim to find myself in this position.

I would like to note the following points as examples from this week only<sup>39</sup> of incidents that raise serious professional concerns about the conduct, attitude and actions of Tim:

#### **[Date] - Inappropriate comment**

- Westwood discussed the type of 'booty' he liked on air. He went on to imply that [a young woman who was also in the studio] had a 'nice booty'. He then went on [to] discuss my 'wooty' and how it resembled

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<sup>39</sup> Underlining in the original.



his favourite coffee, a 'flat white'. This is totally inappropriate behaviour and sexual harassment.

- Once Tim went to a track I spoke to him about this, raising my concerns that it was inappropriate. He did not engage with my warning and put [the other young woman] in an awkward position of asking her if she had been offended.
- I feel that Tim does not respond well to editorial criticism/direction, as evidenced by the fact he ignored me for the rest of the show because I had raised the issue.

**[Date and name of guest]**

- A contentious guest had been booked by Tim's Justice team, and I was not made aware that the guest had previously been on the show and raised serious editorial concerns. He had also been booked - unusually - for the entire show.
- Westwood and the guest spoke about [...] but pushed the content into an uncomfortable area and ignored repeated and appropriate requests to control broadcast material.
- When I discussed moving away from the subject, Westwood insisted on including the guest in an editorial discussion. As I have mentioned before, Tim seems unable to heed editorial direction and resorted to trying to bully myself with unfounded and insulting accusation.
- He then petulantly decided he would not speak to me for the remainder of the show.
- He left the show at 6.30pm with no prior warning that it had been approved for him to leave early.

It is with regret that I have written this email - I love my job as [...] and I accept that challenges and difficult situations will arise, but when a situation gets to a point that it is affecting my personal well being then I cannot ignore the problem.

I am happy to discuss this further with you."

164) Less than an hour after receiving the employee's email, Tim Westwood's Executive Producer emailed the 2011-2019 Controller asking to grab 10 minutes and saying that the Executive Producer needed advice "re: Westwood". The Controller responded swiftly, "*Sure - I'm free now*". It is apparent that the Controller and Executive Producer spoke because later that day the Executive Producer emailed thanking the Controller for the advice saying that Tim Westwood had turned up 20 minutes late for their meeting so there was no chance to chat to him about it. The Executive Producer continued "*but he knows, on your request, that I need to speak to him about the complaints which have come through (I gave him a quick overview)*". The following day the Executive Producer emailed

the Controller saying that the Executive Producer had just finished a “lengthy chat” with Tim Westwood and his co-presenter and asking if the Controller was around for a de-brief. The reply was, “sure – come on down”.

- 165) It is apparent from the above email exchanges that the Executive Producer spoke to the Controller twice about the issues the employee had raised. The Review Team could not locate any other documentary record of the content of either the Executive Producer’s conversation with Tim Westwood, or the Executive Producer’s conversation with the Controller. Nor were we able to find any record of a written response to the employee’s email. It is therefore not possible to reach any conclusions as to precisely what was said.
- 166) Around three weeks later the Executive Producer emailed the Radio 1 Business Manager with thanks for “picking this<sup>40</sup> up with [the employee] this week”, offering to go through a timeline of issues. The Executive Producer said that they had been keeping the Controller and the Managing Editor across the Westwood issues over the last few months. The Business Manager replied that they had just spoken with the employee and it is apparent from later emails that the Business Manager and the Executive Producer spoke. In an email two days later the Executive Producer stated that they had informed the employee, and others, of staff changes and that “all are happy with the set up”. A subsequent email confirmed the date of the employee’s last day on Tim Westwood’s show (nearly a month later).
- 167) Five months later, following a staffing reshuffle, the employee wrote to a different Executive Producer, cc’d to the Head of Programmes expressing disappointment at news which had been given to them. The employee attached the email set out in paragraph (163) above, invited attention to it, and said that their confidence had been eroded due to a series of events they would consider to be bullying and harassment. Three months after that the employee left the BBC.

### Further examples – Executive Producers

- 168) **Complaint about personal and threatening comment.** An email from a member of BBC staff to their Executive Producer about an incident which had occurred during Tim Westwood’s 1Xtra drivetime show concluded: *“When he did again speak on air he made the above comment (I have included the audio in this email) which I found both personal and threatening towards me I’m at a point now where I can’t work with him anymore, and it’s quite obvious he loathes working with me. If he feels that strongly towards me how can I do my job properly when I work alongside someone who has no respect at all for me? Can you please suggest a way to resolve this incident, move forward for the next 2 weeks that I’m producing the show and to avoid any future ill feeling between ourselves.”* The action taken in response to this email is outlined in an email from the Executive Producer to the 1Xtra Editor: *“Hello. Think I’ve managed to resolve this - have spoken to both parties and both happy to make the best of it until [...]. Reminded Tim it is unacceptable to reference this kind of thing on air and he has agreed to respect this in the future. Cheers.”*

<sup>40</sup> The email does not shed any light on what “this” is. The Business Manager told me that they did not remember having a conversation with the member of staff referred to in the email and that if they had spoken with the member of staff about Tim Westwood, they felt they would have remembered it.

- 169) **Complaint about unacceptable bullying.** A member of staff emailed their Executive Producer: *"Here's a clip from yesterday's show .... He ended the link with a nasty jibe at me .....I wanted you to be aware as I am extremely unhappy about on air digs about me/the situation where Tim thinks he is being funny. I find this an unacceptable form of bullying."* The Executive Producer replied: *"I'm discussing this as soon as. Anything which makes you feel uncomfortable in the studio is not acceptable."* The Executive Producer emailed the Managing Editor of 1Xtra asking to discuss the response to the employee. It is apparent from their email that the Executive Producer did not share the employee's view about the clip which had been attached.<sup>41</sup> Nevertheless, the Executive Producer said that they would definitely *"have a word with Tim about how anything making [the employee] uncomfortable in the studio is unacceptable"*. Later that day, after having asked to meet Tim Westwood and his co-presenter, the Executive Producer wrote to the employee suggesting that they did not work in the studio for the rest of the week. *"Want to make sure you're ok, and you get a chance to look after yourself."* The employee replied, *"Tim was OK with me after your chat with him..."*. The Executive Producer wrote: *"Thanks for keeping me updated, glad both Tim and [x] were ok to you. I have made things very clear to both of them, so I guess, for the next couple of weeks it's all about just meeting in the middle – as difficult as that may be, and all comments in that studio being neutral with no undertones of nastiness – no one deserves to hear that when all we just want is to get on with the show in a civil manner. But the offer still stands for Thurs/Friday, so let's play it by ear."*
- 170) **Concern about treatment of BBC employee during interview with a band.** A BBC employee raised concerns about their treatment during a recording of an interview which Tim Westwood conducted with an American hip-hop band. The employee said that at a difficult point in the interview, which was being video recorded, Tim Westwood told the interviewee that they could blame the employee if they did not like the questions. The employee said that the interviewee responded, pointing at them, *"this white bitch here?"* and that Tim Westwood joined in saying *"this white bitch here"*. It is apparent from documentation I have reviewed that the Executive Producer raised the issue with Tim Westwood because Tim Westwood emailed the employee, copied amongst others to the Executive Producer: *"I would just like to really apologise for any upset I caused you yesterday during the [...] interview. It was not intentional and I am very sad that it caused you offence. As we discussed yesterday it will not be in the radio interview or the online video."*
- 171) **Concern about being the brunt of jokes.** An Executive Producer emailed Tim Westwood during a show: *"Evening. Think it'd be a good idea to ease off on [x] a bit. I know it's on-air banter but it's coming across as being quite strong and, knowing [x]'s personality, I would imagine ... finding it hard being the brunt of so many jokes. Thanks."*
- 172) **Concern about ill-judged baby crying recording directed at staff member.** In another email sent to Tim Westwood during a show an Executive Producer wrote: *"Hello, The section where you played [...] the sound of a baby crying and said an urgent call had come in for [them] and 'something was wrong' was really ill judged. Why did this happen? Did you discuss it with [them] before doing*

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<sup>41</sup> My understanding is that the employee may have attached the wrong audio clip to the email.

it?" The Executive Producer then emailed the member of staff concerned: *"I thought the section where Tim played you the sound of a baby crying was really ill-judged. I'm sorry you were subjected to this - I have emailed Tim to let him know this was unacceptable and will follow it up with a conversation when off-air. If you need to call me please do."* They replied: *"I wasn't aware he was going to do that.. But I had no problem with it so please don't feel you need to speak to Westwood on my behalf.. I found it funny if anything... I was only playing up to him on air, I didn't really feel uneasy, I was just bantering with him... sorry if that sounded uncomfortable on air, as I said, I had to think on my feet and I wasn't aware he was going to do that."*

### Further examples – Senior Management

173) Examples of concerns being raised with Senior Management include the following.

174) **Freezing out.** In the first half of 2011 the Head of Programmes sent the Deputy Controller a list of *"headlines from the last 2 weeks"* (when he had been deputising for the Deputy Controller). One of the headlines was that a BBC staff member was *"in tears about being frozen out by Tim, wants out"*. The Head of Programmes wrote that the 1Xtra drivetime show Executive Producer and he could talk the Deputy Controller through this. The Head of Programmes told me that he was certain that he would have filled the Deputy Controller in on more detail about everything in the email but that he could not remember what the Deputy Controller's reaction was. A couple of weeks later the Executive Producer sent a further email to the Head of Programmes: *"I'm having a one to one meet with Tim tomorrow at Justice re: going through producers at a rate of knots/the barrier he creates with producers over the past 12 months."*

175) **Concerns about duty of care to staff.** In mid-2011 an Executive Producer sent an email to a number of different people seeking to identify suitable staff for the 1Xtra drivetime show. Addressing the Radio 1 & 1Xtra Managing Editor, they wrote:

*"... I've already had a conversation with you about the on going difficulties we're having with Tim's staffing/ Duty of Care. We're in a real pickle now as essentially, there's no one who wants to work on that show, producer or AP wise. Forcing someone to be AP, or even putting someone who's optimistic about the show as was [...] and then has a terrible experience just after a few weeks as did [...] just drives us to the very serious point of Duty of Care. The pattern is clear now re: Westwood's show...."*

176) The Managing Editor replied to the Executive Producer: *"I'm going to see if I can sit down with [the Deputy Controller] and [the Business Manager] sometime soon to work out what next steps might be needed to make sure we balance our need to look after the staff with our need to produce some difficult talent".<sup>42</sup>*

<sup>42</sup> The email was not copied to the Business Manager, who told me that they did not recall the conversation referred to.

- 177) **Concerns that Tim Westwood's professional conduct may lead to staff resignations.** Later in 2011 a member of the Radio 1 Business Manager's team provided the Business Manager with information in relation to a grievance raised by one employee against another and continued:

"Finally I also caught up with [...] about Tim Westwood's involvement in the scenario and raise further concerns about professional conduct between Tim Westwood and members of the production team with [x] and his own production team. It has revealed that Tim is causing considerable problems with his production team in a similar way. This has resulted in members of the production team seriously considering handing in their resignation. Some of the concerns that [...] has raised have also previously been highlighted by another [...] who had experienced the atmosphere in the studio which would suggest this may be a consistent problem. Ultimately this is why [the Executive Producer] is requesting the change in the Tim Westwood production team. I'm sure your across the problems with Tim Westwood and his working relationship with his team, as I know [the Executive Producer] has raised them directly with [the 2011-2019 Controller]. However, as it seems now to escalated to the possible point where staff are considering handing in their resignation I thought you should know and be on your radar."

- 178) **Concern about working environment and effects on mental health.** There is evidence in the emails I reviewed of an Executive Producer informing the Managing Editor that the Executive Producer was meeting that day with Tim Westwood to discuss how to make the working environment better between the team and Tim Westwood. The Executive Producer said: "*At the moment, its civil, but only after an awful few days....*". Subsequent email correspondence reveals that the meeting took 90 minutes. Further emails months later show one of the BBC employees who was part of that production team raising concerns and meeting, separately, with the 1Xtra Editor, the Network Manager and the Head of Programmes. Two weeks after those meetings the employee emailed the Head of Programmes:

"In the last three weeks Westwood has pretty much stopped communicating with me altogether, there's a definite animosity in the room, it's a really difficult thing to describe but the usual tricks of using the monitors as a screen to avoid any eye contact with the production team. Turning the speakers up loud to confer with [his co-presenter]. Leaving the studio at 5pm when the news starts, without saying anything. Just not communicating, and being sharp and short when anything is said. There's a token 'yeah thanks' at the end of the show but that's about it.

There's little digs as well that he's clever enough to mask, at the start of this week on-air he does a story about Virgin's trips to space then says "I know who I'd like to send to space with a one-way ticket" of course he would deny this was about me but with the tension in the room it can only really be interpreted as a dig.

Towards the end of last week after attempting to engage him one last time to no avail I have given up with trying. I really do think the damage has been done, it's now affecting my health and well-being."

179) The Head of Programmes replied – *"Thanks – any more specific information would be useful."* To which the employee replied: *"It's really difficult because it's to do with attitude and mood. A lot of the time it's what doesn't happen rather than what does. In addition to the stuff below I guess there is questioning any editorial decisions I make in an argumentative way. It's really a cumulative effect of behaviour."*

180) Further email correspondence shows that the 1Xtra Editor and Head of Programmes responded by deciding that the employee could work on preparation for Tim Westwood's shows but did not have to be present in the studio with him and that the 1Xtra Editor would attend the studio while they tried to find another producer.

### **Decision to end Tim Westwood's 1Xtra drivetime show**

181) In January 2012 the Network manager emailed the Controller with a list of 12 DJs whose contracts were up, or about to be up saying that that it would be good to get moving on those they knew they wanted to extend. The list of those in relation to whom a decision needed to be made, or the position confirmed, included Tim Westwood (in respect of his 1Xtra contract) and his co-presenter for the 1Xtra drivetime show.

182) The 2011-2019 Controller told me that things had reached a point by January 2012 where they decided that Tim Westwood's behaviour was unacceptable and was not going to change so Tim Westwood's contract (for the 1Xtra drivetime show) needed to be brought to an end at the earliest opportunity.<sup>43</sup> Tim Westwood's departure from the show was not, however, announced until 24 May 2012. The intention, reflected in the BBC announcement, was that Tim Westwood would continue to present the show until September 2012 but it appears from documents provided to the Review Team that Tim Westwood's last 1Xtra drivetime show was on 6 July 2012 and other DJs provided cover until September 2012 when a new schedule took effect.

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<sup>43</sup> The Controller explained this decision as primarily relating to his duty of care to staff and Tim Westwood being difficult to produce. He also said that he wanted to refresh the schedule to reach a younger audience. Finally, he referred to Ali G and the fact that Tim Westwood was an "over-the-top, brash, crude sort of character" referring to him as a "cliché of himself".

I was told by both the Controller and the Head of Programmes that the Saturday night rap show was different because it was produced by Justice and therefore did not give rise to the same issues with staffing and they did not have anyone to replace Tim Westwood at the time.



- 183) There is evidence, within the documents I have reviewed, in particular an email from the Head of Programmes, which suggests that some pressure may have been put on production staff who were reluctant to work on Tim Westwood's 1Xtra drivetime show for the remainder of his term.

### COMMENTARY AND CONCLUSIONS ON THE ADEQUACY OF RESPONSES

- 184) As is clear from the examples I have set out above, Executive Producers of Tim Westwood's 1Xtra drivetime show were well aware of concerns expressed by others about Tim Westwood's treatment of his BBC colleagues. It is also apparent from the correspondence to which I have referred that they shared some of those concerns, and had their own concerns. As to action, the Executive Producers generally responded promptly by speaking to the affected BBC employees (either in person or over email) and to Tim Westwood (usually in person).
- 185) It is also clear from the evidence I have set out above that some concerns were raised with Senior Management. The full extent to which Senior Management took any action in response to the concerns which were raised is not clear from the documentary record but there is the following evidence of their having addressed concerns in conversations with Tim Westwood:
- a) The 1998-2011 Controller told me that there was an occasion on which the Deputy Controller asked him if he would talk to Tim Westwood and "lay down the rules" about his attitude to the 1Xtra drivetime show. The 1998-2011 Controller was not able to provide me with the details of the conversation given the passage of time, but said that it would have been a serious instruction to co-operate professionally with the production team. He said that production and personnel matters of this nature would only have been brought to his attention when judged necessary by others within the management chain<sup>44</sup> and that the fact that the meeting took place would have been, of itself, a strong message to Tim Westwood of the need immediately to improve his approach.
  - b) The 2011-2019 Controller told me that he knew that there were problems and issues which needed to be sorted out. He spoke of moving production teams off shows and referred to conversations with Tim Westwood in which he said he challenged Tim Westwood's behaviour. He told me of a specific conversation after he had "*called Tim Westwood in to say that his behaviour was unacceptable*" and said that this happened on more than one occasion: "*You had the conversation, you reprimanded, and you said that this was unacceptable and needed to change*".
  - c) The Head of Programmes told me that at some point after he was appointed to that role the 2011-2019 Controller had asked him to speak to Tim Westwood about "*the toxic atmosphere and the number of producers TW was going through and that his behaviour was unacceptable*". The Head of Programmes said that he spoke to Tim Westwood about him being obstructive, not taking direction from his production team, "freezing out" his producers and not taking editorial

<sup>44</sup> The 1998-2011 Controller explained that the immediate line management for the 1Xtra drivetime show was the Executive Producer, reporting to the Head of Programming (1Xtra), Deputy Controller and then Controller.

direction. The Head of Programmes told me that they had a long conversation and that Tim Westwood would not accept that his behaviour was in any way toxic or bullying. The Head of Programmes then spoke to the 2011-2019 Controller about the fact that he had an open and frank conversation with Tim Westwood and that Tim Westwood was maintaining that the producers were not “built for the game”.

- 186) Overall, at least until 2012, the approach to concerns about Tim Westwood’s conduct appears to have been to raise issues informally in conversation with Tim Westwood and, when the situation did not improve, to move BBC staff working on his programme rather than attempting to address concerns by other more formal means. The 1998-2011 Controller emphasised that it was important to understand that the reason Tim Westwood was on 1Xtra was not because Tim Westwood wanted to be on 1Xtra and that he (the Controller) had had to persuade him, and certain other DJs, to do it. There was a need to make a success of 1Xtra, which at the time was not rating sufficiently highly, and the Controller needed to use the “big guns” to drive audiences to it, using the equity he had built up with them over time to persuade them to do it. At the time, one of BBC Audio & Music’s strategic objectives was to deliver successful take up of DAB which was considered to be the future of broadcast audio and Tim Westwood presenting the 1Xtra drivetime show was an important part of this.
- 187) My conclusion, on the basis of the documentary evidence I have reviewed and interviews I have conducted, is that the Executive Producers were doing their very best to respond to concerns raised by more junior BBC employees in challenging circumstances. Not only were they generally sympathetic to individual concerns when raised but there is evidence that they proactively intervened to address inappropriate behaviour when they saw it. While I consider that their approach was at times not sufficiently formal, it was in line with the (informal) approach and expectations of Senior Management. The Executive Producers cannot be criticised for having failed to drive forward and adopt a different, more formal, institutional approach to allegations and concerns of workplace bullying and harassment.
- 188) The criticisms I set out below are of organisational systems and procedures, rather than individuals.
- 189) **Inadequate record keeping.** I have heard, and read, numerous references to “conversations” with Tim Westwood about his conduct. I have, however, not seen one document which records the content of these conversations in any level of detail. It is, therefore, not possible to assess the extent to which, or the terms in which, any allegation or concern was relayed to Tim Westwood. Nor, apart from the case which led to the apology which I have set out in paragraph (170) above, is it possible to assess his response to any such allegation or concern. I do not know whether any person dealing with a specific allegation or concern found that allegation or concern to be substantiated. Nor<sup>45</sup> do I know whether Tim Westwood was required, or agreed, to change his behaviour. If he was, or if he did, I do not know precisely what he was required to do, or agreed to.

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<sup>45</sup> Apart from the few cases referred to in which the relevant conversation took place by email.

- 190) **Inadequate communications with people raising complaints or concerns.** There is also, in general, an inadequate record of the content of communications with those who raised concerns. There were clearly some conversations, but I generally do not know whether the people concerned were told that their complaints were considered to be substantiated and, if so, what Tim Westwood had been required to do, or agreed to do. In addition to keeping records of any conversations where a complaint is made informally, written complaints (such as those set out in paragraphs (145) and (163) above) must receive written responses. I have found no evidence that they did.
- 191) **Insufficiently structured process for recording and addressing complaints.** Record keeping is not a mere formality. Amongst other things, records of sanctions applied to a person in respect of past misconduct should be consulted in the event of further misconduct by that person. If, for example, a person has been warned about a certain type of behaviour and that behaviour is repeated, a more serious sanction is usually appropriate in response to a repeat of the same type of behaviour. Anyone dealing with a complaint must be put in a position where they can readily find information about the response to previous concerns.
- 192) I asked each of the Controllers and the Network Manager whether, and if so where, I would be able to find such a file with information about Tim Westwood. I concluded on the basis of what they told me, and some searches of BBC records requested by the Solicitors to the Review, that there was no such file. The 2011-2019 Controller told me that within the creative industry there is not a staff-like structured disciplinary process for presenters, and nothing equivalent to a Human Resources file. Nor, he said, are there any processes for systematically recording warnings given to presenters, and what they had agreed to. In short, he said that there was no HR process for freelancer talent.
- 193) The case to which I have referred in some detail in paragraphs (151) to (160) above provides a striking example of the difference in the BBC's approach to complaints made *against* employees by presenters. In that case, following a complaint made by a DJ, a thorough investigation was carried out with the assistance of BBC HR, detailed notes were taken of investigatory interviews and there were disciplinary/appeal hearings. A conclusion was reached on the allegations and the most severe sanction was applied to the employee. The allegations made against the employee in that case were very different in important respects to the allegations which had been made against Tim Westwood, but I do not consider this to be an answer to the points I have made above about the need for more formality and better record keeping.
- 194) The BBC Bullying and Harassment policy to which I have referred in paragraphs (139) to (142) above was expressed to apply to BBC employees, which Tim Westwood was not. Similarly, the BBC Disciplinary Policy to which the Bullying and Harassment policy cross refers applied only to BBC employees. There is, however, no good reason why policies such as the BBC Bullying and Harassment policy cannot be applied (with appropriate adaptations) in a similarly rigorous manner to concerns raised by employees about the conduct of a freelance presenter who works regularly with BBC employees. Indeed, some of the agreements governing the later period of Tim Westwood's engagement impose an express obligation on Justice to procure (amongst other things) that Tim

Westwood “*would not act in a way that could be regarded as bullying and/or harassment under the BBC’s Guide to Bullying and Harassment Grievances...*”.

195) **Apparent failure sufficiently to address the substance of concerns.** As I have explained above the lack of records has made it impossible to determine what conclusions were reached and what Tim Westwood was told and/or agreed to do. On the basis of the evidence which is available there does not appear to have been a sufficiently rigorous attempt to address the substance of the concerns. For example, no conclusions appear to have been reached and no action decided upon/agreed following the Head of Programmes’ conversation with Tim Westwood in which he appears to have denied “toxic” and “bullying” behaviour (see paragraph (185)c) above). Addressing, and reaching decisions on, the substance of concerns raised is important not only for the person who has raised the concerns but for the person about whom those concerns have been expressed. It is not always easy to identify the line between conduct which is acceptable in a highly pressured work environment and conduct which constitutes bullying and is therefore unacceptable. Management need to grapple with the issues raised and clearly communicate their decisions so that both parties can understand what expectations are.

196) **Inadequate consideration of the risks of “zoo format” radio for Tim Westwood’s show.** The 1998-2011 Controller, having (re)listened at my invitation to the audio extracts identified by the employee who was subject to disciplinary proceedings (see paragraphs (151) to (159) above) expressed the view that what he heard was “*well on the wrong side of schoolyard ribbing, and therefore inappropriate*”. He explained to me that the “zoo format” (of Tim Westwood’s show) was a well-established format with “*knockabout between the characters involved*” but felt that there were parts of the audio clips in question which overstepped the mark. He described the nuance as being whether the employee “*was gainfully being part of the zoo, the Tim Westwood show*” or whether they were “*being picked on when [they] went about [their] duties*”. The 2011-2019 Controller made similar points about the zoo format, explaining that with characters in the zoo format all depends upon how a person is taking the joke.

197) I accept that where a person is on the receiving end of “banter” much depends upon the way in which they receive it. The points made by the employee and their representative in the course of the disciplinary hearing about the way in which the employee had felt highlighted the difficulties with the “zoo format”, as employed by Tim Westwood. The type of on-air “banter” which Tim Westwood engaged in with the employee risked constituting bullying and/or harassment if it was unwanted by the recipient. The issues raised by the employee ought to have led to a rigorous assessment of the way in which Tim Westwood treated production staff and other people in the studio with him on air. Clear guidelines ought to have been set for the type of behaviour which is, and is not, acceptable and procedures adopted to ensure that anyone who was to be on air was “gainfully part of the zoo” as the 1998-2011 Controller put it.

198) The Deputy Controller’s email which I have set out in paragraph (161) above was a positive, albeit somewhat belated, step which went some way towards addressing this issue but there does not appear to have been any assessment of the particular risks associated with the way in which Tim Westwood treated people as part of the zoo, on his drivetime show.

- 199) Having listened to the audio clips myself, I consider the points the employee was making about their treatment on the Tim Westwood show to have merited very serious consideration, outside the disciplinary process. The audio clips were provided to BBC HR and it is clear from the documents I have seen that both the 1998-2011 Controller and the Deputy Controller relied (quite properly) on guidance from BBC HR throughout the process. On the basis of the evidence I have seen, BBC HR does not appear to have provided the Deputy Controller or 1998-2011 Controller with any guidance as to taking matters forward with Tim Westwood. I have been informed by the BBC that the scope of BBC HR's role at the time did not cover advising on freelancers' conduct. A system which did not provide for an employee's concern about bullying to be taken forward by HR in these circumstances was, in my view, inadequate.
- 200) **Insufficiently proactive response to concerns about commentary on people's bodies and in particular women's breasts.** I referred in paragraph (135) above to concerns which were expressed about Tim Westwood's on-air reference to people's bodies, in particular women's breasts. The Review Team and I have listened to a selection of shows, within which there are examples of Tim Westwood speaking about the bodies of women in the studio with him (members of the production team, the newsreader, guests) and referring to their breasts using words such as "rack", "stack", "those two things under your blouse". One such example is the case of the student who appeared as part of the College Drop Out feature and which I have addressed in detail, with her permission, in Part V, Chapter 3.
- 201) Concerns were not, for the most part, raised with management at the time by the people to whom these comments were addressed. In the course of this Review I invited the attention of both of the relevant Controllers and the Head of Programmes to a selection of these comments and they all considered some of them to have been inappropriate (not only on reflection now, but also according to expectations at the time). None recalled having been aware of the particular comments at the time and it is quite likely, given the wide range of programmes for which they were responsible and the lack of evidence of escalation, that they were not. However, the comments were broadcast on air. If Executive Producers were not made aware of them, they ought to have been. Proactive action ought to have been taken to address the comments in question and prevent future references.
- 202) One person about whose on-air treatment many other people raised concerns did not contact me to raise their own concerns about their treatment. However, they responded positively to my invitation to speak. They said that that they remembered some colleagues mentioning their treatment to them at the time but told me that they had not taken the way in which Tim Westwood behaved towards them on air personally. They explained to me that in "zoo format" radio people talk about different characters in the studio and said that they felt that the way in which Tim Westwood referred to them (by reference to a particular nickname) was just him creating a cast of characters. They explained that they saw it as entertainment rather than directed at them personally, or being done to belittle them.
- 203) Regardless of how the person at the receiving end of such "banter" feels about it themselves there are additional considerations in play when broadcasting it. First, as the April 2011 version of

the BBC Bullying and Harassment Policy itself makes clear, language may create a hostile working environment, and therefore constitute harassment, even if it is not directed at the particular employee making a claim. So, for example, where a presenter repeatedly (or even once) refers to the breasts of someone in the studio with them, consideration must be given not only to the question whether the commentary is unwanted by the person to whom it is directed but also to the working environment it creates for others. Second, broadcasting this type of material is likely to have given rise to an understanding that the BBC regarded broadcasting this type of material as acceptable and that being subject to it was part of participation in the “zoo”. Such an understanding would have been likely to have discouraged other employees from raising concerns about it.

### REASONS FOR WHICH CONCERNS NOT REPORTED

204) My Terms of Reference require me to report on the reasons for which allegations or concerns were not brought to the attention of the BBC. In a general sense the concerns referred to in this part *were* brought to the attention of the BBC: many of them were shared with Executive Producers and some were raised with Senior Management. Concerns were not often escalated by the people concerned to Senior Management or raised formally as a complaint, however. I was provided with a number of different reasons for this.

- a) First, there was amongst some a feeling that they could not raise issues with the Controller or other people in Senior Management because of the importance of the “talent” (not just Tim Westwood) to Radio 1/1Xtra. I heard that there was a feeling that presenters were valued over production staff and that Senior Management were likely to side with presenters. One person said that they felt that he was “*just Westwood*”, the “*big star of the station*”, so they had to put up with him. Another said of his behaviour that: “*It was common knowledge. It’s not a secret. It’s on air... We had to deal with it, and, you know, he was bringing the numbers in. He was bringing the numbers in, the young people that we needed...*”
- b) Second, there was considered to be a culture in which production staff were expected to put up with poor treatment by presenters. One person told me: “*In my mind, at this time, I wanted to make a career in Radio at the BBC, so you do start to go along with it [the culture] as you want to be part of it, and you just accept it.*” Another said that they felt that they were discouraged from making complaints and that issues were dealt with via management conversations. They saw 1Xtra as being “*very much a DIY culture and we get on and we do things and we’re quite resilient and tough and we don’t make complaints...*” Someone else described the position in the following way: “*we knew that’s what we had to deal with and it’s how long you can survive it. That’s how it was. Well, just keep surviving because they are going to do a shuffle. Make sure your editor knows, or your exec knows and they are going to put you in the next shuffle. And that’s what they would do. It’s just every time, after three to six months when that person had had enough, they just swapped the staff over*”.
- c) Third, reference was made to the fact that much of the behaviour which gave rise to concern was broadcast on air.



- d) Finally, many (current and former) BBC employees who spoke to me perceived there to be a close relationship between the Controllers (and in particular the 1998-2011 Controller) and Tim Westwood.

205) The 1998-2011 Controller responded to my summary of the perceptions set out in paragraph (204) above by emphasising the importance of having a rapport with DJs and broadcasters in carrying through successful “talent management” but was categorical that this was never at the cost of his objectivity and professionalism. He made it clear that he did not agree that there was a culture in which production staff were expected to put up with poor behaviour by presenters and referred to considerable time and effort being spent to ensure that production staff were respected and that teamwork prevailed over “star” whim. Although, having considered the evidence set out above, he considered there to have been regrettable failure in respect of Tim Westwood’s conduct he did not think it fair to extrapolate from such failure a general negative picture of the culture at Radio 1 and 1Xtra.

206) It is not necessary, for the purpose of fulfilling my Terms of Reference, for me to reach any conclusions as to the general culture at Radio 1 and 1Xtra at the time and I emphasise that nothing I say in this report should be taken in that way. Nor is it necessary for me to reach any conclusions as to the extent to which the feelings and perceptions set out in paragraph (204) above were objectively justified. I have no doubt, having heard from the people concerned, that the views which they expressed to me were genuinely held and played a part in their not having raised concerns, or taking concerns which they did raise further.

207) Amongst the documents which I have reviewed are examples of Senior Management reacting firmly to public complaints about Tim Westwood’s on-air conduct. They include a complaint, in April 2010, about Tim Westwood and a comedian discussing “red velvet cake”, which was said (by the member of the public who complained) to be a reference to a sexual act. The 1998-2011 Controller’s immediate reaction was that Tim Westwood would have known that there was a sexual meaning and that such innuendo was unacceptable. The action he proposed, and set out in an email to the Head of Standards and Director of Audio & Music, was that Tim Westwood would be required to see him as soon as possible; that he would give Tim Westwood a clear warning that this was unacceptable and that if similar strong sexual innuendo was ever used again the Controller would terminate his contract; this would be followed up by a letter from the Controller to the same effect; and Tim Westwood should be fined his programme fee for that day. The Head of Editorial Standards replied: *“Agree with your actions... [the Director of Audio & Music] is OK with them too but sensibly points out that we should not threaten to fire him because it is a hostage to fortune.”*<sup>46</sup>

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<sup>46</sup> I asked the Director of Audio & Music about this comment. He noted that these were not his own words. He did, however, accept that he would have caused the Head of Editorial Standards to use them by saying something to this effect. He could not remember the incident but emphasised that at that point Tim Westwood had denied deliberately using the term in its alternative meaning and thought it most likely that he was referring to taking action without being sufficiently sure that the allegation was well founded. He also told me that it was possible that he could have been referring to dismissal or the threat of dismissal being disproportionate and setting a precedent for unsavoury innuendo not aimed at a specific person.

- 208) In fact, the action proposed by the Controller was not taken because, following investigation, he was satisfied that Tim Westwood was talking about cake and was unaware of the other meaning. The important point, however, is that his initial reaction demonstrates that he would have been prepared to take very firm action and to impose a final warning. But 1Xtra staff would have had no way of knowing this.
- 209) Both Controllers told me of additional informal mechanisms they had put in place which enabled any member of Radio 1/1Xtra staff to raise concerns with them directly, anonymously if they wished, outside the normal staffing structures. I heard of monthly staff meetings at Yalding House, called “pizza meetings”, to which all staff were invited, and opportunities to put questions to the Controllers by posting, anonymously, a note. The Network Manager would hold regular open mornings where staff could come to discuss issues such as salary and career progressions, or raise concerns if they wished. I have no doubt that the intention of Senior Management was to create an environment in which employees would feel free to raise issues of concern with them but I consider it unlikely that many employees would have directly raised concerns about Tim Westwood’s bullying and/or harassment in the workplace for the reasons I have set out in paragraphs (204) to (205) above. The combination of the lack of formality adopted in respect of concerns about workplace misconduct which were raised and the type of material which was broadcast on air is likely to have led to the creation of an environment in which employees did not have confidence that concerns about misconduct on the part of Tim Westwood would be properly addressed.
- 210) The BBC has invited my attention to its whistleblowing procedures under which it says that concerns about freelancers could have been raised by BBC employees outside their line management structure or production team. None of those who raised concerns with me referred to the possibility of raising their concerns in this way and I consider the suggestion that they might have done so to be unrealistic. Even if the existence of the procedure was known to employees it was not drafted in terms which suggested that it was designed to cover complaints of bullying and/or harassment in the workplace. Indeed it expressly stated that: “[t]his procedure is not a substitute for the BBC Grievance Policy or the BBC Bullying and Grievance Harassment Policy. The Procedure is not a channel for staff to raise matters in relation to their terms and conditions of employment.” It also contained a warning that “anyone who victimises a colleague by raising a concern through this procedure” would be subject to disciplinary action.<sup>47</sup>

## POSTSCRIPT

- 211) As I have explained in Part II, despite having declined my invitation to contribute to the Review Tim Westwood and his solicitors made some comments on extracts from my draft report during the representations process. Amongst other things they were provided with a draft of this Part of the report in substantially the same form as it appears now. I set out below their comments on this Part. Consistently with the approach I have taken throughout this report I have removed the name and pronoun of the one other named individual who was referred to.

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<sup>47</sup> The relevant provision reads: All concerns must be raised in good faith. Anyone who abuses the procedure (for example by maliciously raising a concern they know to be untrue) will be subject to disciplinary action, as will anyone who victimises a colleague by raising a concern through this procedure.

“Mr Westwood started presenting on Radio 1Xtra in 2007 and struggled to get on with some individuals at the station, particularly [...] and [their] ‘clique’, who behaved very poorly towards him. Mr Westwood complained to the Controller about this negative behaviour at the time and he was essentially advised to rise above it.

Mr Westwood started presenting the 1Xtra ‘drive time’ show in 2009. There was a push at the time to grow 1Xtra and the Controller made the decision to move Mr Westwood onto the show as part of this effort (despite Mr Westwood not wanting to join). This decision was political, and the production staff made it clear that they did not agree with it. Some of the staff on his show had previously worked with [...], and therefore had pre-existing negative feelings towards Mr Westwood. The environment felt competitive and hostile. It was toxic from the outset.

Mr Westwood worked incredibly hard on the show and had high standards. On certain occasions, he took issue with some of his colleagues’ poor attitude to work and low productivity, and expressed his opinion that they were lazy and out of touch with the audience. He accepts that this contributed to a divisive atmosphere within some of the teams with which he worked.

Nevertheless, Mr Westwood strongly denies that his behaviour ever amounted to bullying or harassment.

Mr Westwood worked at Radio 1 for 19 years, including five years at 1Xtra (2007 to 2012). It should be noted that the complaints in this part of the report only span three years (2009-2012) which is the period when Mr Westwood presented the 1Xtra ‘drive time’ show ‘in house’. He was not aware of any bullying complaints from any other time in his long career with the BBC.

Further, Mr Westwood worked well with many members of the BBC production staff on the ‘drive time’ show. The show reached record audiences for 1Xtra (an increase from half a million to over one million listeners whilst Mr Westwood was there) and the show won a Sony Radio Academy Award in 2011.

Outside of that time, Mr Westwood has also had many successful, long-term working relationships with producers at his independent production company. His Radio 1 Rap Show, although produced by his company, still had a BBC Executive overseeing the show and Mr Westwood had successful working relationships with these BBC executives. His Radio 1 Rap Show also won Sony Radio Academy Awards in 1996, 1999 and 2000.”

- 212) It is not my role to assess the extent to which Tim Westwood’s views about his colleagues’ alleged laziness and poor attitude to work were justified and/or whether the concerns he raises were relevant to any of the specific allegations or concerns to which I have invited attention in this Part. The concerns he raises do, however, underline the importance of following a sufficiently formal and

rigorous procedure and grappling with the issues raised so that all parties can clearly understand expectations as to their performance and conduct (see paragraph (195) above).

## V

### **ALLEGATIONS AND CONCERNS ABOUT TREATMENT OF MEMBERS OF THE PUBLIC**

#### **Chapter 1**

#### **ALLEGATIONS AND CONCERNS NOT REPORTED TO THE BBC**

- 213) This Part addresses allegations and concerns relating to Tim Westwood's behaviour towards members of the public, i.e. people other than his BBC colleagues. As I have explained in Part II, the approach I have adopted to reporting on the Review is to focus on allegations or concerns which were known to the BBC. Chapters 2, 3, 4 and 5 of this Part address those cases in which the evidence I have received establishes that specific allegations or concerns were known to the BBC. I set out, in this Chapter, an account of the allegations and concerns which have been reported to the Review Team in the course of the Review but which were not reported to the BBC. There is also a question, which I address in Chapter 6 of this Part, as to the level of BBC knowledge of any general concerns about Tim Westwood's sexual conduct.
- 214) Before reporting on allegations and concerns, I note that some people contacted us to report positive experiences (including positive sexual experiences) with Tim Westwood. One person expressed the view that others had made up allegations about his behaviour. Another, who described a positive intimate relationship with Tim Westwood, said that she found it hard to believe what had come out and that he was not the type to force himself on people. Another wrote of having known Tim Westwood and said that *"he is definitely not a predator and seriously not sexually violent in any way whatsoever"*. One person contacted me saying that the BBC needs to *"stop this ridiculous witch hunt"* and another expressed the view that what they described as my *"describing yet more hearsay as evidence"* was a *"disgrace"*.
- 215) It is no part of my role to express any views about Tim Westwood's conduct. The focus of the Review has been on BBC knowledge and action taken in response to any known allegations. My Terms of Reference make it clear that I should not reach any conclusions as to whether any allegations made against Tim Westwood are substantiated. I am, however, required to provide an account of allegations and concerns of misconduct of Tim Westwood during his period of work for the BBC *"in such form as the Reviewer considers appropriate"*. I have decided, for reasons I explain below, that the appropriate way to report on the majority of the allegations and concerns which have been reported by members of the public is to set out, briefly in list form, an account of allegations which have been made about specific incidents of misconduct which were either experienced, or directly witnessed, by the person who provided the information. The Review Team has also received a large amount of less direct and/or more general information which I address in paragraph (245) below under the heading "Concerns". I have not included information about behaviour which I

understand is alleged to have taken place outside the period during which Tim Westwood worked regularly for the BBC.

216) Because it is not my role to reach conclusions on the substance of the allegations or concerns, the approach I have adopted to gathering evidence has been to read and/or listen to the allegations and/or concerns which were reported to me. I asked questions, where necessary and appropriate, to enable me to understand the nature of the allegations or concerns and whether there was, or may have been, any BBC knowledge of them. I have not, however, tested or challenged the veracity or validity of the allegations or concerns. Nothing I say in this Chapter – or elsewhere in this report – should be read as indicating that I have reached any conclusion on the substance of the allegations and concerns which have been reported to me.

217) Some allegations and concerns have been reported to me in considerable detail in the course of calls and interviews and/or in writing. (I refer to those who contacted me in writing, some of whom I interviewed, as “contributors” and to those who contacted the 0800 phoneline as “callers”.) The information I set out below contains very little of that detail for two main reasons. First, it is important that I do not include any information which might lead to the identification of a person who may have been the victim of a sexual offence. Dates, places, and specific details make identification more likely. Second, Tim Westwood is subject to an ongoing police investigation and may face criminal proceedings. If he does, it is possible that some of the conduct which has been described to me will be examined in the course of a criminal trial. The Review Team has been liaising with the MPS and has provided contact details of the officer responsible for co-ordinating the MPS response to allegations to contributors and callers who were willing to receive them. In some cases contributors and callers have asked the Review Team to share their information with the MPS, which we have done.

218) Tim Westwood’s solicitors have made it clear that he denies all of the specific allegations set out below and any misconduct. They have emphasised that the vague nature of the summaries and the ongoing police proceedings prevent him responding.

## SPECIFIC ALLEGATIONS

219) I set out below an account of specific allegations. The accounts are brief summaries which reflect the way in which the allegations were described to me. Although many of the allegations are of conduct which, if substantiated, may amount to criminal offences (in particular, sexual assault) I have only used the language of the criminal law where it was used by the person who described the conduct to me.

220) The accounts appear in an order which is roughly chronological<sup>48</sup> and span much of the period (1994 to 2013) for which Tim Westwood worked for the BBC. One of the themes running throughout

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<sup>48</sup> In some cases the date of the alleged misconduct was not clear.

many of the allegations is the difference in age between Tim Westwood and individuals with whom he is alleged to have engaged in sexual contact, or in whom he is alleged to have demonstrated an interest. At the time Tim Westwood started working regularly for the BBC (December 1994) he was 37 years old. When he stopped (September 2013) he was nearly 56. Another theme is an interest in Black women. Where I was provided with information about ethnicity, I have included it.

221) My understanding is that only two of the specific allegations set out below featured in the BBC Three documentaries.

(1) [REDACTED]

222) [REDACTED]

### **(2) Allegation of aggressive and threatening behaviour**

223) A caller described being in a club where Tim Westwood had hurled a can of drink at a woman who was serving. The caller said that around three years later he was in a different club where Tim Westwood was present with what the caller described as “*quite a big entourage of heavies, quite scary looking blokes*”. The caller approached him and told him what he thought of him as a result of the previous incident and Tim Westwood told him he should leave, gesturing towards the large men with him in a manner which the caller understood to mean that they would “sort him out”.

### **(3) Allegation of “harrowing” behaviour**

224) A contributor wrote about a “harrowing” sequence of events following her having handed Tim Westwood a business card hoping for an interview. She said that one evening he called and said that he would come to her house after an event and that she gave him her street name and asked him to call when he arrived. She wrote that it got late and that she called saying that they should reschedule but that he insisted and turned up anyway, slurring his words and appearing agitated. The contributor said that she asked him to leave and he was mildly abusive and that she realised he still expected to be let into her home. The contributor said that Tim Westwood called again and that she was scared and called her brother to get him to leave.

(4) [REDACTED]



225)

[REDACTED]

(5)

[REDACTED]

226)

[REDACTED]

(6)

[REDACTED]

227)

[REDACTED]

(7)

[REDACTED]

228)

[REDACTED]

(8)

[REDACTED]

229)

[REDACTED]

(9)

[REDACTED]

230)

[REDACTED]

(10) [REDACTED]

231) [REDACTED]

(11) [REDACTED]

232) [REDACTED]

(12) [REDACTED]

233) [REDACTED]

(13) [REDACTED]

234) [REDACTED]

(14) [REDACTED]

235) [REDACTED]

[REDACTED]

(15) [REDACTED]

236) [REDACTED]

(16) [REDACTED]

237) [REDACTED]

(17) [REDACTED]

238) [REDACTED]

**(18) Allegation of “hounding” 17 year old Black woman and inviting to hotel**

239) A contributor wrote that she and a friend, a 17 year old Black woman, had met Tim Westwood on two occasions and that both times Tim Westwood had taken a great interest in her friend and had her up on stage. The contributor said that her friend gave Tim Westwood her phone number and that on both occasions he had *“hounded her with phone calls and texts”* and, on the second, invited her friend to join him at his hotel, offering to send a taxi to pick her up. The contributor wrote that she felt it was clear they were teenagers at the time.

(19)

240)

(20)

241)

(21)

242)

**(22) Allegation of inappropriate comments at an under 16 event, and invitation to home**

243) A caller said that following her GCSE results she had attended a Tim Westwood under 16 event at which he had made inappropriate comments about a girl in the front of the crowd saying that she needed to be wearing a sports bra. The caller reported that a friend (who was 15 or 16 at the time) had added Tim Westwood on Blackberry to get information about the event and that, after they had left the event, he had messaged her friend inviting her back to his home.

## CONCERNS

244) In addition to the specific allegations set out in above, the Review Team has been provided with a wide range of less directly reported and/or less specific information relating to alleged or possible misconduct. Some said they were providing information because they felt it was important to back up or corroborate specific allegations which they anticipated may be made, or may have been made, by others. Some wanted to provide information which they felt may have been relevant to a pattern of behaviour or an interest in Black girls and women. Some provided me with a wide-ranging description of Tim Westwood's behaviour from their point of view. Others provided evidence of a specific event they thought might be relevant.

245) I set out below key examples, in summary form, of the wide variety of evidence of concerns associated with allegations of misconduct with which the Review has been provided.

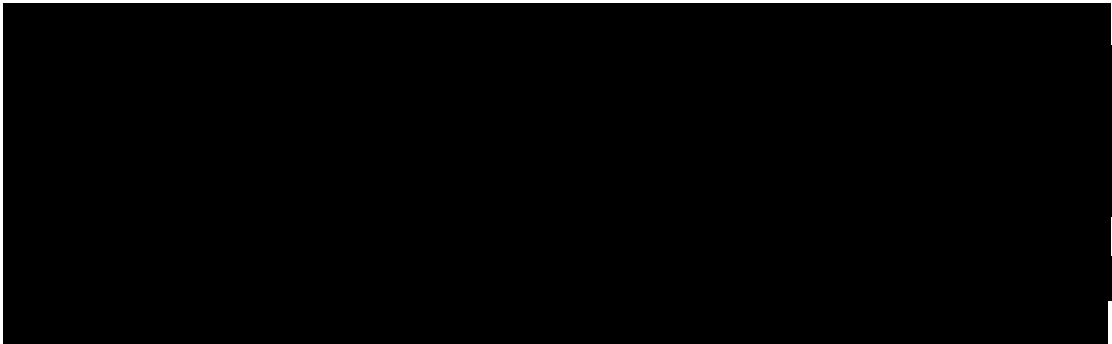
a) [REDACTED]

b) [REDACTED]

c) [REDACTED]

d) [REDACTED]

e) A contributor who had been working in a student union bar wrote that they were “*witness to what I can only describe as very disturbing behaviour by Tim Westwood and his entourage towards young Black women*”. They told me that Tim Westwood and his entourage picked a number of young Black women out of the crowd and asked them to wait behind afterwards. The contributor told me that the women were ushered into a back room, usually two at a time and said that one emerged with her tights in her hand, looking dishevelled. They told me that they had been required to clean the room, where they found pornographic magazines and used tissues.

- f) A contributor wrote providing information about what they said they had been told by others about an event at the same university.<sup>49</sup> They referred to having been informed that over the course of the evening, at regular intervals, Tim Westwood would take both individual female students and groups of girls (who were frequently intoxicated) back to his green room. They wrote that staff who were sent to tidy the room reported it to be in a state of complete disarray with, amongst other things, used condoms and evidence of the use of cannabis and cocaine.
- g) A contributor wrote that they and friends had seen Tim Westwood at an under 18s club night *“repeatedly out the front in the smoking area, kissing, touching (at times watching the girls step away and him grabbing them back to him quite forcefully), taking numbers of some of the girls that followed him out.”*
- h) A contributor wrote of what they described as Tim Westwood’s *“suggestive verbal and non-verbal communication”* while doing a meet and greet with students waiting to go into a club.
- i) 
- j) A contributor who had worked at a student union told me that staff expressed concerns to each other about Tim Westwood’s shows which the contributor described as *“hypersexualised and boundary crossing”*. They described Tim Westwood as being lecherous towards any female member of staff who would come into contact with him, referring (in general terms) to touching, and making comments and references to sex acts.
- k) A caller spoke of Tim Westwood ringing girls to come to Yalding House (the BBC’s then premises) to provide sexual services to artists.
- l) A caller told me that a young (about 16) intern at her work showed her texts in which Tim Westwood offered to send her money for a Brazilian wax.
- m) A caller told me of Tim Westwood coming into her static caravan (and others) promoting his DJ night when she was attending a festival post-GCSEs.
- n) A caller spoke of Tim Westwood being present in university halls of residence in the early hours of the morning after an event.

<sup>49</sup> On the basis of the date ranges which were provided to me this may well have been the same event as referred to in the preceding paragraph.



- o) A caller said that they had seen Tim Westwood trying to chat up a group of young girls in the street.
- p) A contributor told me that they knew a girl who Tim Westwood met in a nightclub and who had said that she started dating Tim Westwood when she was 16 years old.

### REASONS FOR NOT REPORTING

- 246) Although the vast majority of the conduct addressed in this Part is alleged to have taken place outside Tim Westwood's work for the BBC a significant number of contributors referred to Tim Westwood's association with the BBC as part of his appeal/selling point. Some told me that the BBC Radio shows were the reason for which they were at the events at which the alleged conduct occurred. Many said or thought they recalled the publicity for the relevant event referring to the BBC or to Radio 1/1Xtra and some thought the club events they described may have been BBC events. Nevertheless, none of those who wrote or spoke to me reported the alleged misconduct to the BBC, or seriously considered doing so. I summarise below the principal reasons which were provided to me. Many are interrelated.
- 247) A common theme amongst those who reported allegations was that they did not know or understand at the time that the behaviour which they had described to me was wrong. Some said they had only realised when they were older, or recently. One person referred to not understanding at the time what sexual assault was. Others told me that they did not think anyone would care. One person who described an experience of [REDACTED] said that they felt they would not be taken seriously and described the conduct as being "so public and brazen" that Tim Westwood clearly felt comfortable doing it.
- 248) Some were concerned that they would not be believed or might be blamed. One person referred to the fact that alcohol was involved as a factor. One person referred to feeling swept off their feet by a famous person. Another told me that she was excited to tell her friends what had happened but was not believed. Another said that Tim Westwood was very popular so no-one wanted to listen.
- 249) One person told me that they were not bothered by what happened to them, then or now. By contrast, another told me that they felt disgusted and just didn't want to talk about what had happened.
- 250) Some felt that the behaviour they described was normalised at the time and referred to men getting away with conduct towards women and girls. One person who described an experience of [REDACTED] told me that she had not reported the allegation because it did not seem that big a deal. She told me that she subsequently joined the BBC and in the aftermath of Savile reported three people but did not think of Tim Westwood. She said she viewed what happened with him as small, compared to other things that happened at the BBC. After our conversation this contributor emailed me saying that she had been mulling over why she didn't say

anything back then and why it didn't seem to register as something that needed reporting later on. She wrote that early in her BBC career she had been socialising with a group of colleagues and friends, Tim Westwood came on the radio and she related her personal experience to the group. She described the reaction as being to think it was funny and that Tim Westwood was 'such a lad' for that kind of thing. The contributor concluded: *"Now these were actually deep down nice guys, these friends of mine. But they still bought into lad culture and socially we just weren't in place where that kind of behaviour was a red flag. And when you get that reaction to your accounts you just start normalising these things."*

- 251) Finally, there was reference to the type of behaviour which was as described being "public knowledge" and to a feeling that the BBC must have known about it. I examine evidence in relation to BBC knowledge of the type of behaviour described in Chapter 6.

## V

## Chapter 2

CLUB ALLEGATION 2004-2007

252) At a club outside the UK in either 2004, 2005, 2006 or 2007 a member of the public who was a guest of Radio 1 reported to a BBC employee that Tim Westwood had [REDACTED].

**THE ALLEGATION – EVIDENCE**

253) A written description of events is contained in an email sent by the BBC employee to BBC Corporate Investigations on 29 April 2022.

“Best I can recall it was around 15-18 years ago but I don’t recall any better than that.

I [...] chaperoned competition winners to [...] to see [another Radio 1 DJ] play at the club [...]. The [...] winners flew out the day before I did. The night before [the other DJ] played, fellow radio 1 DJ Tim Westwood played at the club, so I took the winners along to that event. We met him and a crowd of people before he played.

I don’t recall at what time or how long we’d been there, but at some point one of the girls told me that Mr Westwood had [REDACTED]. I took her to one side and asked what happened. I asked her how she felt and if she wanted to report it, but she did not. I made sure she and her friends were all OK. I asked them if they wanted to leave but they did not, and stayed for the event, and met him again as part of that.

I reported this to someone at work, but I cannot recall who or any details of this, as it was such a long time ago.

The incident was not mentioned again to me over the rest of the time they were there; I was with them for the next evening with [the other DJ] and then returned home the following evening.

Am afraid this is all I can recall. I wasn’t sure if this was something that needed reporting, but felt that if this person did come forward it’s important that the BBC are aware of this.”

254) I interviewed the BBC employee who started by expanding, at my request, on the reasons for which they wrote to the BBC. They said:

“There was a call out or something for people any BBC staff who knew anything about an incident involving Tim Westwood, and I thought, yeah, I know that

happened. I mean, this is as vague as I can recall, but I knew that had happened those years ago and I felt it was my duty to do that, and to be honest, because if that person comes forward, and no one has corroborated it, then that will be much more complicated for them, whereas at least if I have done this, then if someone does come forward then, you know, they will know straight away that this person is genuine and it really happened.”

255) None of the competition winners concerned contacted the Review. The only evidence in relation to this allegation was therefore that of the BBC employee.

256) I asked the BBC employee to describe to me in as much detail as they could remember the conversation with the particular competition winner about the allegation. The employee emphasised on several occasions that it was a long time ago and that they could not remember the specifics. However, to the best of their recollection, the position, in summary, was as follows.<sup>50</sup>

- a) The BBC employee and the competition winners were backstage in a raised VIP type area at the club. Tim Westwood said hello to the competition winners and they were talking to him while the BBC employee was talking to some other people. One or all of them then came over to the BBC employee and the particular competition winner said something like [REDACTED]  
[REDACTED] She told the BBC employee that Tim Westwood had [REDACTED]
- b) The BBC employee’s impression was that the competition winner was unsettled, but not overly distressed. The BBC employee asked the competition winners if she was okay and took them all to one side and asked whether they wanted to leave.
- c) The competition winners said that they did not want to leave and the BBC employee told the competition winners that they would report it to their manager. The BBC employee asked whether the particular competition winner wanted the BBC employee to take any action or do anything. The competition winner replied that she did not. She was reasonably calm and wanted to stay.

### **ACTION TAKEN IN RESPONSE TO THE ALLEGATION**

257) I have not been able to establish with any degree of certainty the year in which the allegation was reported to the BBC employee. There were three years (2005-2007) in which Radio 1 hosted events at the particular club and at which Tim Westwood and the other DJ played. The Review Team made enquiries with the Radio 1 live events team which were designed to identify the occasions on which the BBC employee attended this particular event (which was part of the Radio 1 “six weeks of summer” season). On the basis of the results of those enquiries, and documents we have seen, there was only one occasion on which the BBC employee appears to have attended. However, the BBC employee’s description of various aspects of the event is not consistent with aspects of the event that year and appears to be far more consistent with the event having been in another year. The BBC employee’s recollection of the details of the event could be unreliable but it is equally possible that

<sup>50</sup> This summary is based on the transcript of my interview with the BBC employee.

the records retained by the Radio 1 events team which informed the answers to our enquiries are incomplete. The allegation may, therefore, have been reported at one of the three events, in 2005, 2006 or 2007. However, on the basis of information<sup>51</sup> which was provided to me after delivery of what was intended to be my final report to the BBC Board I consider it more likely that the allegation was reported in 2004 and that the Tim Westwood event at which the allegation was reported to the BBC employee was not a Radio 1 event.

258) The BBC employee was not able to recall anything about the person to whom they reported the allegation other than saying that it would have been either a manager of the programme or a manager at the event, like an executive BBC employee. The BBC employee said that they could not remember whether they reported it to someone at the event on the day or later by phone call. The BBC employee did not remember hearing anything about how the person to whom the allegation was reported dealt with it. Nor did the BBC employee recall ever mentioning it to anyone at the BBC again (until the email set out above).

259) I showed the BBC employee a list of people who I thought may have been at the event and asked whether any of those people may have been the person to whom the allegation was reported. They identified a few people as falling within that category, two of whom I later established were present on at least one of the occasions it could potentially have been. I asked each whether they were aware of the allegation. Both said that they were sure that no such allegation had been reported to them. I also asked others who I considered may have been the person referred to but each of them said that they did not recall any such allegation having been reported to them. An additional individual I identified as having been in a relevant management role in 2004 said that no such allegation had been reported to them.

260) I have no doubt that an allegation was reported to the BBC employee in broadly the terms described to me. On the basis of the evidence available to me I am, however, unable to reach any firm conclusions as to what – if any – action was taken in response to the allegation. There are a range of possibilities as to what may have happened and I have carefully considered the possibility that the BBC employee's recollection that they reported to someone more senior is mistaken.

261) This was a serious allegation, which the BBC employee told me they were shocked and appalled by. If they were, their inability to remember the identity of the person to whom they reported is surprising. The employee explained that they have participated in a large number of outside broadcasts throughout their career, each one with different teams and line managers and that these

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<sup>51</sup> I was informed by the BBC that in the course of an internal procedure the BBC employee had identified the competition winner in a photograph that had been sent to the BBC employee by the manager of the club in 2004. I made further requests for documents and the responses to those requests revealed emails which established that the BBC employee was part of a team involved in making arrangements for competition winners to travel to and attend the club in 2004. The emails and other evidence show that the other DJ played at the club at this time. I have found no evidence that Tim Westwood performed at the club at the relevant time, either in documents provided to me by the BBC or in publicly available material. Nor have enquiries I made of the manager of the club (and electronic searches carried out by them at my request) enabled me to establish whether Tim Westwood did, or did not, perform at the relevant time. However, the manager informed me that Tim Westwood and other Radio 1 DJs had performed regularly at the club and referred to evidence that Tim Westwood had performed at other times in 2004. The manager also said that if Tim Westwood had performed at the relevant time it would have been likely to have been directly booked rather than via Radio 1 as the Radio 1 events were at a different time of year.

line managers were not necessarily people they worked with closely at any other point throughout their career. Therefore, they said, they are not names or identities which would now be readily familiar to them. I accept all of those points. This was not, however, a run of the mill outside broadcast but an event at which the employee was the recipient of shocking and appalling information. It is also surprising that the BBC employee does not recall ever having discussed it with anyone at all at the BBC thereafter.

262) The Review Team has conducted extensive searches over records of the Controller's email correspondence and other documents retained from the relevant time. There is no documentary record, or any other evidence, of this matter having been brought to his attention and the Controller has told me he was not made aware of it. Nor has the Review Team found any evidence – apart from the evidence provided by the BBC employee and set out above -- of the allegation being brought to the attention of anyone else in Radio 1, or BBC, management at the time.

263) Notwithstanding the absence of any corroborating evidence and the reservations I have expressed in paragraph (261) above, I have concluded, on balance, that the BBC employee reported the allegation to someone more senior and that no significant action was taken. The BBC employee has consistently said that they reported the allegation and when I interviewed them appeared to be doing their very best to remember events which took place a very long time ago.

264) Tim Westwood's solicitors have stated that he was not informed of this allegation, either during the event or afterwards. I have been provided with no evidence to the contrary.

### ADEQUACY OF RESPONSE

265) The only conclusion I have been able to reach with confidence is that the BBC response to this allegation was inadequate.

266) This was a serious allegation of misconduct which, if substantiated, may have amounted to a criminal offence of sexual assault.<sup>52</sup> The allegation was of conduct in a public place which took place at a time when Tim Westwood worked for the BBC. If Tim Westwood did [REDACTED] this competition winner in the circumstances described, there was every possibility that he would do the same thing, or something similar, to someone else that same night. Immediate action ought to have been taken to address that risk.

267) The BBC employee was relatively junior and reporting the allegation to someone more senior was the correct approach. Given the nature of the allegation, it ought to have been reported (whether directly by the BBC employee or by the person to whom the employee reported) to the most senior BBC person who was present at the event, and it ought to have been reported immediately. Serious consideration ought to have been given by that person to withdrawing Tim Westwood from the event (if a Radio 1 event) or implementing other protective measures (such as, for example, bringing the

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<sup>52</sup> [REDACTED]



backstage VIP session to an end and/or appointing a BBC employee to closely supervise) pending further investigation. Written records of the allegation, any investigation and decision making ought to have been made.

- 268) The BBC employee appears quite properly to have sought to ascertain the views of the competition winner. Any action which was taken would have to have taken account of their wishes. But the fact that the competition winner may have said that they did not want to take any action should not have been determinative. If proper information and support are provided, people who may not want action to be taken on their own behalf may be happy to agree to action which they understand is designed to prevent others finding themselves subject to the same or similar types of behaviour. In some cases, the risk to others is so significant that action should be taken even if it is against the wishes of the reporting person. Furthermore, there are different ways of addressing risk, many of which do not require the identification of people who have reported concerns or their further involvement.
- 269) After taking immediate safeguarding action, the BBC ought to have considered the appropriate response to the allegation in the long term. In the first instance the allegation ought to have been brought to the attention of the Controller, and documented. It was not.
- 270) If substantiated, the alleged conduct would have constituted grounds on which the BBC could have terminated Tim Westwood's engagement and serious consideration ought to have been given to doing so.
- 271) Amongst the documentation with which we have been provided are detailed health and safety risk assessments for some of the BBC outside broadcasts. I have seen no reference to any assessment of the risks of instances of sexual or other misconduct whether of BBC staff, presenters, guests or others attending. Given the nature and approach to events at the particular club (apparent from reports and photographs which remained on the BBC website at the time of this review) there ought to have been consideration of the potential for sexual misconduct with clear reporting mechanisms put in place such that BBC staff in the position of the BBC employee, and others, were well aware of the action which needed to be taken in the event of any complaint, about anyone, being made.

## V

## Chapter 3

1XTRA DRIVETIME SHOW ALLEGATION 2010

- 272) A student who had been invited on to the 1Xtra drivetime show with a group of university friends as part of Tim Westwood's "College Dropout" feature contacted the review. They wrote:

"Live on air, Tim called me "cuddly" and mimed grabbing my breasts. He then made moves to grab my breasts live on air, heavily implying to listeners that I had large breasts. I managed to dodge his physical contact during the show but after, [REDACTED]

[REDACTED]. This made me incredibly uncomfortable and I could tell in the faces of other staff members, including Tim's producer, that this was something he was known for. It was like he had set himself a goal to physically touch me and wouldn't stop until he did."

- 273) I interviewed the student, who told me that [REDACTED] They described Tim Westwood's producer as being uncomfortable around him which made the student think that Tim Westwood did this all the time and that the producer was waiting for Tim Westwood to do something inappropriate.

- 274) Following the interview the Review Team requested from the BBC recordings of the 1Xtra drivetime show and identified the particular show on which the student had appeared. The overall tone of the conversation is of light-hearted banter between the group of students and Tim Westwood. Consistently with the student's recollection the audio reveals Tim Westwood referring to the student's breasts (although not in those terms). During his conversation with the student he said, amongst other things, *"you look a healthy girl"*. He later described them as *"mad cuddly"* and said that it looked like someone *"would get lost in there"*. The student intervened saying *"oh you are talking about my breasts"*, to which Tim Westwood responded (apparently to someone else in the studio) *"that's why I keep forgetting what I'm saying. Can you put a monitor in front of her chest because it's so hard to concentrate."* In response, a voice (which I understand to be Tim Westwood's producer) is heard saying *"Tim, that's terrible"*.

- 275) I interviewed the producer of the show and provided them in advance with the audio clip. They did not recall the exchange but it was clear from the way in which they spoke about it to me that they considered it to be inappropriate. The producer explained to me that they had what they described as a difficult relationship with Tim Westwood (who they said was bullying and aggressive towards them) which they attributed to their attempts to curb his behaviour with guests. They emphasised that

they had done so in the present case, saying “*Tim that’s terrible*”, effectively telling Tim Westwood to stop, which he did.

276) The producer said they had heard nothing about Tim Westwood [REDACTED]. The student had provided me with a description of the person they described (in the extract set out in paragraph (272) above) as the “producer” which was significantly different to the appearance of the producer I interviewed. On the basis of the student’s description I consider it likely that the person to whom the student was referring was in fact the assistant producer of the show. Attempts made by the Solicitors to the Review to contact the former assistant producer (who no longer works for the BBC) were unsuccessful.

277) I asked whether the student reported Tim Westwood’s conduct and they told me they did not, explaining that they did not value themselves as a younger person, lots of men did those things and they were just accepted. They also said that time at the time they thought “*Tim Westwood thinks I’m hot*” but that looking back they felt sorry for themselves as a younger person. Having listened to the audio they wrote to me saying that they felt humiliated and even ashamed.

278) Even though concerns were not reported at the time there was BBC knowledge, at least, of the way in which Tim Westwood treated the student on air. The producer did their best to control the situation as it developed in front of them. However, this is an example of a case (like those addressed in Part IV, paragraph (200)) in which more formal proactive action ought to have been taken to address the conduct in question and prevent future occurrences.

279) While not seeking to suggest that the students wanted Tim Westwood to refer to their breasts, the producer emphasised that the students had to apply to be on the show and expressed the view that they would not have been surprised: “*the banter, the outrageousness, the shocking were all reasons why they liked him*”. There is no evidence that anyone sought to ascertain the views and expectations of the particular student concerned, and I do not consider assumptions as to expectations to be relevant.

280) Tim Westwood’s solicitors have stated that he “*strongly denies ever* [REDACTED] *in the manner described*”.

## V

## Chapter 4

**AYIA NAPA TEXT ALLEGATION 2011**

281) This Chapter is concerned with an allegation contained in a text message which was sent to 1Xtra on 7 March 2011. Any references in this Chapter to “the Text” are to the text set out in paragraph (286) below.

282) Before addressing the allegation I set out some background information which I have distilled from information provided to me by a number of different people I interviewed, and by the BBC Corporate Investigations team via BBC Legal (in response to questions raised by me).

**BACKGROUND**

283) **Text Messages.** Audiences are able to send text (and other) messages to BBC radio shows while they are on air. The text messages are received and displayed on a “text console”, accessed via a weblink, and used by radio production teams. Texts can be received in response to a presenter’s request for audience participation but are not always related to the programme which is on-air. At the relevant time text messages received into the text console could be copied and pasted into other documents (such as emails). It was also (and still is) possible to click on a phone number from which a text had been received to see past messages sent from the same number within a certain timeframe.<sup>53</sup>

284) **Procedures in relation to “sensitive texts”.** Many of those who spoke to me referred to Radio 1 and 1Xtra receiving a significant amount of texts which were abusive, inappropriate and/or which otherwise caused concern. The BBC had in place procedures for dealing with certain types of messages including what were referred to, at least by Radio 1 and 1Xtra, as “sensitive texts”. A document from 2011 referred to as the “Radio 1/1Xtra Unit Assistant’s Bible” explains the approach to “communication about personal issues”, insofar as relevant to this chapter, as follows.

“On no occasion should you enter into personal communication by ringing someone back or returning a text as we are not experts in counselling and this should be dealt with by professionals. In all cases if you are extremely concerned for the welfare of a child then let your Exec know and you or they should contact [...] immediately by phone [...]

If you’re concerned that there’s an immediate threat to harm, then we may need to involve the Police and so you this must be reported IMMEDIATELY to

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<sup>53</sup> I understand that it is no longer possible for production teams to see the whole phone number from which the text has been sent.

[the Radio1/1Xtra Operations Manager] and your Exec if during office hours. If out of hours, they should be reported to the Duty Facilities Manager on [...]

If an unsolicited call or text comes in that may be considered a threat to the sender's/caller's life or they are threatening to harm others but this doesn't appear to be an immediate threat to life then you should do one of the following:

If it's A Phone Call - Take the phone number (if the person will give it) and explain that we would like to get an expert to ring them back, this should then be referred to your Exec who will arrange for someone to call them back. If the individual does not agree then you can do no more. If the call is obviously from a child then you should e-mail the details to [...] after the event.

If it's a Text message (SMS/MMS) - If the texts make you think the sender may be in danger, needing medical attention or at risk of self harm, a simple webform has been set up that will allow programme teams to send one of three pre-defined replies to such 'sensitive' texts. The webform is easy to use and has the functionality to provide a confirmation email to the BBC sender so they know the response has been sent. Here is the path for the webform: [...] You should also send the confirmation email you receive from the system to [...], [the Operations Manager] and your Exec explaining what happened so it can be followed up if need be."

- 285) [REDACTED]. At the relevant time the BBC Corporate Investigations team used (and still uses) an off-the-shelf reporting system which was not made specifically for the BBC. The system (called "[REDACTED]") enables Corporate Investigations to make a record of an "incident" and any action taken in relation to it. [REDACTED] is an online system which involves populating set fields by selecting from a drop down menu and completing others with free text information relevant to the particular incident. Certain aspects of the system, including options which can be selected, have been tailored to BBC requirements. The system can be used to generate reports relating to particular incidents which have been logged.

## THE ALLEGATION – EVIDENCE

- 286) On Monday 7 March 2011 at 8.53 pm a text message was received by 1Xtra and displayed on the text console as follows:<sup>54</sup>

<sup>54</sup> Consistently with the approach taken throughout this report I have removed individual names, as indicated by square brackets.

"BIG UP WESTWOOD N [...] <sup>55</sup> [REDACTED]  
 ME IN AYIA NAPA 2001 WHILE [...] <sup>56</sup> WATCHED N LAUGHED. [REDACTED],  
 BEATEN KNIFE TO MY LEG FR OM 1ST 1 N THEM F\*\*\*\* <sup>57</sup> N JOIN IN. BIG  
 UP BBC FOR EMPLOYIN DEM DUTTY BC MEMORIES CLEAR NOW EVEN  
 THO THE [REDACTED] N MY HEAD SMASHED UP ON FLOOR. DEM KNO WAT  
 D EM A DO BLOOD CUMIN OUT MY HEADBACK WHILE WESTWOOD  
 [REDACTED], BROKEN SHOULDER N CUT UP IV SUFFERED  
 FOR 10YRS BECAUSE OF IT. AND DER PICTURES TO PROVE IT FROM  
 WEN [...] <sup>58</sup> [REDACTED]. BUN FIRE PON DEM N BBC N INDUSTRY FOR  
 TUNIN BLIND EYE!"

287) A related text from the same number, which did not refer to Tim Westwood, had been received on 5 March 2011.

"Hi [...] <sup>59</sup>, y did u stand der jearin n laughin wen i was beenin [REDACTED] in  
 Aiya Napa 2001. U kno they [REDACTED], 1st 1 ad a knief to my t high n smashed  
 my head on the floor it was a revenge attack. I put my hand up for u to help me  
 i didnt want u!"

288) Although it was not written in the most straightforward terms the 7 March 2011 text clearly contained an allegation that the texter had been subject to [REDACTED] by Tim Westwood (and another) in Ayia Napa in 2001 and that the assault had been witnessed by another, named, 1Xtra presenter.

### ACTION TAKEN IN RESPONSE TO THE ALLEGATION

289) The conclusions I set out below as to action which was taken are largely based on the contents of documents (namely emails, the contents of a report generated by the [REDACTED] system and information contained on the system itself). In view of the limited amount of documentary information available I approached and asked questions <sup>60</sup> of all but one of the people to whom the emails to which I refer below were sent and one of the other 1Xtra presenters concerned. I also interviewed two additional people who had worked in BBC Corporate Investigations at the time. All but one of the individuals I heard from told me that they had no recollection of the Text, or the allegation contained

<sup>55</sup> Here the texter named another 1Xtra presenter.

<sup>56</sup> Here the texter named a further 1Xtra presenter.

<sup>57</sup> I understand that messages viewed in the text console would have certain words, or parts of words, in texts replaced with \*\* but that it is not possible to tell whether the \*\* in this message were part of the original message or substituted for text console viewing.

<sup>58</sup> Here the texter referred to the presenter to whom footnote 55 relates.

<sup>59</sup> Here the texter referred to the presenter to whom footnote 56 relates.

<sup>60</sup> Most people responded to questions I asked of them over email.



within it, at all. One told me, having considered the email exchanges to which I refer below, that they had some recollection of the element of the message which related to the 1Xtra presenter who was alleged to have witnessed the assault, but did not remember it relating to Tim Westwood. That person, and others, were however able to provide me with relevant information about procedures. Some told me, having considered the email correspondence, what they believed would have happened, or was likely to have happened, and why. While I did not rely exclusively on this evidence to reach any factual conclusions it has assisted my understanding of the documentary evidence. The action which was taken was as follows.

290) On 7 March 2011, minutes after the text set out in paragraph (286) was received, the 1Xtra Unit Assistant (who was monitoring the text console)<sup>61</sup> copied that text and the text set out in paragraph (287) into an email and forwarded them, under the subject heading “sensitive texts”, to the producer of the 1Xtra show which was on air at the time.<sup>62</sup> It is likely that the 5 March 2011 text was identified as a result of the Unit Assistant clicking on the phone number from which the 7 March 2011 text had been sent (see paragraph (283) above).

291) The producer called the 1Xtra Duty Executive Producer and subsequently forwarded the Unit Assistant’s email containing the texts to a number of others: the Duty Executive Producer, the Radio 1 and 1Xtra Head of Communications and the Radio 1 and 1Xtra Business Manager. The email was also cc’d to Tim Westwood’s 1Xtra Executive Producer, an Assistant Producer, the Unit Assistant and the Radio 1 and 1Xtra Operations Manager. The email was sent on the evening of 7 March 2011, but appears to have been written on the assumption that it would be read the following day:

“Hi, we received this text last night  
I spoke to [the Duty Executive producer] and [they] said you will be able to deal  
with it in the morning  
I’m not sure if the earlier text was reported on Saturday night  
Thanks”

292) The following morning the Operations Manager replied to the group at 08.36:

“Dear all - this should go to the investigator for [their] perusal so I'll put this  
[their] way this morning.  
Thanks”

293) It is apparent from information held on the [REDACTED] system that before the Operations Manager contacted the investigator the Operations Manager interrogated the text console in order to establish whether there had been any further messages from the number from which the texts set

<sup>61</sup> I understand that the Unit Assistant may also have been acting as Assistant Producer of the show which was on air at the time, but refer to them throughout this chapter as the Unit Assistant.

<sup>62</sup> Neither of the texts were related to the show which was on air at that time and the presenter of that show was not amongst the individuals named.

out in paragraphs (286) and (287) above had been received within the previous six months.<sup>63</sup> That exercise revealed that in addition to the texts set out in paragraphs (286) and (287) above there had been three previous texts from that number over the preceding six months, none of which referred to Tim Westwood or to a sexual assault.

*****	Hi [REDACTED] u ok... Hope ur blessed. Gona get in bed n listen u in abit. My bodies achin from all the trainin iv bn doin lately. Nuff love my lovely. [REDACTED]	24/02/2011	22:04	SMS
*****	Hi [REDACTED] give thx to green flag who reach me so quick as ad tyre bust im ghetts frm ice skid plz ply iocaine 'mine who u dis' for da renk taxi man try get a boost wen i was park up w8in 4 gm flag, he ad to settle. [REDACTED] nuff love 2 u, u hot lion king xxx	02/12/2010	23:37	SMS
*****	Hey [REDACTED] u gna play jah jah is coming soon.. Wish i was still in JA i wud b goin The Buildin 2nite:o/ [REDACTED] (AKA [REDACTED] bham did u like my Munga pic'on FB?	11/11/2010	22:35	SMS

294) The Operations Manager forwarded (i) a screenshot of the text console showing the five texts from the same number, highlighting (in yellow) the text of 7 March 2011 and (ii) the producer's email from the previous evening to a BBC investigator, saying: "*Hi [investigator] – what do you make of these*". On or shortly before 10.28 that morning the investigator entered details of the "incident" on [REDACTED], including the following:<sup>64</sup>

- a) The investigator recorded the incident as having been reported on 8 March 2011 at 10.22.
- b) A "Brief Summary" provided by the investigator was "*Disturbing text messages to R1Xtra Presenter*".
- c) Under the heading "Classification":

#### *Classification*

<b>Class:</b>	Malicious Communication
<b>Category:</b>	Text
<b>SubCategory:</b>	Crank

- d) Under the sub-heading: "Supplemental Details":

i) Reported to Police:	No
ii) Incident Severity Level:	Yes

<sup>63</sup> The Operations Manager has informed me that at the relevant time their access permissions allowed them to bring up messages over the previous six months. Requests for messages over a longer period would have had to have been addressed to the third-party provider of the text console system.

<sup>64</sup> The date and time on which particular information is recorded is not apparent on the face of the report generated by the [REDACTED] system but is revealed by an interrogation of the system's "audit history" and which was provided to me at my request.

- iii) Reported to Supervisor: No  
 iv) Follow-up Required: No

e) Under the heading “Incident Involvement” subheading “Linked Person”:

<u>Persons</u>	<u>Involvement</u>
? <sup>65</sup> , [a woman’s name] <sup>66</sup>	Suspect
[name of 1Xtra presenter]	Victim
[name of Operations Manager]	Reported by

295) Under the heading “Incident Narratives” the investigator copied the Operations Manager’s email to which I have referred in paragraph (294) above and wrote: *“08/03/2011 Discussion with [Operations Manager]. Watching Brief”*.

296) It is clear from the email to which I refer below in paragraph (298) that in the course of the discussion the investigator asked the Operations Manager not to block the texter and to monitor activity on the number.

297) At 10.36 a.m. Tim Westwood’s Executive Producer emailed the Duty Executive Producer, cc’d to the Operations Manager, asking whether the producer had also completed a “sensitive text form” (see paragraph (284) above).

298) The Operations Manager replied at 10.43 a.m., copying in the Head of Communications:

“Morning - I didn't receive a sensitive text receipt so I'm not sure if anything was done on that count. However, the investigator has asked us not to block the texter at this time and instead monitor activity. I will re-audit the number on Friday unless anything before that time is brought to my attention.  
 Thanks”

299) Later that day (at 6.19 pm) the Executive Producer emailed saying that they thought the producer should also have gone through the usual (sensitive text/web form) procedure, unless anyone disagreed.

300) The Operations Manager replied:

<sup>65</sup> Information on the [REDACTED] system shows that “?” was entered in a “last name” field.

<sup>66</sup> Information on the [REDACTED] system shows that this was entered in a field for “first name”.

"Hi - I'm not sure the texts merited a call to the duty exec really. There were no threats made and we get stuff like this all the time.

I'm assuming [they] contacted the duty exec because of the accusations being made - it was right to escalate them but it didn't really need a call to [the duty exec].

The intranet details what to do where minors are concerned and if someone is in peril or making immediate threats. I'm sure [the producer] just played it safe but it was a needless call to [the duty exec] to be honest."

- 301) The only documentary evidence as to what happened next is contained on the [REDACTED] system. The system records the record relating to this incident as having been "*last modified*" on 10 May 2011.<sup>67</sup> On that date the "*status*" of the incident was changed from "*open*" to "*closed*". Under the heading "*Outcome*", in the "*Result*" field the investigator selected "*Other (State Below)*". Below, in the "*Results Summary*" field the investigator wrote: "*messages have stopped*".
- 302) There is also a compulsory field in the "*Outcome*" section for "*Victim Aware (Harassment)*" in which the investigator recorded "*yes*". Despite this field appearing in the "*Outcome*" section of the report, the audit history shows that this entry was made at the time the investigator created the initial record, that is at 10.28 on 8 March 2011.
- 303) The emails to which I refer in paragraphs (291) to (292) and (297) to (300) above were included in a batch of email data provided to the Review Team in response to a request for email data for one of Tim Westwood's Executive Producers in connection with the issues addressed in Part IV. They were identified as being relevant to the issue addressed in this Chapter at a later stage in the circumstances I explain in Part II (paragraphs (93) to (97)). Since it appeared from those emails that there was likely to have been relevant email correspondence between the Operations Manager and the investigator which was not copied to the Executive Producer I asked BBC Legal whether the BBC held email data for the investigator and the Operations Manager. BBC Legal informed me that the BBC holds no email data for the investigator. It does hold email data for the Operations Manager and I therefore requested that searches be conducted over that individual's mailbox. However, despite what I understand to have been extensive efforts to retrieve and download that data no emails relating to this issue were retrieved, not even those emails which were known to have been sent and received by the Operations Manager. It is therefore quite possible that there was further email communication between the investigator and the Operations Manager relating to this issue. It is equally possible that the Operations Manager updated the investigator by telephone.
- 304) The only firm conclusion I have been able to reach is that on or before 10 May 2011 the Operations Manager informed the investigator that there had been no further messages from the

<sup>67</sup> No substantive entries were made or amended between 8 March and 10 May 2011.

same phone number sent to 1Xtra and that on 10 May 2011 the investigator closed the file (see paragraph (301) above.

### ADEQUACY OF RESPONSE

- 305) The members of the 1Xtra production team took the contents of the 7 March 2011 text seriously and responded appropriately by seeking guidance from more senior people, which resulted in the texts being referred to the Operations Manager and subsequently to the investigator. Although the Operations Manager expressed the view at the time that there was no need for the producer to call the Duty Executive Producer<sup>68</sup> I consider the call to have been entirely appropriate in circumstances where the producer was unsure as to what to do. I have not been able to establish why the producer's email was sent or copied to each of the individuals concerned. However, the Operations Manager was rightly included in the email chain and properly took responsibility for referring the texts to the investigator. The referral was made promptly.
- 306) The Operations Manager informed the group to whom the producer's email had been sent that the texts would be passed to the investigator. From that point the other individuals who had been made aware of the allegation were entitled to assume that BBC Corporate Investigations had taken responsibility for considering and responding to the allegation. I do, however, agree with the view which was expressed by Tim Westwood's Executive Producer that it would also have been appropriate for the Unit Assistant to have completed the webform as well as referring the Text to the investigator. As I understand the position, that process may have resulted in the texter receiving a response directing them to available support. On the basis of the information available to me it does not appear that the texter received a response at all. Nor does it appear that those dealing with the allegation considered whether the Text may have come from a vulnerable adult who needed support.
- 307) As to the action taken by Corporate Investigations, the evidence I have set out in paragraph (294) above establishes that the investigator very quickly formed the view that the messages were to be categorised as "crank" malicious communications with the person making the allegation considered to be a "suspect" and the 1Xtra presenter who was alleged to have witnessed the assault regarded as the "victim". Viewed through this lens, the discussion about whether to block the number (see paragraphs (296) and (298) above) and the apparent decision to do nothing unless further communications were received is understandable. However, for the reasons I explain below I consider the decision to approach the Text as a malicious communication from the outset to have been wrong and the overall approach to the allegation to have been inadequate.
- 308) There is very little evidence as to the reasons for which the investigator treated the Text as a crank malicious communication rather than as an allegation of a serious sexual assault.

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<sup>68</sup> My understanding of the reasons for the Operations Manager's view is that they did not consider the response to the texts to be something which needed to be considered out of hours.

- 309) In the absence of any other evidence it appears to me to be likely that the language in which the allegation was expressed, including the slang terminology, played a part in the investigator's decision to categorise it in the way they did. However, regardless of the tone, wording or framing of the Text, a serious allegation was made. Language such as that used by the texter in this case should not lead to allegations made by them being regarded as necessarily without foundation. Had the Text been expressed more formally the texter might have written: "*Dear 1Xtra, I am writing to report that I was [REDACTED] in Ayia Napa in 2001. Their names are [...]. Another 1Xtra presenter [name] witnessed [REDACTED].*".
- 310) On its face the Text, like the hypothetical text I have set out above, contained an allegation of serious, criminal, sexual misconduct on the part of more than one person who worked for the BBC. No steps were taken to establish whether there was or may have been any truth in the allegation, or any parts of it.<sup>69</sup> Nor was there any consideration of whether the allegation gave rise to any safeguarding concerns. The BBC ought to have, at the very least, contacted the person who made the allegation (noting, amongst other things, that the texter had said there was photographic evidence) and asked to speak with them before deciding what, if any, further action to take.<sup>70</sup>
- 311) In light of the contents of the Text careful consideration ought to have been given as to who, within the BBC, would have been the appropriate person to make contact and have that conversation. The appropriate response thereafter would have been dependent on the content of any further communications but is likely to have involved asking the named 1Xtra presenters for their response and communicating the outcome to 1Xtra Senior Management (via the Operations Manager). It may have been appropriate to refer the allegation to the police.
- 312) Regardless of the outcome of any further communications (and even if there were none) the allegation and associated information ought to have been recorded on BBC systems in a place and manner which made it readily accessible to anyone considering any further allegations or, more generally, whether there were safeguarding concerns around the continued engagement of Tim Westwood. The way in which the information was in fact recorded and stored by Corporate Investigations resulted in the BBC initially failing to identify and provide the [REDACTED] report to the Review in the circumstances which I describe in Part II, paragraphs (93) to (97) above.

<sup>69</sup> There is a suggestion in the [REDACTED] report that the 1Xtra presenter alleged to have witnessed the sexual assault may have been made aware of the Text, namely the investigator's response "yes" in the box "Victim Aware (harassment)". The 1Xtra presenter to whom the investigator referred as being the victim told me that they have no recollection of being informed about the allegation and I have found no evidence that they were. It is possible that the investigator assumed that the presenter's production team would have told them about the 5 March and/or 7 March 2011 texts and that this is the reason for the "yes" answer in this box.

<sup>70</sup> On the basis of the [REDACTED] report which was initially provided to me I considered there to have been a possibility that the BBC had, in fact, contacted the person who sent the text. The reason for my view was that the first name of the person who sent the text was recorded on the [REDACTED] report as the "suspect" and yet the March 2011 texts did not contain their name. However, analysis of the [REDACTED] audit history revealed that there was additional relevant information held on the [REDACTED] system which was not contained in the [REDACTED] report and which had not been provided to me. I therefore asked to view the online system. It was apparent from the information recorded online under the heading "Incident Narrative" that the Operations Manager had sent the investigator a screenshot of the text console which included the three additional texts I have set out in paragraph 293 above. Two of those texts are signed off with a name which corresponds to the name recorded on the [REDACTED] report. I have concluded that the investigator took the name which was inserted in the "Linked Persons" section from these texts.

313) Tim Westwood's solicitors have stated that he was not made aware of either the Text or the allegation contained in it.



## V

## Chapter 5

**ALLEGATIONS IN 2012**

314) In mid 2012 the BBC learned of allegations about Tim Westwood's conduct with 15 year old girls. Relevant events were as follows.

**ALLEGATIONS AND RESPONSE****May 2012: Twitter comments about 15 year old girls**

315) On 24 May 2012 Tim Westwood announced his departure from the 1Xtra drivetime show, saying that he had been sacked: *"I've been sacked from 1Xtra Mon-Fri 4-7pm from sept #Westwoodyoufired"*. The announcement generated activity on Twitter. Amongst other things there was speculation as to whether he had been sacked for "fingering" a 15 year old girl.<sup>71</sup>

**June 2012: Mic Righteous Diss Track – reference to touching 15 year old girls**

316) In June 2012<sup>72</sup> British rapper (Mic Righteous) released a track called "Sack City (Tim Westwood Diss)", a "diss track" about Tim Westwood which was widely uploaded and made available on YouTube. The opening verse (with my emphasis added) was:

"Think you're the big dog you're more like the crack kitty  
I'll go back to Margate the day that you go back to Bricky (but ya can't)  
Who the hell is he is sack city  
Tell 50  
Tell Diddy  
No more interviews with Nicki  
Bruv I'm 22 you're f\*\*\*ing 50....4  
Take your finger of that midi...board  
You're more known for touching girls that are 15 ... pause  
And double pause  
You're in  
Sack City b\*\*\*ch ....."

<sup>71</sup> Some of the contemporaneous Twitter activity is set out in Appendix (iii). The reasons for which Tim Westwood was "sacked" from the 1Xtra drivetime show are addressed in Part VI.

<sup>72</sup> See [Yahoo news article](#) dated 13 June 2012.

- 317) The track was very quickly picked up by the Head of Programmes who invited the Controller's attention to it by email on 14 June 2012 saying: "*Check out this video on YouTube: [link]. Westwood getting seriously dissed on this track*".
- 318) On 15 July 2012 the BBC Head of Visual Radio emailed the Head of Programmes and others informing them that Tim Westwood's production company, "Justice", had contacted him about the Mic Righteous piece asking him to contact Brand Enforcement to have it taken down as a breach of copyright.<sup>73</sup> The Head of Visual Radio's view was that he ought not to request removal but was seeking views before explaining the position to Tim Westwood. The Head of Programmes replied, "*It's been online for weeks and we are well aware of it*". He agreed that the video should be left up and that Tim Westwood should be told that if it was taken down it would just be reposted and would create more of a storm. It appears, from reporting on the internet,<sup>74</sup> that Justice did complain about the track and that Mic Righteous removed it from YouTube. However, it had been uploaded by a number of other people and remained available. The track became the subject of discussion by BBC executives in December 2012 in the manner described in paragraphs (350) to (357) below.
- 319) In the meantime, information about Tim Westwood was provided to the BBC in the wake of the ITV documentary which detailed allegations against the former BBC presenter Jimmy Savile in the manner I describe below.
- a) On 3 October 2012 ITV broadcast a documentary, "*Exposure: The Other Side of Jimmy Savile*" which detailed multiple allegations of sexual abuse by the former BBC DJ and children's television presenter. The documentary resulted in the BBC, very quickly, receiving numerous allegations about the behaviour of a large number of its staff and freelance contributors, both past and present.
  - b) The BBC moved quickly to agree and put in place a centralised process for managing allegations coming in at that time. The procedure, operated jointly by the BBC Investigations Service and BBC Human Resources, involved, amongst other things, the creation of a log (which was in practice an excel spreadsheet) in which all contacts satisfying certain criteria were recorded.<sup>75</sup> (I refer to this log as the "Incident Log", which reflects the title which was most commonly used for the various versions of the document with which I have been provided.) There was liaison between the BBC Investigation Service and the MPS and an agreement with the MPS that information received by the BBC would be provided to them for their consideration as part of Operation Yewtree. The HR side of the process was initially led by the BBC HR Director and an assistant (to whom I refer in this Part as "the HR Assistant"). On 5 November 2012 a BBC Divisional HR Director, to whom I refer as "the JS HR Lead" took over responsibility for the HR

<sup>73</sup> The alleged breach of copyright related to the inclusion of clips of Tim Westwood in the video.

<sup>74</sup> [MTV Wrap Up – The UK Rap Rundown | pixiewithapen](#)

<sup>75</sup> All contacts into the BBC with information or allegations regarding Jimmy Savile or any other form of sexual harassment, sexual assault or inappropriate behaviour; any more general observations that offer insight into the culture at the time even where these do not include a specific allegation or report of an incident of inappropriate behaviour.

side of the case management process. A small team, led by a BBC employee to whom I will refer as “the HR Case Co-ordinator”, was appointed to assist. I refer to the team as “the HR Case Team”.

- c) The central focus in the early stages was on those allegations which were categorised as “high risk” and which were put on what became known as the “A-log” or “A-list”.

### **October 2012: Allegation that Tim Westwood propositioned a 15 year old girl in a club**

- 320) On 15 October 2012 a former member of BBC staff wrote to the then Director-General saying, amongst other things, the following:

“I am primarily emailing in response to your request for past and present BBC staff to get in touch if they have any relevant information/knowledge in the light of the Jimmy Saville expose. I have information about something that allegedly happened in the early 80s [...]. I would like to tell you personally about that and about two other, more recent issues, one involving a senior ex-member of staff and the other a very high profile BBC Radio DJ.”

- 321) The information was promptly passed to the BBC Investigation Service, in accordance with the agreed centralised process, and an investigator emailed the former staff member on 17 October 2012 asking to speak. On 20 October 2012, a different investigator spoke to the former staff member and made manuscript notes of the conversation as follows:

“Stated about five years ago [their] son was still at school. He had gone to a club with friends and a 15 year old female was propositioned by Tim Westwood. This was a series of sexual comments and innuendo. The female ignored him. The club was in Kent. The girl was not wearing anything to identify her as being at school. The son witnessed this. [They do] not want to provide [their] son’s details or the girls.”

- 322) A typed intelligence record was completed on 29 October 2012. The information related to Tim Westwood was described as follows:

“The source stated that about five years ago, while [their] son was still at school, he attended a nightclub in Kent, with friends including a 15 year old female. The source stated that female was approached by Tim Westwood, who propositioned her and subjected her to a series of sexual innuendos. The incident was witnessed by the source’s son. No physical contact occurred. The source would not identify the female and did not wish to disclose [their] son’s details. [They are], however, happy for Police contact if required.”

323) On 1 or 2 November 2012 information relating to this allegation was entered into the Incident Log as L214.<sup>76</sup> By 2 November 2012 there were 221 separate entries recorded. In a column headed “Brief Content” the allegation was summarised as “...[a]n allegation of Sexual Harassment on a 15 year old female by a current MoS”.

324) Other material information was recorded as follows.

Column Heading	Information on L214
Date of Incident	2007
Category	Criminal Offence – Sexual Harassment
Source Status	Ex MoS
Victim Name	N/K
Victim was a child	No <sup>77</sup>
Acknowledgement date	1/11/2012
Complaint against/information re	Tim Westwood
Status of Individual	MoS
Willing to report to police	Yes
Review to report to police	Yes
Intel Log/Info to Police	No
Comments/Action	
Investigator	[investigator's name]
Completed IS [Investigation Service]	No
Police Intelligence sheet No.	91
Silver Category <sup>78</sup>	Top Priority

325) On 5 November 2012 an entry was made in the Comments/Action column of the Incident Log for L214:

<sup>76</sup> A copy of the Incident Log circulated at the end of the day on the 31 October 2012 contained 203 entries, and did not include L214. The next available log to which the Review Team has had access was circulated at around mid-day on 2 November, and includes L214.

<sup>77</sup> This is an error given the information which had been provided.

<sup>78</sup> An email dated 26 October 2012 circulating an early version of the Incident Log provides an explanation of the “Silver Category” column which had been added “to help get a consistent view of which are the most important cases”. “Top Priority” was to cover current MoS/talent. “High Priority” covered ex-MoS/talent or deceased which may still cause reputational damage.

“Allegation that BBC employee approached a 15yr old female in a nightclub, propositioned her and made a series of inappropriate remarks.”

- 326) The Incident Log was updated on 14 November 2012 to record that information in relation to this allegation had been provided to the police.

### **November 2012: The Sun inquiry about Tim Westwood's involvement with young girls**

- 327) On 26 November 2012 a journalist who was at the time a senior news reporter at The Sun called Radio 1 enquiring about Tim Westwood. The Radio 1/1Xtra Head of Communications texted the BBC Head of Communications for Audio & Music:

*“Sun are asking about Tim Westwood and inappropriate relations with young girls. Not sure what they have. Can you call me when you are done in interviews. Thanks.”*

*“Have spoken to them – they don’t have anything concrete and aren’t running anything. They have just had a few tip offs. Have said we wouldn’t comment on individuals and that anyone with allegations should report them to investigations or police. As per standard line. Press off aware.”*

- 328) They then texted the Controller of Radio 1/1Xtra:

*“Sun have called about Tim Westwood and inappropriate relations with young girls. They are saying they’ve had a few tip offs but they don’t have anything to run with. Prob not the last we have heard about this though.”*

- 329) The enquiry is recorded in a Radio 1 Press Log as follows:

*“ [x] (Sun) asked for comment on allegations regarding an individual. Replied with standard line: “The BBC cannot comment on individual cases. It has asked that anyone with allegations of this nature should report them to the BBC’s Investigation Unit or the police directly.” [x], H Comms A&M; [x], H Press & Med Rels, and [x], C R1 & 1X, aware.”*

- 330) That same day the JS HR Lead, who had by that time assumed responsibility for the overall management of the cases in the Incident Log, emailed members of the HR Case Team: “...just had a call from Radio 1 Press guy, The Sun has made an enquiry about Tim Westwood, we’ve had no allegations about him have we?”. One of those team members replied “there is something, but let me check it out and come back to you. We have categorised as C1.<sup>79</sup> Will come back to you with why.”

<sup>79</sup> The significance of the “C1” category at this stage is explained in paragraph (365) below.

It is apparent from the email to which I refer in paragraph (335) below that there was a subsequent conversation in which the HR Case Co-ordinator explained the position to the JS HR Lead.

- 331) On 28 November 2012, the Acting Director of BBC Audio and Music<sup>80</sup> (to whom I will refer as “the Acting Director A&M”) emailed the BBC HR Director responsible for the Audio & Music Division (“the A&M HR Director”), copied to the Head of Investigations, under the heading “Newspaper Inquiry”:

“We have received an inquiry from The Sun asking about the involvement of the 1Xtra DJ Tim Westwood with young girls. I gather The Sun did not provide more detail but said it was acting on a tip off, nor did it specifically suggest that the girls were under 16. We declined to comment on the basis that there was nothing to which we could respond. The station has alerted Westwood to the newspaper’s interest in him. Since Westwood’s removal from the station’s drive-time show in the summer allegations have appeared online, principally on Twitter, that he is a paedophile. I have asked for clarification of some of the points from the station and if you would like more background, let me know. I’ll be in touch to discuss how we take this forward.”

- 332) The Review Team has not identified any subsequent email exchanges between the Acting Director A&M, the A&M HR Director and/or the Head of Investigations or any other documentary evidence that there was any follow-up.<sup>81</sup>

- 333) On 2 or 3 December 2012 the text of the email set out in paragraph (331) above was recorded on the Incident Log as L402. It was categorised as “general information” which would not be reported to police. It was nevertheless categorised, like L214, as “Top Priority”.

- 334) On 3 December 2012 the investigator wrote to the HR Case Co-ordinator under the subject heading L402 Tim Westwood: “...*I just wanted to make you aware of the following email ... relating to Tim Westwood*” and forwarding the email.

- 335) The HR Case Co-ordinator replied swiftly:

“Yes – Think log 214 refers to this one doesn’t it?  
I have briefed [the JS HR Lead] on this one and understood from previous conversations that the source was unable (or unwilling) to pass on specific details of the alleged victim here (or the details of [their] son who reported it [to them]) and therefore left us in an awkward position of not being able to follow it up properly.

<sup>80</sup> Who had been appointed to this role two weeks earlier (on 12 November 2012) as a result of the Director of A&M becoming Acting Director-General.

<sup>81</sup> There is, however, documentary evidence of regular contact between the Acting Director A&M and the A&M HR Director in relation to other matters at this time and it is possible that there was a subsequent conversation between them about The Sun Inquiry.

I've not put it onto an A log now for the fact that it is not a specific allegation at this stage.

Perhaps in the light of the contact from The Sun however, we should take another look at it? Is there any more information available anywhere? Or any way to press upon the source to reveal more detail?"

- 336) That same day the investigator called the former staff member who had raised allegation L214, and followed up by email:

"Thanks for taking the time to talk with me again. As discussed, it would be of immense help in deciding how to handle the matter, if your son could provide more details about the encounter in the Kent nightclub.

Please feel free to contact me by any means detailed below. I am in a position to offer complete discretion and no personal details will be disclosed to a third party, without you, or your son's expressed permission."

- 337) Very shortly thereafter the investigator emailed the HR Case Co-ordinator saying that they had not found anything to substantiate any allegation against Tim Westwood. They informed the HR Case Co-ordinator that they had approached the source who would ask their son to make contact.

- 338) On 3 December 2012 the Incident Log in relation to L214 was amended to change the "category" from "Criminal Offence – Sexual Harassment" to "non-Criminal Harassment". A new column was added to the Incident Log, entitled "Non-Crime Harassment Sub-Cat" and the entry for L214 was "sexual".

- 339) That evening, the HR Director A&M also forwarded the email of 28 November 2012 to the HR Case Co-ordinator saying: "*Fyi – presumably should get to you via investigations?*" The HR Case Co-ordinator replied:

"Already seen it, thanks. We have only had one comment in on this person at present but the [person] who contacted us is unwilling to give any further detail and has named the alleged "victim" as a friend of [their] sons.

Again, we are not clear what is alleged here – if anything – and this contact from the Sun could be a coincidence but I will fill you in as soon as I have detail.

Currently not A list for that reason."

- 340) On 6 December 2012 the HR Case Co-ordinator raised a number of queries about particular cases on the Incident Log with the Head of Investigations who emailed as follows on 7 December 2012:



“...To update you on the issues you raised yesterday:

L211/L214 Tim Westwood these have been updated (see entries). Can do no more on these without co-operation.”

- 341) On 7 December 2012 the entry in the L214 Incident Log Column headed “*Completed IS*” was changed from “No” to “Yes” to reflect the fact that the Investigation Service had completed their investigations. The entry for L214 in the “Comments/Actions” column was changed from “*Allegation that BBC employee approached a 15yr old female in a nightclub, propositioned her and made a series of inappropriate remarks*” to “*...source worked at BBC for 10.5 years. [Their] 15 year old son was at a nightclub with a school girlfriend who was propositioned by Tim Westwood. This was in [...], Kent. Son witnessed it. Source refused to provide son or females details. No physical contact between Westwood and female....Intell form completed and submitted to police....*”.
- 342) A draft of a document entitled “C-List” dated 7 December 2012 contains 69 entries, including an entry in respect of the L214 allegation. The entry in a column headed “*Progression Status*” is “*Hold*” and the HR Director, Audio and Music, is identified as “*HR Case Lead*”. Columns headed “*Action currently with*” and “*Action*” are empty. A considerable number of the other cases also have “*Under Review*” in the “*Action*” column.
- 343) On 11 December 2012 the HR Case Co-ordinator emailed another member of the HR Case Team attaching the live copy of the “C-List”. Against the summary for L214 is written: “*Action – Check with IS regarding any further contact from the source and whether any other complaints have been received against the individual*”.
- 344) On 14 December 2012 the HR Case Co-ordinator emailed the Head of Investigations, copied to the HR Case Team, as follows:
- “As discussed – the attached is how we are currently categorising the logs. We will update new cases daily and perhaps send you a new version once a week...?”
- Principal purpose of sending you these is so you can see which we are looking to action through our HR channels, and those which we feel we cannot. Numbers will of course change on a regular basis and we will advise when our HR action is complete on those in the A, B or C1 categories.
- For Investigation Team, please note in particular the category **C2**, where we are not intending to/or are able to, take any action.”
- 345) The attachment to that email was a version of the Incident Log with an additional column added to indicate the HR category into which each case had been placed. Information in respect of the categories which are relevant for present purposes (C1 and C2) was as follows:

C1 List (26 Contacts).

- Contacts with HR actions.
- HRDs will be actively following up these allegations/comments. Typically they relate to bullying/harassment complaints where we feel there is enough information to investigate the circumstances further.
- We have advised the HRDs that, as with other cases, no direct contact should be made with the alleged person in the first instance until we have spoken to Investigation Team or the original source.
- A typical action here would be for HRDs to discuss with line management if it was necessary.
- Overall however, we are not aware of an official police reason not to discuss directly with the individual if the final action warrants it (again, we will confirm this with you in advance)

C2 List (188 Contacts)

- Contacts where we are not intending to/able to action at this time.
  - Typically these are not actionable for a number of reasons, including:
    - Allegation is against a person external to BBC
    - Allegation is against a person who no longer works (and is not likely to work) for the BBC in the foreseeable future
    - Allegation is against an unnamed person, or we do not have sufficient data in order to determine action (e.g. no further contact from original source)
    - Contact is a general comment only (eg. non-specific, reference to culture only)
- With these logs we are very much relying on Investigation Team to please flag up any new supporting information, in order for us to review and – if required – re-categorise and take appropriate action. It may be that we are just not able to do anything at this time as the detail given is not specific (example - case log 303).<sup>82</sup>**

346) In this document L214 (in respect of Tim Westwood) is categorised as C2, as is L402 (The Sun Inquiry about Tim Westwood).

347) On 21 December 2012 the HR Case Co-ordinator emailed the HR Case Team attaching what were described as “the most recent logs (for reference only)”. Attached to that email were five documents:

- d) An excel spreadsheet entitled “A-List High Risk Log 21<sup>st</sup> December”
- e) An excel spreadsheet entitled “B-List 21<sup>st</sup> December”
- f) An excel spreadsheet entitled “C-List 21<sup>st</sup> December”
- g) A Word document entitled “Summary sheet Dec 21<sup>st</sup>”
- h) A power-point slide entitled “High risk dashboard 21<sup>st</sup> December”

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<sup>82</sup> Bold text is in red in the original email.

348) By this point the number of cases on the C-List had reduced considerably from the version of the C-List dated 7 December 2012 (referred to in paragraph (342) above) and contained only 25 entries. With one exception,<sup>83</sup> the entries on the C-List circulated on 21 December 2012 correspond to the cases marked C1 on the Incident Log with categories sent by the HR Case Co-ordinator to the Head of Investigations on 14 December 2012 (see paragraph (344) above). Neither L214 nor L402 were on any of the lists, A-C. Nor was Tim Westwood referred to (either by name or otherwise) on the “summary sheet” or the “high risk dashboard”.

349) The Review Team has not located any contemporaneous records of any further consideration of the substance, or action to be taken in respect, of L214 and/or L402 by the BBC.

### **December 2012: Reference to “age old rumour” about Tim Westwood with 15 year old girls**

350) On the evening of 17 December 2012 there was an altercation between Mic Righteous and Tim Westwood at New Broadcasting House, which was reported to Radio 1 and BBC management.

351) On 19 December 2012 the Head of Programmes wrote to the BBC Head of Editorial Standards for Audio and Music, copied to the Controller. He wrote (with my emphasis added to highlight points relevant to this review):

“I believe [the Controller] has given you the heads up on this, so here’s some more background.

This issue is two-fold. The first part starts with some comments Westwood made on the air in the summer about an MC called Mic Righteous being a ‘fake & a phoney’. Mic Righteous responded with this song & video

[link to a video of the track referred to in paragraph (316) above]

There are numerous versions on youtube and I estimate it’s had over 100 000 views.

He accuses Westwood of ‘touching up 15 year old girls’ – this gained traction on twitter on the day that Westwood announced he was stepping down from 1Xtra daytime, as one of the reasons he was sacked.

Neither 1X or Radio 1 played the record.

The second issue is there was a confrontation outside NBH at approx. 11.30pm between Westwood & Mic Righteous, where Mic was aggressive & threatening to Westwood including some physical contact, as both were heading up to the 8<sup>th</sup> Floor.

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<sup>83</sup> L407 which is categorised as C1 on 14 December 2012 does not appear on the C-List circulated on 21 December 2012.

I had a meeting with Mic today and he had agreed to offer in writing a full apology to Westwood for his behaviour on Monday night.<sup>84</sup>

Westwood is not satisfied with this written apology and wants the libel about 15 years girls addressed by BBC lawyers. Both [the Controller] & I feel Westwood should have approached his own lawyers at the time this video was released into the public domain.

He is also upset with the fact that 1Xtra are supporting this artist, with one of his records currently on the playlist.

As a compromise could we get BBC Lawyers to give Westwood some advice?"

352) The Head of Editorial Standards for Audio & Music replied that this was not something that BBC lawyers could do. He continued: *"My only suggestion here is that you take some legal advice from them on behalf of Tim, which would be possible (because it might affect R1)...you could ask if they think it is defamatory and how they advise you (him) to proceed. The only way they would get involved would be if they felt there was a reputational issue for the BBC in this...they might, but you need to discuss that with them."*

353) On 20 December 2012 the Head of Programmes emailed the Head of Editorial Standards for Audio & Music saying that he and the Controller had discussed the matter and both felt that there was a reputational issue for Radio 1 since there were several different versions of the video and they estimated up to 100,000 views. He said that he would be speaking to lawyers that day and seeking advice.

354) The Head of Programmes spoke to a BBC lawyer and took advice. He followed up with an email that afternoon saying that he had just spoken to Tim Westwood who would like to proceed with contacting a firm to discuss the alleged libel and asking the lawyer to forward any contacts for firms he could approach. He asked what the advice would be on taking this forward: *"Is it going to be very costly and not that effective?"*. The Review Team has not located any record of an email in response and the Head of Programmes did not recall legal action having been pursued.

355) The Head of Programmes met with Mic Righteous and his management. The meeting resulted in an email from Mic Righteous' management in the following terms:

"We would like to make it clear that anything said in Mic's track to Tim Westwood in the track "Sack City" was purely tongue in cheek banter.

There is no factual evidence to back the lyrics and we have never stated them as being true.

In the case of the lyric about 15 year old girls. The lyric says "You are more known for touching girls that are 15" in no way is Mic claiming this as fact. It is

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<sup>84</sup> The written apology was received later that day.

merely a jiving poke at an age old rumour with absolutely no factual backing as far as we are aware.

In the track Mic also claims that Tim uses a zimmer-frame, wears a toupee and has never played a U.K hip hop track which is of course not true and is meant in the same ridiculous jovial manner as the above statement.

If there is anything else I can do to clear this up we are more than happy to assist in any way we can. There is no upload anywhere on the internet or another form of media through Mic Righteous. They are all individual uploads by random individuals however if needed we will take all possible actions to try and have them removed.”

356) The Head of Programmes emailed Tim Westwood, copying in the Controller, as follows:

“Further to our conversation earlier, I’ll break it down into the three issues;

1. The incident on Monday night where you allege you were assaulted by Mic Righteous, I have requested the CCTV footage of the incident as well as the Broadcast Duty Manager’s report. In addition to hearing your version of events, Mic Righteous & [...]’s version of events.

2. The issue of the ‘Sack City’ track. I have spoken to the BBC Lawyers this morning and have asked for advice on how you can proceed in relation to the libel. I’m currently awaiting the contact details of lawyers that you will be able to approach.

In addition I will be sending over the correspondences from Mic Righteous management over the past two days as a result of taking legal advice and after my face to face meeting with Mic Righteous & his management.

3. [The Controller] & I will discuss in detail today how you feel about the relationship between 1Xtra, the artist and yourself.

Please rest assured that both [the Controller] & I take these issues very seriously and that as an integral part of the Radio1/1Xtra family, we hope to resolve these concerns quickly and satisfactorily.”

357) Later that month Mic Righteous’ management emailed saying that they had sent emails to uploaders asking them to remove “Sack City”. In January 2013 the Head of Programmes raised the issue with Mic Righteous management again, noting that they were still all over YouTube. The evidence the Review Team has been provided with does not indicate any further BBC involvement with this issue.

## ANALYSIS OF EVIDENCE IN RELATION TO BBC KNOWLEDGE AND ACTION IN 2012

358) The documentary record set out above establishes that in 2012 various different groups of individuals within the BBC were aware of allegations and/or concerns about Tim Westwood's conduct. But it does not appear that all of the information was ever either gathered in one place or provided to the same individual or groups of individuals.

359) There are significant gaps in the available documentary record of action which was taken in response to allegation L214. None of the people I interviewed had a clear recollection either of the allegation or of action taken in response to it. However, after I had shown them the Incident Log, two of the people most closely involved in the central process (the JS HR Lead and the HR Case Co-ordinator) told me that information about allegation L214 would have been shared with the BBC Radio division (referring to one or more of the A&M HR Director, the Acting Director A&M and the Controller of Radio 1/1Xtra).

360) I understand, on the basis of information provided by the HR Case Co-ordinator, that there was a spreadsheet in which details of the BBC HR management decision making in respect of all of the cases in the Incident Log were recorded. The Review Team has taken significant, but ultimately unsuccessful, steps to try to locate this document. The documents provided in response to requests made of the BBC do, however, provide some insight into the action taken in response to allegation L214. In addition to the documents referred to above, the following are of particular significance for the reasons I explain below.

361) A manuscript note, contained in a file of loose pages of notes made by the HR assistant dated 1 November 2012 has the name of the BBC HR Director at the top and reads as follows:

DJ (at club?)  
 15 yr old [...?]  
 [?] 5 yrs ago the son was at school  
 15yr old girl propositioned her  
 Sexual innuendos  
 Harassment Will send to police  
 Global (Does go on)<sup>85</sup>

362) To the side of the words set out above, in the margin of the sheet of A4 paper are the words "Not one for the log". Since this allegation was entered onto the Incident Log on 1 or 2 November 2012 (see paragraph (323) above), the reference to "the log" is highly likely to have been to a different log which existed at that point in addition to the Incident Log.

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<sup>85</sup> Brackets are a circle around these words.

- 363) An email dated 14 November 2012 sent by a BBC employment lawyer to colleagues sheds some light on the reference to “the log”. They wrote as follows:

“I am attending [the JS HR Lead]’s regular case management meetings where [they] and HRDs, [the Head of Investigations] etc discuss a small list of people from the log – I understand that these are people who are currently employed or engaged by the BBC or where there is a real likelihood that they will be re-employed/re-engaged.

[The JS HR Lead] refers to this below as the ‘high risk log’.

Behind this is the full log which lists all complaints raised with the BBC post-Savile. This is not discussed in these meetings and I don’t have a copy of it ([Another member of BBC Legal] does).

HR decides what goes onto the high risk log and what stays on the main log.

I have flagged with [the JS HR Lead] that, whilst the focus on the meetings is on these ‘risk’ cases, someone in [the] team needs to go through the larger log and make a decision as to how to handle each other complaint and allocate to someone in HR as appropriate. I am not involved in giving employment law advice on this but expect [the JS HR Lead] or HR to come to me as and when employment legal advice is needed.”

- 364) On 20 November 2012, in an email headed “Categorisation of cases – next steps” sent to the JS HR Lead and the members of the HR Case Team, the HR Case Co-ordinator provided an update on progress. The email reminds everyone that they had now categorised all of the Incident Log and that they were looking to split the cases between them as well as add necessary detail.

- 365) The email reminds the team that (at that point) the categories decided upon were as follows:

Category	Definition
<b>A – High Risk Category</b>	<ul style="list-style-type: none"> <li>Complaint is an allegation of sexual assault or harassment (and by that nature has an element of criminal activity indicated)</li> <li>Complaint is against a living member of staff, talent or contributor (including current or possible future contributor)</li> <li>I have also included in this category on [the Incident log] any cases which sound serious/specific but we are awaiting further details (eg. where names of staff involved have been redacted by a third party)</li> </ul>



Category	Definition
	<ul style="list-style-type: none"> <li>We currently have <b>26 of these logs</b> (again it seems like a high number but some are for the same person, and some are in abeyance awaiting further detail)</li> </ul>
<b>B – Ex-High Risk Category</b>	<ul style="list-style-type: none"> <li>These are cases which have officially been dealt with previously as High Risk Cases (A list) but now downgraded</li> <li>These cases therefore are complaints of a serious nature, but police have indicated that they do not (or cannot) proceed with their own investigation and therefore we should look to deal with internally</li> <li>However, it is important to note that if the action to be taken includes direct contact with source or person allegation is against, we need to first stop and check with Investigation Team/police that no new information has been received and that we are still okay to go ahead</li> <li>We current [sic] have <b>29 logs</b> which fall into this category</li> </ul>
<b>C – Non-High Risk Actions</b>	<ul style="list-style-type: none"> <li>These are cases which are not necessarily criminal and which the police are not actively progressing. These would typically include allegations of bullying and (non-sexual) harassment.</li> <li>They categories are further split: <ul style="list-style-type: none"> <li><b>C1 – Requires HR Action.</b> We are expecting HRDs/Heads to investigate each case further and take appropriate action. <b>We have 59 of these logs</b></li> <li><b>C2 – Proceed with caution.</b> These do require HR action/investigation, but it is advisable to gain more information before proceeding. This may be relating to deceased staff or talent for example. <b>We have 3 of these logs</b></li> <li><b>C3 – No action appropriate.</b> These are typically comments which are very general (e.g. observations) or anonymous calls where we do not have enough information to</li> </ul> </li> </ul>

Category	Definition
	<i>realistically follow-up. We have <b>110 of these logs.</b></i>
<b>D – Jimmy Savile Related</b>	<ul style="list-style-type: none"> <li><i>These are complaints which are specific to Jimmy Savile. This is part of a separate ongoing police investigation and therefore no action for BBC at this time.</i></li> </ul>

366) The email concludes by suggesting allocation between members of the team “to keep this manageable and enable us to maintain focus on the very “live” cases” as follows:

**“[The HR Case Co-ordinator]**

- Responsible for updating daily log, and for managing high risk log.
- Also responsible for checking through the 110 logs marked as no action (C3 list) to ensure [the HR Case Team] have not missed anything critical (e.g. mislabelling).
- When this is complete, [the HR Case Co-ordinator] will move onto reviewing C2s and then onto the C1s.

**[Another team member]:**

- Responsible for maintaining and updating B list.
- As cases drop off the A list, [the HR Case- Co-ordinator] will pass to [this team member] for forward action by HR team.
- These will be quite active cases, but when things settle down [this team member] can move to the C1 list.

**[Another team member]:**

- Please begin to review the C1 logs from numbers 1-200
- Determine action for each case. Is it to get more info from Investigation Team? Or to summarise and pass details to HRD?
- Refer any high risk cases we may have missed to [the HR Case Co-ordinator]
- Please also prioritise any recent, more serious cases (e.g. ones where people are potentially still at BBC)

**[Another team member]:**

- Ditto as above, but if you could look at the log numbers 200-400 (we are up to 346 on [the Incident Log] so any new ones will come to you, until [other team members] catch up).”

367) It appears from the email of 26 November 2012 referred to in paragraph (330) above, that at this point L214 was categorised as C1.

368) A document entitled “Summary Sheet” sent by the HR Case Co-ordinator on 29 November 2012 to another member of the HR Case Team includes the following under “Live Issues”:

**Tim Westwood.**

- Radio 1 Press Office received a call on 26/11 from a Sun journalist, asking if we had any allegations relating to Tim Westwood.
- We have historically one contact from an ex-MOS which mentions TW.
- The main theme of the contact was discussing diversity and culture of sexism in the BBC. The call went on to relay a third-party story relating to TW and the suggestion that he propositioned an underage girl in a night club a few years ago.
- The caller was unwilling to name the alleged source or the victim further.
- No further action has been taken at this time and as the allegation is not specific, we cannot currently proceed with further investigation.

369) A copy of the “Summary Sheet” sent for the BBC HR Director to review on 3 December 2012 still contains the text about Tim Westwood as a “live issue” with the addition of a final point: “Still pending further detail or a specific complaint.” A “Summary Sheet” circulated on 5 December 2012 contained the same text. Also on 5 December 2012 the member of the HR Case Team who had been allocated responsibility for L214 sent an action list to the HR Case Co-ordinator which contained the following about L214:

“Email to the former DG from a former MoS which gave details of a current MoS disc jockey approaching a 15 year old in a nightclub and propositioning her – this happened five years ago. The source says that the girl was not wearing anything that would have identified her as a schoolgirl. The source is happy to speak to the police but does not want to give details of [their] son or he girl.

**Action – Check with IS regarding any further contact from the source and whether any other complaints have been received against the individual.”**

370) A “Summary Sheet” dated 10 December 2012 contains no reference to Tim Westwood and searches conducted by the Review Team have not identified any further reference to him in similar, subsequent documents.

371) Finally, there are two relevant documents from 2013.

- a) The first is an email dated 6 March 2013, subject heading “FOI data – confidential”, in which the HR Case Co-ordinator provided the HR assistant with information for the purposes of responding to FOI requests which had been received by the BBC. The HR Case Co-ordinator wrote: “I have

*written this as if it were 31<sup>st</sup> January 2013, to the best of my recollection and case notes*<sup>86</sup>. The information provided about Tim Westwood in a column headed “*What Has Happened to Them*” was “*Police and BBC confirm no further action required.*” And in a column headed “*Progression Summary*” - “*Investigation completed. No further action required at this stage*”.

- b) The second is a working document in which the HR assistant recorded all of the cases from the Incident Log which had been reported to the police. The document, which was prepared for the purpose of responding to FOI requests, contained headings corresponding to the related police response. Under the heading “*No case to answer/no further action*” are several names, including Tim Westwood. A version of the document dated 20 May 2013 records the following information:

Complaint from ex BBC employee (...) that he had propositioned her son’s 15 year old female friend at a nightclub. No details of victim or son provided. Was passed to police who were not interested as low grade info. BBC did not pursue and he was not made aware of the allegation.<sup>87</sup>

372) It therefore appears fairly clear that by 31 January 2013 (see paragraph (371)(a) above) both the police and the BBC had decided to take no action in respect of the allegations which had been brought to the attention of the HR Case Team. On the basis of the information I have available to me, key parts of which are referred to above, I have concluded (on balance, rather than with any higher degree of certainty) that what happened was as follows:

- a) Information about Tim Westwood was entered onto the Incident Log on 1 or 2 November 2012 but his name was never included on the HR “high risk” log, which later became known as the “A log” or “A list”.<sup>88</sup>
- b) Information about allegation L214 was passed to the MPS on or before 14 November 2012 (see paragraph (326) above).
- c) On or before 20 November 2012 allegation L214 was categorised by the HR Case team as a C1 allegation which meant that it was considered to be a case which the HR Director A&M would “investigate and take appropriate action” (see paragraph (365) above).
- d) On or before 3 December 2012 the MPS informed BBC Investigation Service that they did not intend to take any action (see paragraph (338) above: Incident Log category changed from “Criminal Offence – Sexual Harassment” to “Non-Crime Harassment”).<sup>89</sup>

<sup>86</sup> The HR Case Co-ordinator told me that the “case notes” to which they were referring would have been the information included on the HR spreadsheet (which the Review Team does not have).

<sup>87</sup> There is a manuscript “?” to the left of this text, and above, a manuscript “>18” and “No?” (circled).

<sup>88</sup> This is significant for the reasons I explain in paragraph (374) below.

<sup>89</sup> This conclusion is supported by evidence provided by the Head of Investigations that for matters reported to police, the Investigation Service would take down and pass on basic details but would not investigate themselves and it is clear from the documentary records that the Investigation Service attempted to investigate on 3 December 2012.

- e) By 14 December 2012 the HR Case Team had decided that the allegations against Tim Westwood would be categorised as C2 allegations, which meant that no action would be taken by BBC HR unless any new supporting information was provided (see paragraph (345) above). This is likely to have been because of the position taken by the Investigation Service in relation to source co-operation (see paragraph (340) above) and the knowledge that the MPS was not intending to take any action.
- f) No further material consideration was given to the allegations against Tim Westwood after this point.

373) I have also concluded, on balance, that although there appears to have been a point at which the HR Case Team thought that information should be passed to the HR Director A&M to consider appropriate action, this never happened because at some point between 26 November 2012 and 14 December 2012 categorisation changed from C1 to C2. The only relevant communication the Review Team has identified is the email dated 3 December 2012 to which I have referred in paragraph (339) above in which, in response to the email about the Sun inquiry, the HR Case Co-ordinator informed the HR Director A&M that they *“only had one comment in on this person at present but the [person] who contacted us is unwilling to give any further detail and has named the alleged “victim” as a friend of [their] sons.”* This email is not written in terms which suggest that the HR Director A&M had any previous knowledge of L214. Nor does it suggest that there was any expectation of HR action being considered at that point. The information which was provided in the email itself is insufficiently detailed for the HR Director A&M to have had any understanding of the nature of the allegation.

374) My conclusion is further supported by evidence provided to me by the HR Director A&M who told me (after I had shared the relevant part of the Incident Log) that they had no recollection of L214 at all. They did, however, have some recollection of the email about the Sun inquiry and a clear recollection of other cases from the relevant time, in particular one concerning another DJ which they described to me. I have seen no documentary evidence to suggest that either the existence or substance of L214 was ever shared with the Acting Director A&M or the Controller. Both the Acting Director A&M and the Controller have told me, and I accept, that they were unaware of it.

375) In the course of reviewing the response to these allegations in 2012 I carefully considered the potential role of the BBC Director of Audio & Music at the time. As I have explained in Part III, he was appointed Acting Director-General in November 2012, remaining in that role until April 2013 and is the Director-General now. I refer to him in this Part as the Acting Director-General.

376) The Acting Director-General headed a small group of people (referred to as “Gold Command”) who received general updates and information about cases which were regarded as “high risk”. He told me that he recalls being aware of The Sun inquiry and that this may have been as a result of it being referred to Gold Command (although he cannot recall when or how he was made aware of it), but that he could not remember the allegation about a 15 year old being propositioned. He thought that the allegations may have been elevated to Gold Command but could not recall it.

377) On the basis of some of the information with which the Review Team was initially provided I considered there to be a possibility that Tim Westwood's case (and in particular L214) would have been escalated to Gold Command because it appeared to me to fit the criteria which were set out in some documents (namely involvement with children/young people, a current contributor, and reputational risk to the BBC). The Solicitors to the Review therefore made requests to the BBC for relevant documents and conducted searches over the documents which were provided. While there was no document or documents which provided a definitive answer to the question, I am satisfied on the basis of the available evidence that allegations against Tim Westwood were not escalated to Gold Command or to the Acting Director-General personally for a decision. In short (i) although there was evidence in relation to some cases which was escalated, Tim Westwood was not amongst them and (ii) our review of the evidence establishes that the allegations against Tim Westwood were never categorised as high risk. It is possible that the BBC HR Director (who was also a member of Gold Command) to whom the "Summary Sheet" referred to in paragraphs (368) and (370) was sent shared information with the Acting Director-General but that document does not suggest that any decision would have been required. The important question is whether the Acting Director-General made any decisions in relation to the way in which the allegations against Tim Westwood should be addressed. I am satisfied that he did not.

### **ADEQUACY OF RESPONSE TO 2012 ALLEGATIONS AND CONCERNS**

378) I consider the BBC's response to the allegations and concerns which were brought to its attention in 2012 to have been inadequate. There was a failure to bring together all relevant information relating to allegations and concerns about Tim Westwood so that an assessment of the risks of him continuing to be engaged by the BBC could be carried out, and any appropriate action taken.

379) The BBC's central team responsible for processing the post Savile allegations dealt with enormous amounts of information, some of it highly sensitive, within a relatively short period of time. On the basis of the large amounts of email correspondence and other documents to which the Review Team has had access they appear to have approached an incredibly difficult task conscientiously and efficiently. They were in receipt of some very serious allegations and priority was rightly given to liaising with the police and considering action in those cases. The allegations against Tim Westwood were not amongst the most serious of the cases they were addressing. However, for the reasons I explain below, I consider that they were wrong to change the categorisation of allegation L214 from C1 to C2.

380) The relevant parts of the C1/C2 criteria at the relevant time, repeated for ease of reference below, were as follows:

#### **C1 List (26 Contacts).**

Contacts with HR actions.

- HRDs will be actively following up these allegations/comments. Typically they relate to bullying/harassment complaints where we feel there is enough information to investigate the circumstances further.
- We have advised the HRDs that, as with other cases, no direct contact should be made with the alleged person in the first instance until we have spoken to Investigation Team or the original source.
- A typical action here would be for HRDs to discuss with line management if it was necessary.
- Overall however, we are not aware of an official police reason not to discuss directly with the individual if the final action warrants it (again, we will confirm this with you in advance)

### **C2 List (188 Contacts)**

- Contacts where we are not intending to/able to action at this time.
- Typically these are not actionable for a number of reasons, including:
  - Allegation is against a person external to BBC
  - Allegation is against a person who no longer works (and is not likely to work) for the BBC in the foreseeable future
  - Allegation is against an unnamed person, or we do not have sufficient data in order to determine action (e.g. no further contact from original source)
  - Contact is a general comment only (eg. non-specific, reference to culture only)

381) I understand from evidence provided to me by the HR Case Co-ordinator that the eventual change in categorisation of the Tim Westwood allegation was the result of a view that there was no current action which could be taken due to the lack of willingness of the initial complainant to provide further relevant information and the fact that the MPS were also not taking action at that time. However, allegation L214 did not, in my view, fall within any of the stated “typical” reasons for which an allegation was considered not to be actionable (and therefore categorised as C2): it was made against a named person who continued to work for the BBC and was a specific allegation rather than a general comment. Whilst a “typical” C2 reason included not having “sufficient data in order to determine action (e.g. no further contact from original source)”, there had been considerable contact with the source in this case and there was, in my view, sufficient data for some form of action to be taken.

382) Had allegation L214 remained categorised as C1 it would have been referred to the HR Director A&M so that consideration could have been given to what, if any, action was required. “Typical” action in such cases was for Human Resources Directors to discuss action with line management (see paragraph (380) above). In my judgment the minimum that was required was that the allegation be formally raised with Tim Westwood. The information about this specific allegation could and should have been considered alongside the other information available (which I address below and in Part VII – Conclusions). But even if raised in isolation, and denied by Tim Westwood, a formal discussion about L214 would have provided the BBC with the opportunity to make any expectations as to Tim Westwood’s behaviour outside his work for the BBC clear.



383) I also consider the way in which allegation L402 was dealt with to have been lacking. Because the information was recorded in the Incident Log as “general comment” there does not appear to have been any consideration whatsoever, within the central process, of the content of the online allegations to which reference was made in the Acting Director A&M’s email (see paragraph (331) above).<sup>90</sup> The content of those allegations ought to have been considered at this stage so that a decision could be taken as to whether, collectively or individually, they were of significance.

384) Unlike the central team, individuals within Radio 1 and 1Xtra were aware of the content of at least some of the online allegations, and they were aware of them months before they were brought to the attention of the central team (see for example paragraphs (331) and (351) above)<sup>91</sup>. While it is has not been possible to establish precisely which individuals had seen which particular Tweets it is clear that there was knowledge of Twitter speculation as to the reasons for which Tim Westwood had been removed from the 1Xtra drivetime show and, in particular, of speculation that he had been sacked for conduct relating to a fifteen year old girl. There was also knowledge of allegations, principally on Twitter, that Tim Westwood was a “paedophile”.<sup>92</sup> There was further knowledge (which was not shared with the central team) of the allegation made by Mic Righteous about Tim Westwood being known for “touching up” 15 year old girls.

385) In their (separate) interviews with me the Head of Programmes and the Controller each remembered Twitter speculation as having been generated by the Mic Righteous track. They each (separately) told me that they had believed that Mic Righteous’ comment about 15 year old girls was simply an insult in the well-known traditions of hip hop artists “dissing” each other. Both described a pre-existing “beef” between Tim Westwood and Mic Righteous arising out of Tim Westwood’s refusal to play Mic Righteous’ tracks. The sequence of events I have set out above in paragraphs (315) and (316) and the evidence from Twitter to which I refer in Appendix (iii) makes it most unlikely that the Twitter speculation was the result of the Mic Righteous track.<sup>93</sup> However, I accept, without hesitation, that there was a “beef”<sup>94</sup> between the two artists and that the Controller and Head of Programmes regarded the lyric about Tim Westwood “touching up” 15 year old girls, in this context, as a pure insult without factual foundation. Nevertheless, both also referred to the fact that Tim Westwood had denied the accusation with the Head of Programmes telling me that Tim Westwood was adamant that there was no substance to it.

386) In light of the specific allegations about Tim Westwood’s conduct which have been publicised and those which have been shared with me in the course of this Review the Mic Righteous lyric about

<sup>90</sup> “Since Westwood’s removal from the station’s drive-time show in the summer allegations have appeared online, principally on Twitter, that he is a paedophile.”

<sup>91</sup> See footnote above and the Head of Programmes’ email dated 19 December 2012 in which he said: “He accuses Westwood of ‘touching up 15 year old girls’ – this gained traction on twitter on the day that Westwood announced he was stepping down from 1Xtra daytime, as one of the reasons he was sacked.”

<sup>92</sup> See the email referred to in paragraph (331) above.

<sup>93</sup> The Twitter speculation took place on the day on which Tim Westwood announced that he had been “sacked” and there is not a single reference to the track. The earliest date upon which the Review Team has found evidence of the Mic Righteous track is 13 June 2012 and the Head of Programmes alerted the Controller’s attention to it on 14 June 2012 (see paragraph (317) above).

<sup>94</sup> The Controller described the circumstances to me in some detail, which I do not consider it necessary to go into here.

15 year old girls appears significant. It is difficult entirely to remove the perspective that comes with the benefit of this hindsight from an assessment of the BBC response to the Mic Righteous track at the time. Doing the best I can to place myself in the position of the BBC in 2012, I consider that there ought to have been careful consideration of the reasons *why* Mic Righteous might have said that Tim Westwood was known for “touching up” 15 year old girls. I have seen no evidence of such careful consideration. On the basis of the evidence I have received, it appears that there was an initial assumption that the allegation was merely an insult without any factual foundation, reinforced by the positions taken by Tim Westwood and Mic Righteous’ management (to which I refer below) in December 2012.

387) My attention has been invited to other aspects of the track, in particular a lyric in which Mic Righteous appears to be saying that he wishes that Tim Westwood had died: *“In fact if you’re ever in another drive by, Be a sport next time fam and try die”*. While this lyric plainly is offensive it is also referencing a fact, namely the drive-by shooting in which Tim Westwood was injured. I have been urged to consider the fact that, when challenged in December 2012, Mic Righteous’ management wrote: *“We would like to make it clear that anything said in Mic’s track to Tim Westwood in the track “Sack City” was purely tongue in cheek banter. There is no factual evidence to back the lyrics and we have never stated them as being true”* and that the track was subsequently removed. There are many reasons why Mic Righteous and/or his management may have decided to remove the track when challenged by the BBC but I do consider the content of their email to be significant. Specifically, in relation to the lyric about touching 15 year old girls they said: *“The lyric says “You are more known for touching girls that are 15” in no way is Mic claiming this as fact. It is merely a jiving poke at an age old rumour with absolutely no factual backing as far as we are aware.”* Mic Righteous’ management response continued: *“In the track Mic also claims that Tim uses a zimmer-frame, wears a toupee and has never played a U.K hip hop track which is of course not true and is meant in the same ridiculous jovial manner as the above statement.”* In my view, like the lyric about the drive-by shooting, this lyric is plainly a reference to facts about Tim Westwood, namely his age (specifically referenced earlier in the track) and his focus on US rap artists. Overall, the diss track (which also refers to (Puff) Diddy, Nicki (Minaj) and Tim Westwood’s father (a member of the clergy)) appears to me to be taking information about Tim Westwood and basing insults around it. In this context the reference to Tim Westwood being known for “touching up” 15 year old girls ought to have alerted the BBC in June 2012 to the possibility that there was a rumour about this, later reinforced in December 2012 by Mic Righteous’ management’s express reference to an *“age old rumour”*.

388) As to the Twitter speculation, the Head of Programmes recalled seeing two or three Tweets on social media on or around the date of the announcement that Tim Westwood was stepping down from the 1Xtra drivetime show and specifically remembered having seen one Tweet about his “fingering a 15 year old girl”.<sup>95</sup> He did not recall seeing allegations on Twitter, more generally, that Tim Westwood was a “paedophile” and was not aware of the Sun inquiry. He told me that the Twitter allegations *“felt like unsubstantiated rumours”* and expressed the view that people say a lot of things on Twitter that *“are debatable”*. The Controller told me that he remembered there having been a

<sup>95</sup> The Head of Programmes told me (after I had shown him a list of Tweets) that he thought the Tweet he had seen was the Tweet at line 21 of Appendix (iii): *“Tim Westwood was fired for fingering a 15 year old girl & people think its funny!?She is child, its child abuse! #WhatIfSheWasYourDaughter?”*

discussion on Twitter, but could not remember the detail. He adopted a similar position to the Head of Programmes, referring me to a well-publicised case in 2018/2019 (in which the words “pedo guy” had been used as an insult on Twitter).

389) In order to understand the nature of the information which would have been available to the BBC in 2012 I asked the Solicitors to the Review to conduct searches online, and in particular over Twitter. The results of their Twitter searches are set out in Appendix (iii). The table at Appendix (iii) does not represent what a person would have seen at the relevant time if they had simply been looking for information about Tim Westwood. It does, however, show what the BBC could have found had they interrogated Twitter by using iterative targeted searches after they had been put on notice of the concerns which were being raised. In addition to the possibility of Tim Westwood having been sacked for “fingering” a 15 year old girl, they would also have been made aware of other information which might have alerted them to allegations about behaviour which is similar to some of the behaviour which has been described to me (see Chapter 1 of this Part). For example: *“Tim Westwood’s been sacked? Probs because of all them students he invites back to his hotel”*. They may also have noted a comment that someone had seen Tim Westwood *“with some 15 year old lil Black girl in west end”* in January 2011. Had they widened their search beyond Twitter they may have become aware of an interview with Plan B in 2007.<sup>96</sup>

390) Comments such as those which were made on Twitter, in interviews and in diss tracks do not have to be taken at face value.<sup>97</sup> Serious consideration ought, however, to be given to the content of allegations and concerns, wherever and however they are raised. There is no evidence that the BBC considered the comments in detail and carefully considered whether there might be any truth behind them. The BBC knew that Tim Westwood had not been sacked for “fingering” a 15 year old girl (see Part VI) and in this sense could properly have regarded any suggestion that this was the reason for his departure as plainly wrong. However, no-one at the time appears to have asked themselves *why* people would be speculating about Tim Westwood’s conduct with 15 year old girls or *why* Mic Righteous would have referred – specifically -- to Tim Westwood “touching up” 15 year old girls.

391) I have spent considerable time with people who held relevant management positions within BBC Radio at the relevant time and have no hesitation in concluding that none of them positively believed that Tim Westwood had engaged in sexual contact with 15 year old girls. I am also satisfied, on the basis of the evidence available to me, that had they been in possession of credible evidence of a specific allegation that Tim Westwood had engaged in sexual contact with a 15 year old girl serious consideration would have been given to appropriate action. There was, however, a considerable body of evidence either known to, or available to, the BBC which raised more general questions about Tim Westwood’s conduct. The BBC ought to have had in place a system for considering all such concerns alongside each other and ensuring that any risks associated with its provision of a BBC platform to Tim Westwood were appropriately managed. On the basis of the evidence available

<sup>96</sup> Early drafts of this report contained a quotation from a Plan B interview published on the Gigwise website. By March 2024 the interview was no longer publicly available and I have therefore not included the quotation in this report.

<sup>97</sup> I note that [the Guardian wrote](#) about the Plan B interview to which I have referred above in 2007 and does not appear to have taken what he said seriously, concluding: *“No response from Westwood as yet, though he’s probably secretly quite pleased that everyone now thinks he leads a life of gangsta debauchery, when in fact we all know he spends his evenings drinking green tea and playing Sudoku.”*

to me the BBC does not appear to have had any such system in place and there was no adequate assessment of the risks presented by Tim Westwood's engagement.

### POSTSCRIPT

392) As I have explained in Part II, despite having declined my invitation to contribute to the Review Tim Westwood participated in the representations process and his solicitors made some comments about extracts from my draft report which were provided to them. Amongst other things they were provided with extracts from a draft of this Part of the report in substantially the same form as they appear here.<sup>98</sup> In their representations Tim Westwood's solicitors emphasised that he denies ever engaging in sexual activity with a 15 year old girl and provided the following information relevant to the Twitter allegations to which I have referred in this Chapter.

"As stated in the report, Mr Westwood tweeted that he had been sacked from the 'drive time' show. He also made jokes about it on air. Previously, when the BBC had made decisions not to renew certain contracts, those presenters had behaved graciously, and for example, publicly thanked the BBC for the opportunity. By contrast, Mr Westwood 'played it up' in a 'tongue in cheek' manner, in his usual style and in an attempt to be controversial. This provoked a big public reaction to the news, and unsurprisingly a lot of people speculated on Twitter about why he had been sacked. Mr Westwood was 'trending' on Twitter for several days after this, with interaction from some high-profile individuals, such as [...], which caused further traction. There were thousands of tweets about Mr Westwood during this time, and the baseless trolling in relation to the specified allegation only accounted for a small proportion of this. For example, on 25 May 2012, there were thousands of 'mentions' of Mr Westwood on Twitter (over 1,700 even before his 16:00 show). Only 43 mentions on this day have been included in the chronology in the report. On 26 May 2012, there were over 700 mentions of Mr Westwood on Twitter, none of which have been included in the chronology in the report."

393) As to the "diss track":

"This 'diss track' was made in retaliation to an unfavourable comment made by Mr Westwood about Mic Righteous on the radio. There was an existing 'beef' between the two individuals because Mr Westwood did not play Mic Righteous' music on his show, but they had never met or interacted directly. Mic Righteous had not attended any of Mr Westwood's events and had no direct knowledge of him. Mic Righteous simply used this as an opportunity to promote himself, by being controversial and releasing a 'diss track' (referred to in the industry as 'clout chasing'). It is a standard 'diss' in hip hop to call someone a

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<sup>98</sup> They were provided with drafts of paragraphs (314) to (357), (371), (373) to (378) and (382) to (391) above.

paedophile. It also may be that he chose to base his 'diss' on the Twitter trolling mentioned in paragraph [x]."

394) Tim Westwood's solicitors took issue with the phrase "age old rumour" used by Mic Righteous' agents and discussed by me saying that the "allegation was made in a 'diss track' and by Twitter trolls as explained above; there is nothing to warrant the use of the adjective, 'age old'. The allegation was never raised with Mr Westwood at the time (outside his knowledge of the diss track)."

395) Tim Westwood's solicitors stated that they agreed that Mic Righteous' comment about 15 year old girls was simply an insult without factual foundation, in the traditions of hip hop artists 'dissing' each other and that there was pre-existing 'beef' between the two parties. They also stated that they agree with the views of the Head of Programmes in relation to Twitter (paragraph x) noting that "it is unfortunately routine for a person in the public eye to experience online / social media trolling. Trolling can start with one unsubstantiated comment, which is exactly what happened in this circumstance. This was an offensive joke / comment which was re-tweeted despite being completely baseless, and it should not be presented as fact."

396) Consistently with the approach I have adopted throughout this report I have not reached any conclusions as to the truth or otherwise of the allegation contained in the "diss track" about Tim Westwood. I have included reference to it in this Part because the allegation was known to the BBC and the issue for me was what, if anything, the BBC ought to have done in response to it. The assertion that it is a "standard diss" in hip hop to call someone a "paedophile" is consistent with the position taken by the Controller and Head of Programmes. Tim Westwood's solicitors supported this assertion by reference to comments made on social media by one British rapper against another in the context of a "beef" in 2017. The rapper referred to the other "*shacking up with schoolgirls*" and (separately) tweeted: "*you were F\*\*\*ing [...] when she was 14 and everyone knows she's not even the only one*". This material does not affect my conclusions as to what ought to have happened in this case. Had this allegation been made on social media about an individual who was engaged by the BBC, and had the BBC been alerted to it, enquiries ought to have been made, and records of the allegation and result of any enquiries kept. If the conclusion was reached that the allegation was unsubstantiated, it ought nevertheless to feed into consideration of any future allegations and/or risk assessment related to the individual.

## V

## Chapter 6

GENERAL BBC KNOWLEDGE

- 397) I have summarised in Chapter 1 of this Part specific allegations of misconduct which have been reported to me, either directly or by third parties.
- 398) Apart from the cases which I have addressed in Chapters 2 to 5, I have identified no evidence which establishes that any of the other specific allegations of sexual misconduct which have been reported to me<sup>99</sup> were previously reported to the BBC. Nor have I identified evidence that any of the other specific allegations reported in the Guardian articles and BBC Three documentaries were previously reported to, or otherwise brought to the attention of, the BBC.
- 399) However, there is a question arising out of some of the contributions I have received as to BBC knowledge of allegations and/or concerns about sexual misconduct on Tim Westwood's part more generally. Views have been expressed to me (in a variety of different ways) that the BBC must have known about the type of sexual behaviour described in the BBC Three documentaries and Guardian articles, and in Chapter 1 of this part.
- 400) For example, a contributor responded to my initial call for evidence in writing<sup>100</sup> with an account of events alleged to have taken place after a Tim Westwood event when they were a secondary school student between 2005 and 2006. The contributor wrote that they had begged their mother to go to the event but that their mother had refused, eventually saying: *"Tim Westwood is a paedophile who preys on young Black girls. You are not going."* The contributor asked: *"How can my mother, who is totally removed from the British music and broadcasting industry, know he is a paedophile and the BBC did not? Maybe this is why they call him the 'Big Dog', so he can hide in plain sight."*
- 401) A phonline caller, who described themselves as a white pensioner, told me that they had been working as an agency teaching assistant at the time Tim Westwood was shot (July 1999). They told me that they had mentioned the shooting to one of the girls at a school in North London and had made a weak joke as to the reasons why Tim Westwood might have been shot. The caller told me that the girl had responded that it was more likely to have been somebody's big brother, saying that Tim Westwood was really "pervy" with young Black girls and that this was common knowledge. The caller told me that if they ever mentioned Tim Westwood to young Black girls after that, the girls would all say the same thing.
- 402) Another caller, who reported an allegation of misconduct from 2012, said *"it was just a very well known thing in, like, the Black community at the time, that Tim Westwood liked young Black girls and I always remember hearing stories of him sneaking out of girls' uni accommodations..."*. Another caller expressed the view that everyone in the industry knew Tim Westwood was a predator.

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<sup>99</sup> See Chapter 1.

<sup>100</sup> The contributor later spoke to me in a remote meeting.



**KNOWLEDGE – EVIDENCE AND BROAD CONCLUSIONS**

- 403) In light of the views and concerns which were expressed by considerable numbers of contributors and the way in which those concerns were expressed (see above) I have attempted to establish whether there was BBC knowledge of general allegations or concerns that Tim Westwood had engaged in, or was engaging in, predatory sexual behaviour towards young Black women (or any women).
- 404) The Review Team requested, and carefully considered, those BBC documents which appeared to us to have been most likely to have contained any evidence of knowledge of allegations or concerns about sexual misconduct. This included requesting and reviewing emails of all Radio 1/1Xtra Controllers and certain other senior Radio 1/1Xtra staff over the relevant period and asking the BBC to conduct searches over document sources which were considered likely to contain evidence of any complaints made by members of the public.
- 405) In addition to the documents relating to treatment of BBC colleagues, examined in Part IV, there were large numbers of emails and other documents relating, amongst other things, to:
- a) The content and language of songs played by Tim Westwood, with a particular focus on swear words and obscene language, misogyny, violence and drug references.
  - b) Offensive language being used by live guests on Tim Westwood's shows (both in freestyle raps and in conversation), and on occasion by Tim Westwood or members of his team in the studio.
  - c) Complaints made by members of the audience about the content of Tim Westwood's shows (including about the language used).
  - d) The way in which Tim Westwood and his independent production company "Justice" would comply with BBC editorial guidelines, correspondence about individuals proposed as producers for his independently produced shows and the requirement that Justice appoint an independent senior editorial figure with experience of the BBC.
  - e) Actions taken within BBC Audio & Music to strengthen editorial compliance following serious breaches of BBC editorial guidelines by other broadcasters.
  - f) Discussions about use of BBC content on "Westwood TV" on YouTube, compliance of that content with BBC guidelines and instances where removal was requested for non-compliance.
- 406) Amongst those documents there was evidence of BBC knowledge of Tim Westwood's use of sexualised language. Apart from evidence relating to the allegations addressed in Chapters 2, 4 and 5 of this Part, and the allegations related to BBC colleagues addressed in Part IV, there was no evidence of any knowledge of allegations or concerns that Tim Westwood was engaging in, or had engaged in, predatory sexual behaviour or other sexual misconduct.



407) The question of BBC knowledge was also explored with individuals who contributed to the Review, amongst whom were large numbers of current and former BBC employees. I conducted wide-ranging interviews with many of these people and found the vast majority of them to be open and reflective. While it is of course not possible to rule out the possibility that people did not share relevant knowledge with me, the extent of the evidence obtained and reviewed enables me to reach the following broad conclusions about the extent of BBC knowledge within Radio 1/1Xtra.

- a) There was widespread knowledge of allegations and concerns about Tim Westwood's behaviour towards BBC colleagues.
- b) There was also widespread knowledge of Tim Westwood's use of crude and highly sexualised language (for example referring to "*wet pussies*") at public events, outside of his work for the BBC.
- c) There was a widespread belief that Tim Westwood was "interested" in young Black women and had a "type", namely significantly younger Black women.
- d) There was, however, no widespread, or significant, BBC knowledge of allegations or concerns that Tim Westwood had engaged in, or was engaging in, predatory sexual behaviour towards young Black women (or any women).

408) I have addressed knowledge of allegations and concerns about Tim Westwood's behaviour towards BBC colleagues in in Part IV. The other conclusions are addressed below.

409) **Widespread knowledge of crude and sexualised language.** Many of those who contributed to the Review, including current and former BBC staff, spoke of Tim Westwood's use of crude and sexualised language at his club events. This included members of Radio 1/1Xtra Senior Management. A particular example of this language being brought to BBC attention is an email from a member of the public who wrote to Radio 1 Enquiries in 2008, raising concerns in the following terms:

"I understand you are not responsible for external sites although you employ a DJ called Westwood, an older man, he is apparently brilliant with music mixing and a lot of young people like him as a DJ. A young girl was gagged & raped last night at my daughters University accommodation after going to see DJ Westwood who shouted out during his stint "*all the girls with wet pussies put your hands up*"! Why did he not add, there you are boys help yourselves? It is extremely irresponsible (and sexist) towards the younger generation. What on earth is wrong with just playing the music, encouraging enjoyment of the evening? Why encourage young people to behave like animals? I would appreciate if you could pass this on to Mr Westwood. Thank you."

- 410) The communication was passed to the 1998-2011 Controller, who replied to the member of the public:

“Thank you for your email which has been brought to my attention, I wanted to take the opportunity to reply to you personally on this occasion.

First of all I would like to say how sorry I am to hear about the shocking attack that took place at your daughter's university. I would never expect to hear anything like the expression you describe on Radio 1 or 1Xtra, it would be entirely inappropriate and in breach of our guidelines. However, as you rightly say, Tim Westwood is a talented DJ who performs frequently, most of his events are entirely independent of his activities for the BBC and this appearance at the university had no connection that I know of with the BBC. So, whilst I have no direct control over a freelancer's activities in this respect, there is a question that I will raise with him about the risks of bringing the BBC into disrepute. Even though Tim's comments may well have been within the expectations of an audience at a private Hip-Hop event, I will discuss with him the content of your email the next time I meet with him.”

- 411) The member of the public wrote back:

“Thank you very much for your reply, it is very much appreciated and only right to mention this incident to him, I shall leave it in your capable hands, although the comment he made was most definitely not in my daughters or her friends expectations of that evenings event! Pretty degrading actually.”

- 412) The 1998-2011 Controller told me that he could not remember the detail of his conversation with Tim Westwood but thought he would have said that Tim Westwood should be careful about the language he used and reminded him about his obligation not to bring the BBC into disrepute.

- 413) **Widespread belief that Tim Westwood was “interested” in young Black women.** Significant numbers of contributors wrote or spoke to me about Tim Westwood being interested in “young Black girls”. He was widely referred to as having a “type”, namely significantly younger Black women (with some describing them as petite/slim). Although the words “young” and “girls” were frequently used I have not reached the conclusion that Tim Westwood was widely believed to be sexually interested in children. Rather, those terms were generally used to emphasise the very considerable age gap between Tim Westwood and the young women to whom reference was made. For example, one person explained that by “young Black girls” they would have meant they were in their early 20s, referring to the age of a person who they believed to be Tim Westwood's girlfriend at the time.

- 414) **No widespread, or significant, BBC knowledge of allegations or concerns about predatory sexual behaviour.** There is some limited evidence that individual BBC employees were aware of certain allegations or concerns. Two of the people who provided evidence of specific allegations set out in Chapter 1 of this Part told me that they later came to work for the BBC. Both said they did not report the allegations or concerns but one said that they mentioned their experience to a group with

whom they were socialising early in their career, including BBC colleagues (see paragraph (250) above). Another person told me that they had heard stories (from someone who knew someone it happened to) about Tim Westwood [REDACTED]. However, evidence of this type of knowledge was very limited indeed. Although some people said they were not surprised by the allegations in the BBC Three documentaries there was no significant evidence of knowledge of allegations and concerns about that type of behaviour. Many told me in terms that they were unaware at the time of any allegations or concerns. For this reason, and the reasons I explain below, I am satisfied notwithstanding the evidence to which I have referred above, that there was no widespread or significant BBC knowledge of allegations or concerns about predatory sexual behaviour during the period Tim Westwood worked for the BBC.

415) There is a considerable body of evidence of an understanding, shared by many BBC Radio 1/1Xtra staff, that Tim Westwood had a steady girlfriend for significant periods. Specific people were named and described to me in a way which was consistent with the description of women in whom Tim Westwood was said to be interested (see paragraph (413) above). Two names were repeatedly mentioned. One of the named people was well known to BBC staff in the later part of Tim Westwood's engagement and was frequently with Tim Westwood at the BBC. Our attempts to speak with this person were unsuccessful. However, on the available evidence it appears possible that this person was with Tim Westwood from as early as 2006. Other individuals have been described to me (and sometimes named) as having been Tim Westwood's girlfriends in earlier periods. Some people commented on the considerable age gap between Tim Westwood and the young women concerned but no-one expressed any concern about the way in which Tim Westwood behaved towards them, with some describing him as "respectful" and the relationship as "sweet". Having a girlfriend for significant parts of the relevant period does not mean that Tim Westwood could not, or would not, have acted in a predatory manner. However, the fact that the girlfriends were described as being young and Black does, however, provide an explanation for the widely held view as to Tim Westwood's "type" and his interest in young Black women.

416) The Solicitors to the Review reviewed many documents as I have explained in Part II and in paragraph (404) above. Nearly all of those documents were emails passing between individuals who were part of the management of Radio 1 and 1Xtra. Many were sent to or received by members of the Senior Management team, including the Controllers. The Solicitors to the Review carefully reviewed these documents highlighting those which they considered may have been relevant to BBC knowledge. Many of the emails were written in terms which clearly did not anticipate being subject to scrutiny in the way that they have been in the course of this Review. I regard the absence of any reference, even in passing, to allegations or rumours of sexually predatory behaviour (or any inappropriate sexual behaviour, as opposed to language) to be significant. In light of the range of issues which were being addressed had there been knowledge of allegations and concerns I would have expected them to have been referred to at some point.

417) Many of the people who spoke to me were former BBC employees who were relatively junior at the time and who did not hold Tim Westwood in high regard.<sup>101</sup> Had there been widespread, or significant, BBC knowledge of predatory sexual behaviour on Tim Westwood's part I would have expected at least some of them to have heard of it and I would have expected at least some of them to have told me about it. One said the following to me (in the course of a long and wide-ranging conversation):

"I honestly, I – if you take me back to that time, I was probably fishing for it. I was probably eager to hear it. If somebody had started a conversation, I would have probably been like, "Oh, tell me more", because I would love to have had it in my armoury because when I would say, "This is unfair, look at how I'm being treated every single way, and, by the way, do you know this man is molesting girls in Wolverhampton nightclubs". I would have absolutely had that in my quiver ready to shout at someone to say, "This is wrong, we're out of control, we are backing the wrong horse". I was desperate to say it."

418) Finally many BBC staff, and in particular those in management roles at Radio 1 and 1Xtra viewed Tim Westwood's behaviour and use of sexualised language as being a hip-hop performance. He was variously and on several occasions described to me as a hip hop "caricature" or a "cartoon character". References were made to Tim Westwood copying American artists and to sexualised behaviour being seen as part of the hip hop world. Rightly or wrongly, Tim Westwood's crude and sexualised language outside the BBC was regarded as part of an act, within the expectations of the particular audience, rather than as conduct which gave rise to concerns. One caller did tell me that there would be discussion in the office of Tim Westwood's "antics" at the weekend with people who had been at live events having their head in their hands about things that Tim Westwood had done, saying that there was a "*Westwood, you know what he's like, vibe*". However the caller did not recall there having been any conversation about sexual misconduct/predatory behaviour and the reactions described could have been reactions to his use of the type of sexualised language to which I have referred above.

419) **Evidence relevant to risk.** Although I have not concluded that there was significant knowledge of predatory behaviour on Tim Westwood's part much of the information considered in this Chapter would have been relevant had the BBC conducted the type of risk assessment to which I have referred in Chapter 5, paragraph (391) above. A specific example of such evidence was provided to me by a BBC employee who told me that Tim Westwood used to turn up at outside broadcasts with groups of Black women who seemed very young. The employee did not believe the young women to be under 18, but said that they seemed very young considering Tim Westwood's age. They also told me that in around 2003 they went to Tim Westwood's hotel room before a BBC show and that there was someone they described as "a young girl", or possibly two young girls, in the room. The employee emphasised to me that the girl(s) did not seem to be under 16. In response to questions I asked, they said that they did not know or believe that Tim Westwood was having a sexual relationship with any

<sup>101</sup> Many of these employees provided evidence of allegations and concerns relating to Tim Westwood's treatment of BBC colleagues examined in Part IV.

of the girls or young women to whom they had referred but recognised that there was a chance that he could have been. They also said that they walked out of the door thinking: *“I wonder what’s going on there”*. This evidence is considered further in my concluding observations (Part VII).

## KNOWLEDGE OF KEY INDIVIDUALS

- 420) I have reached the conclusions set out above having considered evidence provided by a large number of people. It would not be appropriate for me to set out in detail what each of them said to me. I do, however, consider it appropriate to set out a summary of what each of the three Controllers, and the current Director-General, said to me about their own knowledge.
- 421) **The 1993-1998 Controller** said that he had had absolutely no concerns about Tim Westwood’s conduct towards women while he was managerially responsible for him at the BBC. He had no recollection of any concerns being raised (either directly to him, or indirectly via someone else) and never saw Tim Westwood behaving inappropriately towards women. Had any concerns been raised he would have taken them extremely seriously, investigated and taken appropriate action. He said that Tim Westwood had introduced him to his girlfriend, a younger Black woman, on a couple of occasions and they seemed to have a very happy and consensual relationship. The 1993-1998 Controller told me that he did not enquire into their ages at the time but would have said that Tim Westwood was probably in his 30s and she was in her 20s. The 1993-1998 Controller told me that he was horrified and shocked to hear the allegations in the BBC Three Documentaries. He had cast his mind back to see whether there had been any clues to that kind of behaviour and could not recall any.
- 422) **The 1998-2011 Controller** said that he had been introduced to Tim Westwood’s girlfriend at around the time Tim Westwood was shot. He described Tim Westwood as being charming and respectful. In response to a question I asked him, he told me that he never heard anyone commenting on Tim Westwood and young Black women. Nor had he ever received any information which alerted him, or may have alerted him, to the type of behaviour described in the BBC Three Documentaries. Had he been alerted, he would have taken immediate action. In answer to a question as to whether he had any concerns or alerts about Tim Westwood’s sexual behaviour he replied “absolutely none”. The 1998-2011 Controller explained that the debate and challenge for the BBC had been about sexual content or language. He described hip hop as a highly sexualised genre with misogynistic language and derogatory labels for women, which was part of the challenge of managing it. The 1998-2011 Controller described Tim Westwood as being bilingual: he could speak to BBC management in a language they understood and could also authentically connect with a young minority audience. He described Tim Westwood putting on a performance, at live shows, being *“a sort of swaggering hip hop cartoon character”*.
- 423) **The 2011-2019 Controller** told me that before the BBC Three Documentaries he had not heard, either formally or informally, of any of the sexual activity described and said he had never heard any allegations of Tim Westwood abusing anyone. In answer to my question whether he was aware of any relationships Tim Westwood had with significantly younger Black women he told me that he could

only remember Tim Westwood having one relationship, which was a longstanding one with a young woman who used to come with him to the studios on Saturday nights. He told me that, looking back, she did not strike him as being very young (by which he meant a teenager) and thought she would have been in her twenties. In answer to further questions he told me that he was neither aware of, nor heard any rumours about, Tim Westwood having any form of sexual encounters with young Black women until the BBC Three Documentaries. He also said that he had heard nothing at all about Tim Westwood liking young Black girls and did not know what his “taste or penchant” was. The 2011-2019 Controller said that he did know that at his private club events Tim Westwood used sexualised language that would not be acceptable on BBC broadcasts but considered that to be consistent with the audience expectation in a hip hop environment.

- 424) **The current Director-General** told me that he had never, before watching the BBC Three Documentaries, heard anything about Tim Westwood’s sexual relationships, girlfriends or partners. Nor, before the documentaries, did he remember having heard anything about any concerns being expressed about Tim Westwood’s conduct outside his work for the BBC.

### EVIDENCE IN RELATION TO POLICE ENQUIRIES

- 425) There is one final issue I consider it appropriate to address before concluding this chapter.
- 426) The most potentially significant evidence that the BBC knew of allegations or concerns about predatory sexual behaviour by Tim Westwood was provided by a former BBC investigator. Although I have not been able to reach any conclusions in relation to that evidence it is significant, and merits consideration in this report. The evidence was provided in the circumstances I outline below.
- 427) The Solicitors to the Review located amongst the 1998-2011 Controller’s emails an email sent to him by a member of Radio 1 staff in January 2007 saying that they had sent “*the items below*” to a BBC Investigator. The member of staff continued: “[*The investigator*] has been approached by the police who have asked [*the investigator*] for any complaints we have received about Tim Westwood. [*The investigator doesn’t*] yet know specifically why.” The email continued: “I have asked [*the investigator*] to ask them if this correspondence is relevant to their investigation and let me know as soon as possible.” The “items below” to which reference was made were documents related to a complaint which had been made in 2006 by a member of the public who considered that Tim Westwood’s broadcast contained racist language advocating the murder of African people.<sup>102</sup> The Controller’s mailbox did not contain any further relevant correspondence.
- 428) The Solicitors to the Review made requests to the BBC for documents which were designed to identify further correspondence about the police enquiries. However, no further relevant documents were located. The requests included requests for the electronic mailboxes of the member of staff and the BBC investigator. BBC Legal informed the Review Team that the BBC did not hold mailbox data

<sup>102</sup> The letter responding to the complainant included a response from the Radio 1 Head of Specialist Music and Speech explaining that the complainant’s interpretation of the show was very different to theirs and, amongst other things, rejecting the view that there was racist language or anything advocating the murder of African people.



for the investigator (who left the BBC many years ago). It did hold email data for the member of staff, which was provided to the Review Team. However, the data which was provided did not include either the email which was known to have been sent to the Controller by that member of staff, or the email which was known to have been sent to the investigator.<sup>103</sup> The data was therefore clearly incomplete. In response to further inquiries made by the Solicitors to the Review BBC Legal explained that on further investigation it had become apparent that the Enterprise Vault<sup>104</sup> for the member of staff did not contain any emails pre-dating October 2011 (which is significantly later than they joined the BBC). The Review Team was informed that the BBC InfoSec team believed this to be because something went wrong during an update in around 2011/2012 which meant that stored emails were not properly transferred onto a new system.

- 429) Neither the 1998-2011 Controller nor the member of staff could recall having been provided with any information about the police enquiries.
- 430) The BBC investigator told me that in early 2007 two officers from the MPS had interviewed Tim Westwood at the investigator's BBC office and asked Tim Westwood about an allegation that he had been abusing his position as a club DJ to have relationships with young Black women. The BBC investigator said that Tim Westwood was not cautioned and that they did not understand the police officers to be investigating any criminal offences. They described the interview as "*basically a sort of chat*", a "*background chat*" and could not remember anything more specific about the allegation they described. They said that the interview was conducted as part of what they described as a "*black-on-black*" operation but could not remember the name of it.<sup>105</sup>
- 431) The BBC investigator said that they did not make any notes or other record of the conversation. They told me that the allegation was not something the BBC Investigations Service would have looked into because it was related to Tim Westwood's club activities and did not have direct relevance to the BBC. They said that they thought about the possibility of it bringing the BBC into disrepute but did not think it had got that far.
- 432) The investigator did, however, say that they had told someone in Radio 1 management about the allegation but could not remember who it was. They also said that they thought they would probably have raised the issue at a monthly investigators' meeting, which they described as an "informal chat".
- 433) With the assistance of the Solicitors to the Review I compiled a list of those within Radio 1 to whom I considered the investigator would have been likely to have spoken and asked questions of each of them. None could recall having spoken to the BBC investigator about this.

<sup>103</sup> The email to the investigator was at the foot of the email chain from the member of staff to the Controller.

<sup>104</sup> Enterprise Vault is a platform which is used by the BBC to store archived email data.

<sup>105</sup> The only possible operation fitting this description is Operation Trident, which was set up by the MPS in 1998 to tackle gun crime.



- 434) The MPS has informed me that it holds no record of the meeting ever having taken place. In their representations Tim Westwood's solicitors stated that Tim Westwood did not attend any interview with any police officer(s) at the BBC.
- 435) There are various aspects of what the investigator told me that are surprising: in particular why the MPS would have asked to speak to Tim Westwood at the BBC, and why they would have been speaking to him in connection with a "black-on-black" operation. I have not been able to explore this matter further with the investigator for reasons I do not consider it necessary or appropriate to share in this report. In the circumstances and in light of the lack of any documentary or other supporting evidence as well as the positions articulated by the MPS and Tim Westwood's solicitors, I cannot safely reach any conclusions as to whether the meeting took place and, if so, what was said.
- 436) I do, however, consider it important to address what the investigator said about the allegation not having direct relevance to the BBC because it related to Tim Westwood's club activities. The primary concern when faced with an allegation such as that which the investigator described ought to be the potential risks posed to young people by the continued provision of a BBC platform to Tim Westwood, rather than the reputation of the BBC. The fact that activity is alleged to have occurred outside the context of work for the BBC may be relevant when assessing that risk, but it does not mean that the alleged activity should simply be disregarded. I consider risk in my concluding observations, Part VII.

VI**NON-RENEWAL OF ENGAGEMENT 2013**

437) In May 2013 the Head of Finance in the BBC Radio & Music Business Affairs team emailed the Radio 1 and 1Xtra Commissioning Editor informing him that Tim Westwood's current contract was to expire on 14 September 2013 and asking what deal the Commissioning Editor was looking to offer him beyond that date. The Commissioning Editor forwarded the email to the Controller and Head of Programmes.

438) In mid-June the Head of Programmes and Commissioning Editor discussed the production contracts which were coming up for renewal that year, including Justice (Tim Westwood). The Head of Programmes and Controller agreed that Tim Westwood's contract would not be renewed and that his last show would therefore be Saturday, 14 September 2013.

439) We have found no documentary record of the reasons for which the decision was taken other than a Radio 1 and 1Xtra press release announcing the changes on 26 July 2013 as part of a "fresh new line-up for Saturday nights". The Controller was quoted as saying "I'm very excited about having a great new line up for the next generation of Radio 1 and 1Xtra listeners." The press release included the following, on Tim Westwood:

"As a result of these changes, Radio 1 and 1Xtra will be saying goodbye to Tim Westwood.

Westwood, regarded as a pioneer of the UK hip-hop-scene, joined Radio 1 in 1994 to present the station's first rap show. He has also been a key part of the Radio 1Xtra schedule over the years, having hosted a Sunday night show (10pm-midnight) as well as the drive time show (weekdays, 4-7pm) on the network.

Talking about Westwood, [the Controller] says: "I'd like to thank Tim for the last 20 years on Radio 1 – his passion for Hip Hop is legendary – I wish him all the very best."

440) I asked the Head of Programmes and Controller about the reasons for the decision. The Head of Programmes explained it as follows.

"[The Controller] had decided (in consultation with me) to remove Tim Westwood from the daytime drivetime show announced in May 2012 in part because he was creating a toxic atmosphere in the studio and also because we felt it was time for a change and we had a new young talent [...] which felt more aligned to our youth audience who was connected to the growing UK grime scene.

His contract in respect of the rap show was not renewed in 2013 for similar reasons. Tim Westwood had been a DJ at Radio 1 for 20 years and we increasingly felt that it was not aligned with our target youth audience to have a DJ now in his mid 50s on the show. [...] who had taken over the drivetime show was also available and was better connected to the growing UK grime scene. I cannot specifically recall there being any ongoing staff issues in relation to the rap show but we had much less visibility over that as the rap show was produced by Tim Westwood's own production company. However, Tim Westwood was unpopular amongst BBC staff because of his behaviour towards staff on the drivetime show and the toxic environment he created and this was also a factor in the decision."

441) I asked the Controller about the reasons for this decision in both of my meetings with him. Following our second meeting he wrote to me explaining the reasons as follows.

"Radio 1 has in its history needed regularly to regenerate and reinvent itself to stay relevant to its audience. As the newly appointed controller I needed to review R1's offering and change it where I wanted a fresh clean start.

Both [another DJ] and Tim Westwood had been hugely successful in attracting big audiences with a zoo format and a 'he didn't just say that did he' approach to pushing at the line of acceptability. But the 'shock jock' style of broadcasting had come at the cost of overstepping the mark on several occasions and had been attracting some criticism: it was becoming tired.

The BBC Trust were also now more interested in Radio 1 attracting a younger audience and not measuring its success by large listening figures. Commercial radio had argued with some success that this was not the role of public service radio.

This meant I had to change Radio 1. I replaced [the other DJ] with the station's first ever openly gay breakfast show presenter and replaced Westwood with a young DJ that was seen as more in touch with the new emerging generation of rappers.

I considered Tim Westwood to be someone who didn't fit my plans for Radio 1 not just because his style was becoming tired, but also he was losing credibility and relevance in his sector of the music industry. The Mic Righteous dis, the fact that Tim Westwood had 'beef' with an artist which had led to a physical altercation, the negative social media, the fact his persona was being mocked by Sacha Baron Cohen as Ali G, and The Sun inquiry meant there was an unacceptable level of 'noise'. Adding all this to the complaints about the crudeness of his outside work, the fact he was difficult to produce and that

he had treated some of the people he worked with unacceptably, meant that he was not someone I wanted as part of my new look Radio 1.”

442) I have concluded, on the basis of the evidence set out above, and in the absence of any evidence to the contrary that concerns about Tim Westwood’s conduct were a factor in the decision not to renew his engagement in 2013 but only in the sense described by the Head of Programmes and the Controller in the passages I have set out above.

443) Tim Westwood’s solicitors made the following comments on a draft of this part.

“Mr Westwood’s contract was not renewed due to a ‘shake up’ of staff due to new management. Mr Westwood’s was one of a number of contracts which were not renewed at the time. Others include [3 names extracted]. This is standard procedure when a new Controller takes over, as they want to make their mark by bringing in their own new talent.

Mr Westwood was not made aware of any other reason for the decision at the time.”

## VII

### CONCLUDING OBSERVATIONS

- 444) I have already set out my conclusions in relation to the adequacy, or otherwise, of the way in which the BBC responded to specific allegations of misconduct brought to its attention. There is no need for me to add to the length of this report by repeating them here.
- 445) In paragraph (391) above I have referred to the body of evidence known (or available) to the BBC in 2012 which raised general questions about Tim Westwood's conduct and to my conclusion that the BBC ought to have had in place a system for considering all such concerns alongside each other and ensuring that any risks associated with the provision of a BBC platform to Tim Westwood were appropriately managed. This conclusion applies not only to the events of 2012 but to the approach to allegations and concerns which were known, or ought to have been known, to the BBC throughout the relevant period. There were in my view a range of factors which ought to have alerted the BBC to the possibility that Tim Westwood might present a risk to young women and girls.
- 446) I do not (and cannot) express any view as to what conclusions ought to have been drawn if risk assessments had taken place. My conclusion relates to the process which ought to have been followed.
- 447) During the representations process the BBC referred to *"the need for a clear distinction between how an organisation is expected to monitor and respond to lawful conduct outside of the workplace (e.g. promiscuous behaviour), as opposed to alleged illegal sexual activity"* saying that *"[w]ithout very clear and specific criteria as to the circumstances in which lawful behaviour should be reported or recorded, such an approach could become highly impractical and unwieldy."*
- 448) I agree that clear criteria are required. BBC employees, and freelancers, are entitled to know what the BBC's expectations of them are, including any expectations which extend to their behaviour outside work. It is also important that people, including BBC employees, who have concerns about the conduct of a BBC employee or freelancer outside of their work for the BBC know whether the BBC wishes to hear about those concerns.
- 449) The only reference I have been able to find to any expectations which may have been relevant to Tim Westwood's sexual conduct outside his BBC work are obligations contained in BBC general contractual terms<sup>106</sup> which relate to not bringing the BBC "into disrepute". Neither the contractual terms, nor any other BBC document provided to the Review Team, provided any indication as to whether or not sexual activity, and if so what type, would have been considered to breach that obligation. It is important that expectations in relation to sexual conduct are made clear.

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<sup>106</sup> The BBC's General Terms of the Production of Radio Programmes By Independent Producers 2005.

- 450) It is not my role under these Terms of Reference to make recommendations as to which criteria the BBC should adopt. I have, however, set out in Part V of this report a wide range of information which was or could have been available to the BBC during the period of Tim Westwood's BBC work. This Review provides the BBC with the opportunity to consider the appropriate criteria, with the benefit of hindsight and in light of the types of concern which have now been brought to its attention. If the BBC considers that any of this information would have been relevant to the decisions taken in relation to Tim Westwood's BBC engagements over the years, it will wish to consider how to ensure that this type of information is gathered, recorded, and taken into account in future.
- 451) I conclude with a few observations intended to assist the BBC in its consideration of processes and approach.
- 452) The first is that conduct which falls short of being illegal may well be relevant depending on the circumstances and the BBC engagement in question, in particular where the engagement will facilitate contact with children and young people. Taking the BBC's example (see paragraph (447) above), there will be circumstances in which the BBC should ask questions about sexually promiscuous behaviour in order to provide itself with the necessary assurance that it is not placing children or vulnerable people at risk of being subject to abuse or predatory sexual behaviour. It may, for example, be appropriate to ask questions about the ages of the people with whom an individual engages in sexual contact and the circumstances in which it takes place. While consensual sexual activity with children over the age of 16 can be lawful the BBC may properly consider, pursuant to its safeguarding duties, that an adult who engages in such activity (even if it is lawful) is not suitable for engagement in particular roles.
- 453) As to criteria, the BBC may find it helpful to consider the approach taken in education settings. Statutory guidance *Keeping Children Safe in Education* requires schools to have in place procedures for reporting and responding to "low-level concerns".<sup>107</sup> A low-level concern is defined as "any concern – no matter how small, and even if no more than causing a "nagging doubt" that an adult working in or on behalf of the school or college may have acted in a way that: is inconsistent with the staff code of conduct, including inappropriate behaviour outside work....".
- 454) An example of the type of low-level concern which should be reported is the information provided to me by a BBC employee to which I have referred in paragraph (419) above, namely that there was someone they described as a "young girl" in Tim Westwood's hotel bedroom. There could have been a range of innocent explanations for the situation they described: that person may, for example, have been a member of Tim Westwood's street team, working on publicising his events (see Part III, paragraph (110) above). However, a situation such as the one described which causes a BBC employee to wonder "what's going on there", is precisely the type of information which should be reported. On the basis of what that employee told me, they appeared to me to have a "nagging doubt" that something inappropriate might have been going on. The same appeared to me to be true of some of the people who spoke to me about Tim Westwood's interest in significantly younger Black

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<sup>107</sup> Keeping Children Safe in Education 2023, paragraphs 424 to 446.

women (see paragraph (413) above) and his use of crude and sexualised language (see paragraph (409) above).

- 455) It is important that there is a clear and well publicised mechanism for reporting any such concerns and that procedures are in place for the escalation of accumulated concerns.
- 456) The fact that an organisation encourages reporting of the type of behaviour I have described above does not mean that it will always be necessary to take formal action in relation to it. A policy which encourages reporting can lead to the reporting of behaviour which may have an innocent explanation but which, at the other end of the spectrum, may be behaviour which is intended to enable abuse. It promotes a culture of openness and trust in which employees and others feel supported in raising any concerns they may have. It also enables an organisation to consider concerns which might not appear significant when taken alone but which together demonstrate a pattern of inappropriate behaviour.
- 457) Information in relation to allegations and concerns should be recorded so that any risks associated with the engagement of a particular individual can be identified. Where the concerns are sufficiently serious (either individually or collectively) a formal risk assessment will be appropriate involving, amongst other things, an interview with the person about whom concerns have been expressed. Reported allegations or concerns may lead to formal disciplinary action but this will not always be appropriate, or possible. There is, however, a wide range of measures short of disciplinary action which an organisation might put in place to mitigate identified risks. Measures open to the BBC include, for example, deciding that it would not be appropriate to invite a presenter to perform at particular types of event (e.g. outside broadcasts where young people would be present, school and university visits); refusing to give approval for features which involve young people; monitoring a person's activity, including activity outside the BBC (e.g. at private club or university events). As I have emphasised elsewhere in this report my Terms of Reference make it clear that I should not reach any conclusions as to whether or not allegations about Tim Westwood are substantiated and I have not done so. Nor have I reached any conclusions as to whether or not Tim Westwood ought to have been assessed as presenting any risks. These examples are provided for illustration only.



## **Appendix i**

### **Review into BBC's response to claims over former DJ Tim Westwood's conduct**

#### **Terms of Reference**

The purpose of the Review is to prepare a report for the BBC Board, which the Board intends to publish, setting out:

- (i) an account, in such form as the Reviewer considers appropriate, of allegations or concerns about misconduct of Mr Westwood during the period of his work for the BBC, whether or not the concerns or allegations were raised at the time;
- (ii) an account of whether, and if so how and when, any such allegations or concerns associated with them came to or were brought to the attention of the BBC and/or any individuals employed by or associated with the BBC;
- (iii) the reasons for which any such allegations or concerns were not brought to the attention of the BBC;
- (iv) a description of any action taken by the BBC or any individual employed by or associated with the BBC in response to any such allegation or concern;
- (v) commentary and conclusions on the adequacy of any such response and identification of instances where any response was inadequate;
- (vi) a conclusion as to whether concerns about Mr Westwood's conduct were a factor in the decision by the BBC not to renew Mr Westwood's engagement in 2013.

The report will contain an explanation of the Reviewer's methodology and such background information and evidential analysis as the Reviewer considers necessary to explain any conclusions reached.

The Review will not determine whether or not any allegations of misconduct of Mr Westwood are substantiated, although it will be necessary to consider related evidence in order to fulfil these Terms of Reference.

The Review will not make recommendations as to action to be taken against Mr Westwood, any other individual, or within the BBC generally.

The Review will be conducted in the manner the Reviewer considers best suited to fulfil these Terms of Reference and in accordance with the Process Protocol which will be agreed with the BBC.

## Appendix ii

### Report on the Disclosure Assurance Process by the Solicitors to the Review

#### Background

- 1 In order to ensure that the Review had been provided with a comprehensive picture of where documents relevant to the Terms of Reference were held, Gemma White KC asked for assurance from the BBC that the BBC had disclosed to the Solicitors to the Review all relevant areas and/or systems where potentially relevant documents might be held.
- 2 The BBC prepared a draft document setting out information about the BBC's retention policies; the BBC's hardcopy records; the BBC's electronic records; and the BBC's visual-audio records (the "**Document Collection Guide**"). The Document Collection Guide set out various document repositories that are either centrally held or held within specific divisions of the BBC that may contain documents relevant to the Review.
- 3 In order to prepare the Document Collection Guide, we have been informed by BBC Legal that they made enquiries with different divisions within the BBC who were likely to hold documents relevant to the Terms of Reference. Individuals within those areas in turn made enquiries in their own teams to understand how information is held.
- 4 The draft Document Collection Guide was a helpful source of information as to potential document sources, but was not drafted in terms which provided Gemma White KC with a sufficient level of assurance that all areas in which relevant documents might be held had been identified to the Review Team. Following discussions with BBC Legal as to how a sufficient level of assurance could be provided, the Solicitors to the Review developed the process described below (referred to in this Appendix as the "**Disclosure Assurance Process**"). Gemma White KC agreed that the Solicitors to the Review should undertake the Disclosure Assurance Process, rather than the Document Collection Guide being finalised by BBC Legal.
- 5 A process took place whereby the Solicitors to the Review liaised with BBC Legal to:
  - (a) identify BBC business areas ("**Business Areas**") that potentially hold documents fitting within the Terms of Reference;
  - (b) hold discussions with these Business Areas to identify the particular document repositories used by these areas and those which are most likely hold relevant documents; and
  - (c) conduct searches of the relevant document repositories and request the disclosure of responsive documents from the BBC.
- 6 Business Areas that might potentially hold documents were initially identified from the Document Collection Guide (with input from BBC Legal) and from documents and information provided in response to requests for documents. As the Disclosure Assurance Process continued, additional Business Areas that might potentially hold documents were identified.
- 7 The following steps were taken in relation to each Business Area which was identified as potentially holding documents fitting within the Terms of Reference. These steps are expanded upon in the later paragraphs of this Appendix.
  - (a) An "**Assurance Discussion**" was arranged between the Solicitors to the Review, BBC Legal and a senior representative (or representatives) from the respective

Business Area (the “**Business Area Representative**”). The discussion took place via Microsoft Teams and a detailed note of the discussion was taken by the Solicitors to the Review. The general structure of each Assurance Discussion is described in paragraphs 13 to 14 below.

- (b) Following the Assurance Discussion, the Solicitors to the Review reviewed the note and drafted a summary of the document repositories used by the Business Area. Each summary contained the following sub-headings. A breakdown of what was included under each sub-heading is described in paragraphs 15 to 18 below:
  - (i) Introduction;
  - (ii) Roles and functions of the Business Area;
  - (iii) Document sources: hard copy;
  - (iv) Document sources: electronic;
  - (v) Document sources not used by the Business Area;
  - (vi) Locations of documents relevant to Terms of Reference; and
  - (vii) Statement of confirmation.
- (c) Once the summary was drafted, it was sent by the Solicitors to the Review to BBC Legal, who would then forward it to the Business Area Representative(s) for review. The individual(s) from the Business Area would provide comments, if any, aiming to clarify the content of the summary and provide additional detail if required. Certain draft summaries included specific questions from the Solicitors to the Review on particular areas requiring additional information, and for a few particularly relevant Business Areas there was an iterative process involving multiple iterations of the summary and follow up requests.
- (d) In parallel, the Solicitors to the Review would consider what was discussed in the call and, if necessary, send additional document requests to the BBC (in addition to those already being progressed outside of the Disclosure Assurance Process). These requests often related to searching document repositories identified in the Disclosure Assurance Process that might contain documents relevant to the Terms of Reference and that had not already been searched. In some cases, document requests were more general in nature, requesting information relating to the role of various Business Areas, policies and practices, and any further topic that members of the Review Team deemed relevant.
- (e) Once comments on the summaries were received from the Business Area Representative(s), amendments agreed and responses to document requests obtained, the Solicitors to the Review would prepare a final version of the written summary and send it to BBC Legal to arrange signing. The Business Area Representative(s) would review the summary and sign the statement of confirmation. BBC Legal would then send the signed summary back to the Solicitors to the Review.

- 8 Once every signed summary was received by the Solicitors to the Review, two confirmation statements were signed by Linklaters and the BBC respectively. The full text of these statements is set out in Annex 2 of this Appendix. These statements aimed to provide assurance to Gemma White KC that reasonable and proportionate enquiries have been made to identify all areas where documents fitting within the Terms of Reference may be

located within the BBC and that reasonable and proportionate searches of relevant repositories have been conducted and documents disclosed accordingly.

## Business Areas

- 9 In April 2023, BBC Legal provided the Review with an initial list of Business Areas that may hold documents fitting within the Review's Terms of Reference. The list also included proposed Business Area Representatives with whom Assurance Discussions could take place. Table A sets out the Business Areas included on this initial list:

Table A: Business Areas included on initial list		
Central Archives	Information Security	Radio
Human Resources (HR)	Commercial Rights and Business Affairs	Investigations / Safety, Security and Resilience
Communications	Legal	Legal (Litigation)
Legal (Employment)	Legal (Information Rights)	Legal (Programme Legal Advice)
Complaints	Executive Complaints Unit	

- 10 As the Disclosure Assurance Process progressed, further Business Areas were identified as potentially holding relevant documents and additional specificity about potentially relevant areas was obtained (by way of example, a decision was taken to have an Assurance Discussion with HR (People Services) and Support at Work, rather than having a general Human Resources (HR) discussion). By the end of the Disclosure Assurance Process, Assurance Discussions had taken place with each of the Business Areas set out in Table B.

Table B: Business Areas with whom disclosure assurance discussions took place		
Radio	Radio (Business)	Radio (HR) <sup>1</sup>
HR (People Services)	Commercial Rights and Business Affairs	Investigations <sup>2</sup>
Internal Communications	External Communications	Litigation
Employment Law	Information Rights	Programme Legal Advice
Complaints	Executive Complaints Unit	Contingent Workforce Team
Support at Work		

- 11 Three additional written statements were produced relating to major document sources used across the BBC. The information contained in these written statements was obtained from the Document Collection Guide. Assurance Discussions did not take place with the signatories of these statements (unless the signatory was a Business Area Representative

<sup>1</sup> A supplementary disclosure assurance discussion took place with another Business Area Representative to obtain further information about Radio HR's use of shared drives.

<sup>2</sup> A supplementary disclosure assurance discussion took place with another BBC individual to obtain further information about Investigations' use of "IRIMS" (BBC Investigations' previous case recording platform).

for another Assurance Discussion). BBC Legal informed the Solicitors to the Review of the individual best suited to review and sign each written statement. The following document sources were covered through written statements:

Table C: BBC document sources covered through written statements		
Central Archive Facility	Emails	Radio Shared Drives <sup>3</sup>

- 12** In total, the Solicitors to the Review conducted 16 formal Assurance Discussions as part of the Disclosure Assurance Process, as well as 2 supplementary discussions to obtain further information on points not covered in the initial discussions. As the Disclosure Assurance Process progressed, further questions were sent to relevant Business Areas in writing, where required.

### Structure of Discussions

- 13** Each Assurance Discussion followed a general structure to ensure that the Review Team received adequate and standardised information from each Business Area. The Assurance Discussions generally followed the structure of the written summaries produced after each discussion, and broadly covered the following points:
- (a) Introduction – each Assurance Discussion began with the Solicitors to the Review providing the Business Area Representatives with relevant context. This included:
    - (i) the Review's Terms of Reference;
    - (ii) the purpose and desired outcomes of the Disclosure Assurance Process;
    - (iii) the fact that, at the point of the Assurance Discussion, the Business Area will not have been expected to conduct searches of document repositories as part of the Disclosure Assurance Process; and
    - (iv) that the Solicitors to the Review will prepare a written summary of the Assurance Discussion which the Business Area Representative(s) will be able to comment on and sign once they are satisfied with the summary.
  - (b) Role of the Business Area – in order to identify the types of documents that may be held by the Business Area, the Business Area Representative was asked to provide certain background information about the Business Area, including:
    - (i) the role and function of the Business Area;
    - (ii) whether the role and function has changed since the Relevant Period, as defined in the Terms of Reference;
    - (iii) key dates relating to the Business Area, including the date it was formed and dates when the Business Area became responsible for particular roles and functions;
    - (iv) whether the Business Area is responsible for handling allegations of employee misconduct, grievances or disciplinary procedures; and

<sup>3</sup> The content of this written statement was included in the Radio (Business) written summary due to being signed by the same Business Area Representative.

- (v) whether the Business Area deals with, or has previously dealt with, allegations of freelancer misconduct.
- (c) Hard copy documents – each Business Area was asked about their use of hard copy documents:
- (i) whether the Business Area currently works with hard copy documents;
  - (ii) whether the Business Area historically worked with hard copy documents;
  - (iii) if the Business Area uses hard copy documents, what those documents relate to and how they are organised;
  - (iv) whether the Business Area possesses hard copy documents relating to grievances or disciplinary procedures, or misconduct by employees or freelancers; and
  - (v) if there are relevant hard copy documents, the location they would likely be stored, and how these locations would be organised.
- (d) Electronic documents – each Business Area was asked about their use of electronic documents:
- (i) overview of how or where the Business Area stores its electronic documents, how these repositories are organised and whether they are searchable;
  - (ii) whether the Business Area shares its documents with other Business Areas;
  - (iii) whether there are any electronic document repositories that are specific to the Business Area;
  - (iv) the dates from which the Business Area started or stopped using each electronic repository; and
  - (v) questions specific to each electronic repository that the Business Area has said that is used either currently or previously.
- (e) Document sources not used by the Business Area – a list of document repositories used by other Business Areas was put to each Business Area to confirm whether or not they currently or previously used those repositories.
- (f) Documents relevant to the Terms of Reference – Business Area Representative(s) were asked about documents their areas may hold that are of relevance to the Terms of Reference. It was emphasised that the Business Area Representative(s) would not be held to their answer, but their responses would help the Review Team identify what document repositories should be searched through additional document requests to the BBC:
- (i) if the Business Area was likely to hold documents relating to the Terms of Reference, where they would likely be located;
  - (ii) what those documents might be, and whether it is likely that the Business Area held such documents; and
  - (iii) acknowledging that the Business Area will not have yet conducted any searches, whether the Business Area Representative is aware of any specific documents that might be relevant to the Terms of Reference.

- 14** In certain instances, the Business Area Representative(s) with whom the initial Assurance Discussion was held had limited knowledge of document repositories that may contain documents relevant to the Terms of Reference. In these cases, follow-up questions may have been put to another individual from the Business Area in a supplementary Assurance Discussion, who will have been identified as having more knowledge about that particular document repository. Alternatively, written questions may have been included in draft written summaries (see paragraphs 15 to 18 below) for the Business Area Representative(s) to consider further, and possibly forward on to other individual(s) from the Business Area who may be better placed to answer the questions.

### **Written Summaries**

- 15** Following each Assurance Discussion, a written summary of the document repositories used by the Business Area would be prepared by the Solicitors to the Review. Each summary included information relating to the following subheadings:
- (a) Introduction – the date and time of the discussion, the individual(s) from the Business Area that were spoken to, and any other relevant background information.
  - (b) Roles and functions of the Business Area – a brief background to the roles and functions of the Business Area, including the day-to-day work done by the Business Area, how these roles and functions have changed over time, any relevant systems or processes adopted by the Business Area, other BBC stakeholders with whom the Business Area regularly works, and the employee structure and reporting line of the Business Area.
  - (c) Document sources: hard copy – a description of the historic and current use of hard copy documents by the Business Area.
  - (d) Document sources: electronic – a description of historic and current electronic document repositories used by the Business Area.
  - (e) Document sources not used by the Business Area – a list of document repositories that may be used by other Business Areas but which the Business Area Representative(s) have said that this particular Business Area does not use.
  - (f) Locations of documents relevant to Terms of Reference – document repositories identified by the Business Area Representative(s) as being the most likely to contain documents fitting within the Review's Terms of Reference if the relevant Business Area held such documents.
  - (g) Statement of confirmation – statement containing various assurances that is signed by the Business Area Representative(s) with whom the Assurance Discussion was held. Where the discussion was held with more than one Business Area Representative, or another individual assisted in answering a follow-up question, the statement would be signed by every relevant individual. The key assurances given were as follows (the exact form of the statement varied in some cases to reflect the source of knowledge which underlay assurances):
    - (i) that the relevant individual had identified any systems or areas within the relevant Business Area that it was reasonably foreseeable might contain information or documents relating to the terms of reference for the Review and made these known to the Solicitors to the Review and BBC Legal;



- (ii) that the relevant individual was not aware of any other document sources accessible to them within the relevant Business Area which could be reasonably foreseen to contain information relevant to the terms of reference for the Review; and
  - (iii) that, on the basis of present knowledge and not having conducted searches independently of those requested by the Review or BBC Legal on behalf of the Review, the relevant individual was not personally aware of any information or documents evidencing allegations of sexual misconduct on the part of Tim Westwood that had not been identified to the Solicitors to the Review.
- (h) The reason for the assurance at (iii) above being limited to personal knowledge without searches having been conducted is that the Review Team wished to instruct its own searches, rather than having Business Area Representatives conduct searches that were not within its control and which might not have been recorded robustly.

- 16** Where the Review Team saw it appropriate, additional subheadings were included in the written summaries for specific Business Areas. This additional content would relate to information specific to those Business Areas which may relate to the Review's Terms of Reference.
- 17** As mentioned in paragraph 11 above, three additional written statements were produced in relation to major document sources that did not correspond to a particular Business Area but were instead used by several Business Areas or pan-BBC<sup>4</sup>.
- 18** These written summaries / written statements were then signed by the Business Area Representative(s) and any other relevant individuals. The purpose of requiring an individual to sign each written summary / written statement was to ensure that a named individual took responsibility for information provided to the Review.

#### **Document Requests coming out of the Disclosure Assurance Process**

- 19** In many cases, relevant document sources had already been searched in the course of specific document requests made by the Review Team. However, in relation to a number of Business Areas, the Solicitors to the Review determined that it was appropriate to instruct further searches in respect of certain document / information repositories within those Business Areas.
- 20** The searches conducted in relation to Business Areas identified during the Disclosure Assurance Process (rather than Document Requests that did not relate to a particular Business Area and which were conducted in the course of the Review more broadly) are summarised in the table in Annex 1 of this Appendix.
- 21** For a number of Business Areas, the written summary / written statement indicated that any potentially relevant hard copy documents would have been held within the BBC's Written Archives Centre. Searches designed to capture potentially relevant documents had been conducted in respect of the Written Archive Centre prior to the commencement of the Disclosure Assurance Process.

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<sup>4</sup> These document sources were the Central Archive Facility, Emails and Radio Shared Drives.

## Final Statements

- 22** Once the BBC returned every signed written summary and statement to the Solicitors to the Review, two confirmatory written statements were provided to Gemma White KC:
- (a) BBC confirmation statement – confirmed that, subject to specified points, the signatory believes that the BBC has complied with its obligations set out in section 4 of the Process Protocol and that the assurance process undertaken by the Solicitors to the Review for the Review has identified the principal areas or departments of the BBC that would be likely to hold documents containing evidence of alleged misconduct on the part of Mr Westwood.
  - (b) Linklaters confirmation statement – confirmed the steps taken to ascertain areas or departments of the BBC that would be likely to hold documents that are potentially relevant to the Review’s Terms of Reference, and particularly to allegations of sexual misconduct on the part of Tim Westwood, and that based on the information obtained through these steps:
    - (i) the Solicitors to the Review believe that all reasonable and proportionate measures necessary to identify areas or departments of the BBC that would be likely to hold documents that are potentially relevant to the Review’s Terms of Reference have been taken; and
    - (ii) the Solicitors to the Review are of the view that likely sources of such documents should have been identified to the Review in the course of the Disclosure Assurance Process.
- 23** The BBC confirmation statement was signed by a senior member of BBC Legal. The Linklaters confirmation statement was signed by a Partner for and on behalf of Linklaters LLP.
- 24** The full text of each confirmation statement is set out in Annex 2 of this Appendix.

## Disclosure Assurance Process in relation to complaints received by the BBC

- 25** A key topic at which the Disclosure Assurance Process was aimed was to determine the Business Areas which were likely to hold documents or evidence relating to complaints about alleged misconduct by Mr Westwood. As part of the Disclosure Assurance Process and more generally, we determined that the following Business Areas were most likely to hold documents relating to complaints:
- (a) **Audience Services (Complaints)** – this is the first stage of the BBC’s complaints procedure, and has been in place since 1999. There are various routes through which a complaint can be made, and Audience Services (Complaints) or its outsourced complaint handling function would seek to deal with audience complaints in the first instance. If the complainant wished to escalate their complaint or was unsatisfied with the initial response they received, they could escalate it to the Executive Complaints Unit;
  - (b) **Executive Complaints Unit** (formerly the Editorial Complaints Unit) – this is the second stage of the BBC complaints procedure. Prior to 2017, this would only address editorial complaints, with more general complaints (for example, allegations of freelancer misconduct) being sent to the relevant area of the BBC to be dealt with;
  - (c) **BBC Duty Office** – before institution of the Audience Services (Complaints) function in 1999, there was no formal way of submitting a complaint to the BBC. Any contact

made by the public would come through the BBC's "Duty Office", which operated in a similar way to a telephone switchboard;

- (d) **BBC Trust** – historically, the BBC's complaints procedure included a third stage where complaints could be escalated to the BBC Trust. This is no longer the case, with this role being taken by OFCOM;
- (e) **Director-General's Office** – members of the public sometimes submit complaints directly to the BBC Director-General's Office. These may be provided to the BBC's complaints procedure, or responded to directly on behalf of the BBC Director-General;
- (f) **BBC Corporate Investigations** – the BBC Corporate Investigations team's primary role is to investigate allegations involving BBC staff and freelancers that are of a criminal nature. The team is also the channel through which the BBC liaise with the police. While the Corporate Investigations team is not part of the BBC's formal complaints process, the team may be asked to investigate allegations made in complaints submitted by members of the public or other BBC staff;
- (g) **BBC Whistleblowing function** – the BBC has a whistleblowing function located within Corporate Investigations. The routes by which a whistleblowing complaint could be made varied though the relevant period;
- (h) **HR (People Services)** – People Services has several responsibilities, including (i) maintaining records relating to BBC employees and "contingent workers" (which may include freelancers), and (ii) supporting managers on issues relating to employee relations, often in conjunction with the Support at Work team;
- (i) **HR (Support at Work)** – Support at Work is a HR function responsible for investigating allegations of bullying, harassment and discrimination, including sexual misconduct;
- (j) **BBC Radio 1 / 1Xtra audience communication platforms** – members of the public may decide to submit complaints directly to a BBC division or programme. It is possible that complaints may have been submitted directly to BBC radio stations. We would expect that any direct communications to Radio 1 or 1Xtra (including any complaints made directly to Radio 1 / 1Xtra) would have been made through these channels. These included mailboxes, phone numbers and social media accounts; and
- (k) **Radio Human Resources** – Radio (HR) is a function of central HR and refers to the HR personnel embedded within the Radio & Music Division. Historically, Radio (HR) was tasked with dealing with all grievances of a formal and informal nature, including allegations of employee misconduct.

**26** The searches conducted in relation to each Business Area are set out in the table in Annex 1 of this Appendix. However, by way of summary, the searches we conducted were as follows:

- (a) searches of Audience Services complaints records dating back to 1999;
- (b) searches of ECU complaints records dating back to 1994;

- (c) searches of BBC Director-General corporate and individual mailboxes dating back to 1994<sup>5</sup>;
- (d) searches of Mailboxes associated with the BBC's Whistleblowing function to the extent that these are still available;
- (e) searches of the BBC Corporate Investigations case management system for records dating back to 2009;
- (f) HR (Support at Work) current and historic case management systems;
- (g) HR (People Services) current and historic case management systems;
- (h) HR Manager Advice system;
- (i) BBC Radio 1 and 1Xtra public-facing mailboxes;
- (j) BBC Radio 1 Controller mailboxes; and
- (k) Radio HR SharePoint (document storage system).

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<sup>5</sup> The Director-General's Office was not a Business Area which fell within the ambit of the Disclosure Assurance Process, but searches were conducted since this was determined to be a potential source of documents relevant to complaints about alleged misconduct by Mr Westwood.

**Annex 1**  
**Document Requests relating to Business Areas identified during Disclosure Assurance Process**

Business Area	Document sources searched	Searches performed
Commercial Rights and Business Affairs (CRBA)	ACON contract management system used by CRBA from 2003	Searched for records of contracts between Mr Westwood and the BBC for the period from 28 January 2012 – 14 September 2013
	Request to the BBC to provide details of contracts and associated documents associated with the engagement of Mr Westwood by the BBC	N/A
Complaints	Customer relationship management system records - Dynamics 365 and Microsoft CRM. Records exist from 1999 – present	Searched for any complaints relating to: Any programme with “Westwood” or “Rap Show” in the title Any complaint where the text from the member of the public contained the word “Westwood”
Contingent Workforce Team	No searches deemed necessary	N/A
Investigations	Corporate Investigations [REDACTED] system - the main electronic document storage system used by Investigations. This system was introduced in 2009. All documents and correspondence relating to an investigation are saved on [REDACTED] (including correspondence relating to whistleblowing complaints which come in through the (historic) Expolink and Navex external whistleblowing lines)	Keyword search for documents relating to “Tim Westwood”
	Corporate Investigations SharePoint file management system	Keyword search for documents relating to Westwood
	Email mailboxes of individuals nominated in the applicable whistleblowing policy during the relevant period, to the extent that these existed	Keyword search for documents relating to Westwood

Business Area	Document sources searched	Searches performed
Executive Complaints Unit (ECU)	Complaints records dating back to 2006 held on Dynamics 365 and SharePoint	Keyword search for any complaints relating to “Westwood” or “Rap Show”
	ECU Shared Drive – this contains summaries of the findings made by the ECU in relation to complaints between 1994 and 2005	Keyword search for documents relating to Westwood
	PCU SharePoint – archive of summary details of complaints received from 1994 to 2005	Keyword search for documents relating to Westwood
	The Core SharePoint - archive of summary details of complaints received from 2004 to 2020	Keyword search for documents relating to Westwood
	Locally held complaint logs covering the periods from 1994 to 2005 and 2008 to the present day	Keyword search for documents relating to Westwood
Employment Law	Employment Law J-Drive – a shared drive used to store documents prior to 2016 which is only accessible to members of the Employment Law team	Keyword search for documents relating to Westwood Keyword search for documents relating to the BBC’s post-Savile review process relevant to the Review
	Employment Law Filesite – a shared drive used to store documents post-dating 2016	Keyword search for documents relating to the BBC’s post-Savile review process relevant to the Review
External Communications	COLIN System – this stores press logs dating back to 2010	Keyword search relating to: (i) Westwood; and (ii) specific instances of potential relevance to the Review
	Archived press logs pre-dating the COLIN system	Keyword search relating to: (i) Westwood; and (ii) specific instances of potential relevance to the Review
HR (People Services)	Remedy case management system (BWF / EMS archives) – this is a record of HR People Services cases covering the period from 9 December 2016 to present	Keyword search for documents relating to Westwood

Business Area	Document sources searched	Searches performed
	Manager Advice document storage system used to store, amongst other things documents relating to employee relations cases (including those relating to discipline, grievance, sickness, performance, etc.)	Searched for documents relating to Westwood
Support at Work	Business Workflows (BWF) – this is a platform used to manage cases handled by Support at Work. It has been in use since, and contains information relating to cases from, October 2022	Keyword search for communications relating to Westwood
	Remedy (EMS) - EMS was the predecessor to BWF. EMS was introduced in 2018 (for Support at Work case management storage) but contains all data relating to cases handled since the establishment of Support at Work in November 2013	Keyword search for communications relating to Westwood
	Support at Work SharePoint - SharePoint is used as a storage system for all documents used by Support at Work – case files, policies and procedures, training materials, etc	Keyword search for communications relating to Westwood
	BBC Support at Work email mailboxes – these were the email mailboxes through which a communication could be sent to Support at Work, and have been in existence since 2013.	Keyword search for communications relating to Westwood
Information Rights	Freedom of Information (FOI) request records	Requested to provide copies of FOI requests relating to Westwood
Internal Communications	No searches deemed necessary	N/A
Litigation	Litigation J-Drive - a shared drive used by Litigation to store documents prior to 2017	Keyword search for documents relating to Westwood



Business Area	Document sources searched	Searches performed
	Litigation Database - a database containing information on significant matters the Litigation team have worked on or are working on. The database dates back to approximately 1995	Search for cases relevant to Westwood
	Litigation S-Drive - a shared drive used by Litigation to store documents specifically relevant to the BBC's post-Savile review process	Keyword search for documents relating to the BBC's post-Savile review process relevant to the Review
	Litigation Filesite - a shared drive used by Litigation to store documents post-dating 2017	Keyword search for documents relating to the BBC's post-Savile review process relevant to the Review
Programme Legal Advice	Duty Lawyer Outlook Mailbox – this was the group mailbox used to receive and action requests for legal advice on editorial and other programme-related issues, and was set up in 2012	Keyword search for communications relating to Westwood
Radio	Public-facing mailboxes, in particular those maintained for Radio 1 and 1Xtra	Keyword search over mailboxes of potential relevance for communications relating to Westwood. Searches of open source material conducted for additional mailbox addresses containing Radio 1 and 1Xtra keywords.
	Email mailboxes for Controllers of Radio 1 during the relevant period	Subject to various key word searches during the course of the Review.
	Radio 1 and 1Xtra social media account direct message archives to the extent available	No Facebook messages exist for the relevant period X (formerly Twitter) messages dating back to 2010 were manually reviewed for messages relating to Westwood up to July 2023

Business Area	Document sources searched	Searches performed
	Radio HR, Radio 1 and Radio 1Xtra Shared Drives	These were reviewed on the basis of folder names by the Solicitors to the Review and potentially relevant folders were requested and manually reviewed
Radio (Business)	No searches deemed necessary	N/A
Radio (HR)	Radio HR SharePoint and Audio & Music HR SharePoint – these are document storage and management systems which will contain personnel files, amongst other documents	Keyword search for documents relating to Westwood
	Shared Drive (Radio & Education) – these are drives to which Radio (HR) team members have access. These will not contain personnel files, but will contain, for example, training materials	Keyword search for documents relating to Westwood

## **Annex 2**

### **Full text of confirmatory statements**

#### **1 BBC confirmation statement**

I write further to the disclosure assurance process which has been conducted by Linklaters LLP to support the work of the Review.

The Review Process Protocol sets out the procedures relating to specific aspects of the Review. Section 4 sets out the process regarding document requests and production.

BBC Legal, and particularly the Litigation team, has spent the period since September 2022 assisting with and facilitating the conduct of searches for documents and information (as directed by and agreed with Linklaters) to answer requests made by the Review.

The steps taken included the identification by the Review of over 40 key custodian email accounts. These mailboxes were uploaded, either in whole or in part (covering limited time periods and/or limited to data responsive to specific search terms), to an electronic document review platform and Linklaters conducted searches across them.

In addition, a process took place whereby BBC business areas that might potentially hold documents falling within the Terms of Reference were initially identified by BBC Legal and set out in a document known as the 'Document Collection Guide'<sup>6</sup>, and subsequently by Linklaters as the disclosure assurance process continued and based on documents and information provided by the BBC over the course of the document request process.

90 formal document and information requests (many including multiple requests per numbered request) were sent by the Review to the BBC for searches and the production of documents (hard copy and electronic). The BBC has undertaken the requested searches and complied with these requests by making the search results available to the Review.

Having had oversight of the steps taken by the BBC to explain to the Review how information and documents are currently stored across the BBC and (to the best of people's knowledge) were stored during the relevant period covered by the Terms of Reference, I believe that the BBC has complied with its obligations set out in section 4 of the Process Protocol, including in respect of the identification to the Review of the principal areas of the BBC where relevant documents might reasonably foreseeably be held and in responding to requests for document searches.

Having been involved with facilitating and overseeing the process of the BBC conducting these requested searches, and to the best of my current knowledge of the BBC's structures and systems, it is my belief that the principal areas or departments of the BBC that one could reasonably foresee would be likely to hold documents (to the extent that any such documents exist) containing evidence of alleged misconduct on the part of Mr Westwood have been identified to Linklaters. The areas which I am aware have been identified to Linklaters are listed below.

#### **Principal areas or departments of the BBC which could be reasonably foreseen to hold documents:**

- Content:
  - Radio (i.e. Music);

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<sup>6</sup> A working draft document prepared by BBC Legal on the basis of reasonable and proportionate enquiries / steps, setting out: (i) information about the BBC's retention policies, the BBC's hardcopy records, the BBC's electronic records, and the BBC's visual-audio records; and (ii) various document repositories that are either centrally held or held within specific divisions of the BBC that may contain documents relevant to the Review.

- Radio Business (i.e. Radio and Music HQ Business Management);
- HR:
  - HR (People Services), including HR Analytics & Systems teams;
  - Contingent Workforce;
  - Radio & Music (Content) HR;
  - Support at Work (part of Employee Relations & Policy);
- Legal:
  - Litigation;
  - Employment Law;
  - Information Rights;
  - Programme Legal Advice;
- Commercial Rights & Business Affairs (in particular, CRBA Production Events & Talent);
- Complaints (i.e. Audience Services, Communications & Complaints and Audience Feedback);
- The Executive Complaints Unit;
- Communications (i.e. External Communications);
- Internal Communications & Engagement;
- Investigations (i.e. SSR); and
- The Director-General's Office.

I am also aware that assurance statements have been provided by:

- The Corporate Records Management team, regarding the BBC's central archive facility; and
- The Information Security team, regarding the BBC's email systems.

Finally, please note the following:

1. The list above is to the best of my knowledge. I understand that one of the key aims of the assurance conversations conducted by Linklaters has been to identify possible subareas of relevance within larger departments that they have spoken to, or related departments which may also hold documents. I have not separately conducted enquiries of this nature; that process has been led by Linklaters for the Review.
2. Due to the separation between the BBC's corporate functions and its journalistic functions (which are editorially independent, with the effect that BBC journalists are able to report on the BBC corporate body), the list above intentionally omits the BBC's News and Current Affairs department, which – given the investigations and coverage into Mr Westwood – are likely to hold documents containing evidence of alleged misconduct on the part of Mr Westwood. The journalism conducted by the BBC into the issues that are now the subject of the Terms of Reference, and the journalistic material resulting from that work, have throughout the Review

process been carved out of the searches conducted as a result of this separation and editorial independence.

3. Where we are aware that the Review team is likely to have spoken directly with certain key individuals who currently work or formerly worked in the relevant areas of Radio 1 and/or Radio 1Xtra and/or BBC Audio, we have not separately investigated or verified with those individuals what documents they may or may not be likely to have in their possession or their knowledge of where relevant documents may sit.

Subject to the points above, I believe that the assurance process undertaken by Linklaters for the Review has identified the principal areas or departments of the BBC that would be likely to hold documents containing evidence of misconduct on the part of Mr Westwood.

## 2 Linklaters confirmation statement

As you are aware, we have taken steps to ascertain areas or departments of the BBC that would be likely to hold documents that are potentially relevant to the Review's Terms of Reference, and particularly to allegations of sexual misconduct on the part of Tim Westwood (the "**Disclosure Assurance Process**").

The steps taken include the following:

1. a process took place whereby BBC business areas that might potentially hold documents falling within the Terms of Reference were initially identified by BBC Legal and set out in a document known as the 'Document Collection Guide'<sup>7</sup>, and subsequently by Linklaters as the Disclosure Assurance Process continued and based on documents and information provided by the BBC over the course of the document request process:
  - a. interviews were conducted with potentially relevant departments / business areas within the BBC to understand the sources of documents held within these departments. Summaries of sources of documents were prepared on the basis of these interviews and signed by a senior member of the relevant department / business area (the "**Summaries**"). A list of these interviews and the persons interviewed is set out at Part 1 of Appendix 1;<sup>8</sup>
  - b. in parallel, Linklaters considered what was discussed in interviews and, when necessary, sent additional document requests to the BBC (in addition to those already being progressed outside of the Disclosure Assurance Process). In total, the BBC responded to 90 formal document and information requests made by the Review for searches and the production of documents (hard copy and electronic); and

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<sup>7</sup> A working draft document that we were informed by BBC Legal had been prepared on the basis of reasonable and proportionate enquiries / steps, setting out: (i) information about the BBC's retention policies, the BBC's hard copy records, the BBC's electronic records, and the BBC's visual-audio records; and (ii) various document repositories that are either centrally held or held within specific divisions of the BBC that may contain documents relevant to the Review.

<sup>8</sup> We have not reproduced here Appendix 1 to the Linklaters confirmation statement (which was the only appendix). The purpose of Appendix 1 was to identify to Gemma White KC: (a) the BBC Business Areas the Solicitors to the Review interviewed and other sources from whom the Solicitors to the Review obtained written statements; and (b) the BBC personnel who were interviewed and/or acted as signatory of a written statement. Aspect (a) is already covered in paragraphs 10 and 11 of this Appendix ii, and the general approach adopted in this report in relation to names would effectively redact any meaning from aspect (b) if reproduced here.

- c. signed statements were also obtained in respect of a limited number of other sources of documents within the BBC which did not correspond to a particular department / business area or crossed multiple business areas. A list of these written statements is set out at Part 2 of Appendix 1;<sup>9</sup>
2. an emailed request to make known to the Review any documents which “*could be in any way relevant to allegations or concerns about Tim Westwood or any knowledge of such allegations within the BBC*” and “*any database, area, system or device on which any such documents are contained*” was sent to all BBC employees on 20 April 2023. This was sent using the BBC’s Ariel internal staff email system along with an update to the Review, and we are informed by the BBC that a follow-up was sent automatically to all BBC employees who had not opened the relevant email. BBC employees were asked to send any documents to a Linklaters email address associated with the Review, and were provided with a contact email for BBC Legal to which any queries about providing documents to the Review could be addressed. The Linklaters team assisting Gemma White KC with the Review has not received any documents from BBC staff to the Review email address ([GWKCBBCReview@linklaters.com](mailto:GWKCBBCReview@linklaters.com)) as a result of the BBC Ariel email dated 20 April 2023. The BBC confirmed by email on 18 July 2023 that the only email received to that email address from a BBC staff member in response to the 20 April email was an enquiry from a programme legal affairs lawyer confirming that legal advice in relation to the BBC journalistic investigation into Tim Westwood did not need to be disclosed. Since its confirmation on 18 July 2023, the BBC Legal team working on the Review has confirmed that to the best of its knowledge and having conducted reasonable checks, it has not received any documents relevant to the Terms of Reference, nor enquiries relating to potentially relevant documents, from BBC staff to the dedicated BBC email address ([Westwood.Review@bbc.co.uk](mailto:Westwood.Review@bbc.co.uk)) as a result of the BBC Ariel email dated 20 April 2023; and
3. a signed statement from a BBC Legal Director that, subject to specified points which we consider to be reasonable caveats in the circumstances, he believes that the BBC has complied with its obligations set out in section 4 of the Process Protocol and that the assurance process undertaken by Linklaters for the Review has identified the principal areas or departments of the BBC that would be likely to hold documents containing evidence of misconduct on the part of Mr Westwood.

Based on the above, we believe that all reasonable and proportionate measures necessary to identify areas or departments of the BBC that would be likely to hold documents that are potentially relevant to the Review’s Terms of Reference have been taken. We are of the view that likely sources of such documents should have been identified to the Review in the course of the Disclosure Assurance Process.

We note the importance to the Review of documents that set out formal complaints to the BBC about misconduct by Tim Westwood (the “**Complaints Documents**”). Having reviewed the Summaries, and having considered the document requests made by the Review to the BBC in relation to complaints (including, in particular, document requests 12, 21, 29, 40, 62, 64, 70, 74 and 77, 83, 85 and 86), we are of the view that reasonably comprehensive searches have been conducted to identify any Complaints Documents currently within the possession or control of the BBC.

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<sup>9</sup> See footnote 8 above.

**Appendix iii**  
**Sample of Social Media Allegations and Concerns referred to in Part V, Chapter 5**

No.	Timeline	Date	Event
1.	2011	9 January 2011	"Lool allows RT @ [REDACTED]: Just saw Tim Westwood with some 15 year old lil black girl in west end LOL"
2.		9 January 2011	"Tim Westwood makes me feel so uneasy. I think secretly he's a a pedophile or a perv."
3.		6 March 2011	"RT @ [REDACTED]: Ahahah tim westwood is here and he said I have a bum like nicki minaj and touched it :/ um..." Haha! Tell him 2 reply DM"
4.		30 July 2011	"@ [REDACTED], Tim Westwood, mid 40's calls himself a big dog and likes to get on down with the kids, paedophile?"
5.		3 October 2011	"Remember when @TimWestwood came to university of surrey and told us to grab a guy and fuck him hard. Such great advice @ [REDACTED] SMH"
6.		3 October 2011	"Tim Westwood just touched my bottom during an interview! It was Tim Westwood so it was ok. #UrbanMusicAwards #1extra"
7.		12 December 2011	"Tim Westwood just called me beautiful and tried to touch my arse! Dirty Perv!!!"
8.	Early 2012	12 January 2012	"Watching Westwood dj. Last time I was 17 and he brushed up against my bum. I wonder if he'll take a fancy to my 22 year old bum."
9.		30 January 2012	"Awkward Moment When Big Sean Comes On And Tim Westwood Says 'To The White Girls With Flat Bums,Just Shake Your Tits'LOOOOL @ [REDACTED]"



10.		25 February 2012	<i>"What's on tonight? &amp; don't say tim westwood. That shit paedophile"</i>
11.		26 March 2012	<i>"RT [REDACTED]: #WordAssociation Tim Westwood &gt; Paedophile"</i>
12.		4 April 2012	<i>"Tim Westwood is some paedophile fuck that."</i>
13.		28 April 2012	<i>"Is it me or does Tim Westwood look at young girls in a really sexual way?"</i>
14.	May 2012	19 May 2012	<i>"Someone punch that paedophile tim westwood in the throat for me I'll give you £100 tomorrow"</i>
15.		24 May 2012	<i>"Tim Westwood apparently got sacked cause fingered some 15 year old, isn't he like 50:  ew, paedophile: "</i>
16.		24 May 2012	<i>"[REDACTED]: Tim Westwood with the 15 year old girl...he stuck one finger up...then two fingers up....then 1 Xtra"</i>
17.		24 May 2012	<i>"RT "@ [REDACTED]: Did Tim Westwood really finger a 15 year old girl?" EWWW weh did u hear that!"</i>
18.		24 May 2012	<i>"Tim Westwood got sacked because he had relations with a 15 year old of the finger kind? #Rumour or #TrueStory"</i>
19.		24 May 2012	<i>"Tim Westwood did what? Finger a 15 year old... Please!"</i>
20.		24 May 2012	<i>"Did tim westwood actually finger a 15 year old?? He's like 40 something"</i>
21.		24 May 2012	<i>"Tim Westwood was fired for fingering a 15 year old girl &amp; people think its funny!?She is child, its child abuse! #WhatIfSheWasYourDaughter?"</i>

22.		24 May 2012	"Tim Westwood fired for fingering a 15 year old?! PAEDO!!!!!!!!!!!"
23.		24 May 2012	"TIM WESTWOOD got caught fingering a 15 year old girl :O !! So he got fired :)."
24.		24 May 2012	"@ : Tim Westwood sacked for fingering a 15 year old? 'kin ell - sdfgbhmgbfdsdmgdsffsdg"<<Eeeewwww isn't he old enough 2b her Grandad?!"
25.		24 May 2012	"Tim Westwood fired for "fingering a 15 year old" haha yeah alrite then."
26.		24 May 2012	"What? Tim westwood fired for fingering a 15 year old =/"
27.		24 May 2012	"Did Tim Westwood really get fired for fingering a 15 year old?"
28.		24 May 2012	"Ahhh feel sick about Tim Westwood fingering a 15 year old, what a prat"
29.		24 May 2012	"@ : Tim Westwood's been sacked? probs because of all them students he invites back to his hotel.. #mentioningnonames" LMAO"
30.		24 May 2012	"@ : If Tim Westwood really fingered a 15 year old he wouldn't have been sacked...he'd be arrested. Be sensible." damn"
31.		24 May 2012	"56 year old Tim westwood fired for fingering a 15 year old. #epic"
32.		24 May 2012	"@ : @ : Tim Westwood fired because he got caught fingering a 15 year old? Oh my life" < .....JESUS CHRIST !!!" :O"
33.		24 May 2012	"Im hearing tim westwood is getting fired from 1xtra for getting with a 15 year old haha"

34.		24 May 2012	"LOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOL Tim Westwood LOOOOOOOOOOOOOOOOOOOL fingered a 15 year old"
35.		24 May 2012	"LOOOOOL... Apparently Tim Westwood fingered a 15 year old girl... #casj #FairPlay #Result #OneToMakeMammaProud #LeaveltYeah #BMT #Jheeze"
36.		24 May 2012	"Tim Westwood got fired for fingering a 15 year old hahahhahahhahahhahahhahahahaha EW tho that's nasty."
37.		24 May 2012	"Na waa!!" @ [REDACTED]: Tim Westwood Allegedly sexually assaulted a 15 year old girl... That's juss sad :( RT"
38.		24 May 2012	"@ [REDACTED]: Looool so Tim Westwood has been sacked from 1extra and apparently fingered a 15 year old .." > Dirty old guy!"
39.		24 May 2012	"I'm hoping the rumours about @TimWestwood and a 15yr old is not true #Vom"
40.		24 May 2012	"I really can't believe Tim Westwood's a pedo, but at the same time, I really can."
41.		24 May 2012	"tim westwood got fired for fingering a 15 year old, loooooo dasss naaaassssty swear he's like, 50"
42.		24 May 2012	"Tim westwood got fired coz he fingered a 15 year old girl Lool oh peeeak he's stupid"
43.		24 May 2012	"Tim Westwood Allegedly sexually assaulted a 15 year old girl... That's juss sad :( RT"
44.		24 May 2012	"I heard Tim Westwood fingered a 15 year old girl and got fired, is this true?? LOOL"
45.		24 May 2012	"@TimWestwood: next Westwood parrry in London Monday 4th June @ [REDACTED] "don't finger no 15 year olds!"

46.		24 May 2012	"LOOL tim westwood fingered a 15 year old #ROTFL"
47.		24 May 2012	"Tim Westwood sacked from BBC Radio for fingering a 15 year old? Surely not, surely!?"
48.		24 May 2012	"@ : Tim Westwood fingered a 15 year old girl?" Ewww. My god. Vom."
49.		24 May 2012	"@ : @TimWestwood oi was she tight?" LOOOOOOL"
50.		24 May 2012	"Loooooool no way did @TimWestwood get fired for fingering a 15 year old looooool omg #Leeeeeeeaveityeah"
51.		24 May 2012	"Sooo, i'm hearing that dutty Tim Westwood fingered a 15 year old? Smh"
52.		24 May 2012	"If Tim Westwood done that to a girl he would be in trouble legally not just get sacked."
53.		24 May 2012	"RT @ : @TimWestwood Did you finger a 15 yr old « loool jozz like dahh"
54.		24 May 2012	"@ might pop down the job centre to see @TimWestwood chatting up the 15 year olds there #16YearOldSwag #WrinklyBollocks"
55.		24 May 2012	"Im hearing tim westwood is getting fired from 1xtra for getting with a 15 year old hahahaha"
56.		24 May 2012	"Tim Westwood, caught fingering a 15 year old.. Only a matter of time before his age caught up with him!"
57.		24 May 2012	"RT @ : RT @ : Tim Westwood with the 15 year old girl...he stuck one finger up...then two fingers up....then 1 Xtra"



70.		24 May 2012	"RT @ [REDACTED]: If Tim Westwood really fingered a 15 year old he wouldn't have been sacked...he'd be arrested. Be sensible. < THIS"
71.		24 May 2012	"RT @ [REDACTED]: If Tim Westwood really fingered a 15 year old he wouldn't have been sacked...he'd be arrested. Be sensible.<<<<<<"
72.		24 May 2012	"If Tim Westwood really fingered a 15 year old he wouldn't have been sacked...he'd be arrested. Be sensible."
73.		24 May 2012	"Tim westwood fingered a 15 year old and got sacked hahaha..."
74.		24 May 2012	"RT @ [REDACTED]: "[REDACTED]: Tim Westwood fingered me too 🤔" « @TimWestwood Confirm?"
75.		24 May 2012	"Lol I'm hearing tim westwood fingered a 15 year old??"
76.		24 May 2012	"RT @ [REDACTED]: RT @ [REDACTED]: Tim Westwood got fired from 1xtra for fingering a 15 year old.. Ok « its gass"
77.		24 May 2012	"Tim Westwood got fired from 1xtra for fingering a 15 year old.. U jus cant trust these hoes!!"
78.		24 May 2012	"Apparently tim westwood has been sacked for fingering a 15 year old, if true loooool"
79.		24 May 2012	"[REDACTED]: Tim westwood fingered a 15 yr old? Are you taking the piss? : "eeeeeee what"
80.		24 May 2012	"RT @ [REDACTED]: LOOOL I don't believe Tim Westwood got fired for fingering a 15 year old girl.. : "
81.		24 May 2012	"Tim Westwood's a peado? Low it"

82.		24 May 2012	"Oh Lard! Tim Westwood having relations wiv a 15 year old....hmmmm #fb :0"
83.		24 May 2012	"Everyone is saying Tim Westwood got fired because of fingering a little girl that's so much crap lol u believe anything init"
84.		24 May 2012	"@ : Haha Tim Westwood got fired by 1xtra for fingering a 15 year old girl, that is by far the funniest thing I've heard all week" :O"
85.		24 May 2012	"@ : How did @TimWestwood get fired that shit ain't right< cos he fingered someone who ain't even taken her year 10 exam yet"
86.		24 May 2012	"@ : i bet tim westwood fingers smell nice LOL" loooooooooool WTF"
87.		24 May 2012	"Tim westwood! I've never rated! A 15 year old... Really? Ahhh... That's a prison sentence in my eyes"
88.		24 May 2012	"RT @ : RT @ @ Tim Westwood got fired from 1xtra for fingering a 15 year old.. Ok < no fucking way... < fuck off"
89.		24 May 2012	"So Tim westwood apparently got fired because he fingered a 15 year old??? That's fucked up!"
90.		24 May 2012	"RT @ : LOL how do ppl come up with these rumours smh "tim westwood fingered a 15 year old girl uno" < kjhgvjhcxiqfd"
91.		24 May 2012	"RT @ : Tim Westwood fingered a 15 year old some one clarify for me"
92.		24 May 2012	"@TimWestwood reply to me you peadophile"
93.		24 May 2012	"RT @ : Why would you let Tim Westwood finger you? Ew. < alot of girls would.. hes a legend"





106.		24 May 2012	""@ : RT @ : woow so tim westwood got fired for fingering a 15year old ...smh • Ew man." wtf!!"
107.		24 May 2012	"Did Tim Westwood finger a 15 year old?! omg LOOOOOOOOOOOL"
108.		24 May 2012	"So Tim Westwoods been caught fingering a 15 year old. *Tim Westwood voice* YOU'RE GOING DOWN BIG DAWWWG."
109.		24 May 2012	""@ : I'm just surprised anyone would let Tim Westwood finger them tbh"WHAT!!"
110.		24 May 2012	"Tim Westwood falling for the jailbait... #inabit"
111.		24 May 2012	"I'm just surprised anyone would let Tim Westwood finger them tbh"
112.		24 May 2012	"Did Tim Westwood finger a 15 year old?! LOOOOOOOOOLL"
113.		24 May 2012	"Has Tim Westwood got the sack for fingering a 15 year old??"
114.		24 May 2012	"You can take the 15 year old out of the big dawg but you can't take the big dawg out of the 15 year old #4realzies Tim Westwood"
115.		24 May 2012	"54 year old Tim Westwood has been sacked by #radio1extra as he was caught fingering a 15 year old! Hahahahaha #ByeByeBigDawg"
116.		24 May 2012	""@ : what???????????????? RT @ : Tim Westwood sacked for fingering a 15 year old? 'kin ell" < swearrrr that's the reason?!"
117.		24 May 2012	"Did Tim Westwood really get fired for fingering a 15 year old? LOL fucking sicko"

118.		24 May 2012	<i>"That's actually disgusting. Tim Westwood is 53. Is he THATT desperate he's reaching for kiddies? Furthermore what GIRL let Westwood touch?:"</i>
119.		24 May 2012	<i>"Tim Westwood fired because he got caught fingering a 15 year old? Is this Trend even true? #peado"</i>
120.		24 May 2012	<i>"Tim Westwood got fired from R1xtra for fingering a 15yearold girl. What??? #eurghh"</i>
121.		24 May 2012	<i>"RT @ [REDACTED]: Did Tim Westwood get sack from 1Xtra for fingering a 15 Year old?? @1Xtra « LOL whaat?!"</i>
122.		24 May 2012	<i>"How can dey say Tim WestWood Fingered a 15 year old girl LOOOOOOOOOOOL"</i>
123.		24 May 2012	<i>"Did Tim Westwood get sack from 1Xtra for fingering a 15 Year old?? @1Xtra"</i>
124.		24 May 2012	<i>"I wonder for Tim Westwood una. He risked his whole career for a 15 year old."</i>
125.		24 May 2012	<i>"RT"@ [REDACTED]: WTF how can someone say Tim Westwood fingered a 15 year old, I can't believe this" &lt;&lt; I wouldn't be surprised TBH"</i>
126.		24 May 2012	<i>"Yo @ [REDACTED] don't get it twisted dawg. I got fingered 4 bein 15 years to old #4realzies Tim Westwood"</i>
127.		24 May 2012	<i>"@ [REDACTED]: Omg Tim Westwood got sacked for fingering a 15year old! 🤔😱😱😱😱😱😱😱😱😱"«» Bull"</i>
128.		24 May 2012	<i>"Turns out @TimWestwood got clocked fingering a 16 year old. @ [REDACTED] was right in giving you shit. Your some black wannabe Gary glitter"</i>
129.		24 May 2012	<i>"LOOL if Tim Westwood actually got fired for fingering a 15 year old he's more pathetic than I thought tbh."</i>

130.		24 May 2012	"Omg Tim Westwood got sacked for fingering a 15year old! 🤔🤔🤔🤔🤔🤔🤔🤔🤔🤔"
131.		24 May 2012	"@ : No. I don't believe it. Tim Westwood couldn't have got sacked cos he fingered a 15 year old. No. I won't accept that. Nah"«my eyes"
132.		24 May 2012	"#HoldOnSoYouTellinMe Tim Westwood got sacked because he got caught fingering a 15 year old? THE DEVIL IS A LIAR."
133.		24 May 2012	"So tim westwood has been sacked by radio 1 for apparently fingering a 15 year old but will still front a sunday show. #thinkthereasonrumour"
134.		24 May 2012	"@TimWestwood .. If what they're saying about you is true. You're actually a sick disgusting peado, if not .. Your still shit :)." "
135.		24 May 2012	"@ : Tim Westwood fired because he got caught fingering a 15 year old? Oh my life" swear"
136.		24 May 2012	"@ : So tim westwood got sacked from 1xtra for fingering a 15yr old. OHHHHHH!" < :O the dammm tramp"
137.		24 May 2012	"@ : Tim westwood got fired cos he was fingering a 15 year old LOOOOOL nah man" LOOOOOL how do you know ?"
138.		24 May 2012	"LOL apparently Tim Westwood got fired because he fingered a 15 year old #life"
139.		24 May 2012	"How are people saying Tim Westwood got sacked from 1xtra for fingering a 15 year old ? LOOL that's serious, I would par of that gyal tbh"
140.		24 May 2012	"LOL is it tru Tim westwood has been sacked for fingering a 15 year old haha"
141.		24 May 2012	"@ : Tim Westwood fingered a 15 year old, ah no that's not good" omg wtf"

142.		24 May 2012	<i>"So what's this shit goin around bwt #TimWestwood Poking Fingers In A Little Girls Vagina :S"</i>
143.		24 May 2012	<i>""@ [REDACTED]: Tim Westwood fired from 1Xtra radio because he got caught doing things with a 15 year old #mad" Looool rt? That guys sick"</i>
144.		24 May 2012	<i>""@ [REDACTED]: TIM WESTWOOD GOT FIRED CAUSE HE WAS CAUGHT FINGERING A 15 YEAR OLD" lmao"</i>
145.		24 May 2012	<i>"Tim Westwood fired from 1Xtra radio because he got caught doing things with a 15 year old #mad"</i>
146.		24 May 2012	<i>"@ [REDACTED] Trust me those ones aren't worth getting + Tim Westwood got fired for fingering a 15 year old loooooooooool @ [REDACTED]"</i>
147.		24 May 2012	<i>"I wonder if @TimWestwood got fired for facilitating the lewd behaviour of minors at Westwood parties?!"</i>
148.		24 May 2012	<i>""@ [REDACTED]: TIM WESTWOOD GOT FIRED CAUSE HE WAS CAUGHT FINGERING A 15 YEAR OLD" loooool"</i>
149.		24 May 2012	<i>"So I see Tim Westwood finally did something of note with his fingers? #DJLife"</i>
150.		24 May 2012	<i>"@TimWestwood WHHHAT!!?! "schedule change" A.K.A. excessive use of sexual innuendoes (for pre-watershed radio). What are fish sticks?"</i>
151.		25 May 2012	<i>"RT @ [REDACTED]: RT @ [REDACTED]: Why did Tim Westwood get fired?- fingered a 15 year old // &lt; that ain't even realistic to me? LOL lying?"</i>
152.		25 May 2012	<i>"Is this true tim westwood got sacked cos he fingered a 15 year old?? WOW that is proper disgusting, he does look like a major perve tho LOL"</i>
153.		25 May 2012	<i>"Tim Westwood didn't get fired because he fingered a 15 year old - __ - it's because he's 54 and 1xtra wanted a younger DJ. Gosh how people lie"</i>

154.		25 May 2012	"Tim Westwood your moist for fingering a 15 year old"
155.		25 May 2012	"Tim westwood fingered a 15 year old? Whaaaat? 😬"
156.		25 May 2012	"So Tim Westwood got Fired For That? #DeviousBitches or a #SetUp man done a lot for the Uk Scene, Would he really fuck his life to finger??"
157.		25 May 2012	"Someone needs to give me the details of my last retweet... Tim Westwood? Paedophile behaviour? :s"
158.		25 May 2012	"Tim Westwood got fired from Radio 1 for fingering a 15 year old girl.. Wtf"
159.		25 May 2012	"So tim westwood has been fired frm bbc 1xtra for fingering a 15year old girl.I hope you at least got a blowy,btw ur not black you silly cunt"
160.		25 May 2012	"@ [REDACTED] True say dehydration init...what's this bout tim westwood fingering a 15year old lool"
161.		25 May 2012	"Apparently Tim Westwood got sacked because he fingered a 15 year old"
162.		25 May 2012	"@ [REDACTED]: Why did Tim Westwood get fired?" he fingerd a 15 year old"
163.		25 May 2012	"So Tim Westwood was fired for fingering a 15 year old girl. Smh"
164.		25 May 2012	"RT @ [REDACTED]: " @ [REDACTED]: Why did Tim Westwood get fired?" he fingerd a 15 year old < No wayyy :O"
165.		25 May 2012	"Tim Westwood been sacked, I'm guessing that rumour about him fingering a 15yr old was true?"

166.		25 May 2012	"RT @ [REDACTED]: @ [REDACTED] I heard he fingered a 15 year old LOOOOOOOOL« is this true about tim westwood"?"
167.		25 May 2012	"Did Tim Westwood really get fired for fingering a 15 year old? True or False? :O"
168.		25 May 2012	"Tim Westwood got fired for fingering a 15 year old fasdkhfsdihjkghfiawetfgawkemnsdflsgwfiwyvfwyisafdbflsdfisylfwg"
169.		25 May 2012	"@ [REDACTED] apparently tim westwood has fingered a 15 year old girl LOL"
170.		25 May 2012	"@ [REDACTED]: Has Tim Westwood actually been sacked by the BBC for fingering a 15-year old?" Yes! FACT!"
171.		25 May 2012	"tempted RT @ [REDACTED] but Tim Westwood fingering A 15yrs kid? like c;mon dats a minor, why get urself into shit like dat?"
172.		25 May 2012	"Ahhh I wonder what TimWestwood did tho ahh but apparently he fingered a 15 year old - _ - so he's fired from 1extra and sacked from proud 2"
173.		25 May 2012	"So what did tim westwood do ,did he really do that to.that 15 yr old?"
174.		25 May 2012	"Wait... Tim Westwood fingered a 15 year old girl? Whaaat..."
175.		25 May 2012	"@ [REDACTED]: Tim Westwood fingered a 15yr old beanie? LOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOL" < loool is this why he got fired!? Loool omg"
176.		25 May 2012	"Hahahaha tim westwood got sacked from 1extra...the reason?? Got caught fingering a 15 year old bird. Packet of sweets and a cheeky smile..."
177.		25 May 2012	"@ [REDACTED]: @ [REDACTED] apparently fingered a 15yr old" @TimWestwood DID HE? @@"

178.		25 May 2012	"RT @ [REDACTED]: Wait Tim Westwood Got Fired For Fingering A 15 Year Old Girl???«Reallyyy???? :S"
179.		25 May 2012	"Tim westwood apparently fingered a fifteen year old... Oh baby"
180.		25 May 2012	"So Tim Westwood fingered a 15 year old. He probably fucked loads of them too, c'mon he's been playing at these under 18 raves for years."
181.		25 May 2012	"Tim westwood got fired for fingering a 15 year old girl. Hahahahahahah"
182.		25 May 2012	"Lol so in hearing Tim Westwood was fired for fingering a 15yr old always knew he was a dirty bastard"
183.		25 May 2012	"Wait Tim Westwood Got Fired For Fingering A 15 Year Old Girl???"
184.		25 May 2012	"is tim westwood a paedo? #soconfused"
185.		25 May 2012	"@ [REDACTED]: tim westwood got sacked cos he fingered a 15 year old wtf?" << Is that why he got sacked???? Omg what a PERVE"
186.		25 May 2012	"it's the 15 year old girls fault .. who is she ?!?! @TimWestwood"
187.		25 May 2012	"@ [REDACTED]: Tim Westwood got fired for fingering a 15 year old girl #PEAK" @TimWestwood swear you're like 40 saink allow it man"
188.		25 May 2012	"Yo @TimWestwood i heard you fingered a 15 year old ? Confirm or Deny."
189.		25 May 2012	"@ [REDACTED]: Why did Westwood gt fired? Can someone fill me in please"<<apparently @Timwestwood fingered a 15 yr old I got told dunno if tru"



190.		25 May 2012	<i>"#1xluv RT @ [REDACTED]: Tim Westwood got sacked from 1xtra, apparently he got caught fingering a 15 year old LOOOOOOL."</i>
191.		25 May 2012	<i>"54 year old Tim Westwood fingered a 15 year old girl. #LondonForYou"</i>
192.		25 May 2012	<i>"Did Tim Westwood get fired by Radio 1 for doing a ting with a 15 year old can someone confirm this???"</i>
193.		27 May 2012	<i>"@ [REDACTED]: Oh yeah. Why'd tim westwood get fired?" Fingering a 15 year old"</i>
194.		28 May 2012	<i>"Tim westwood is actually a legal Paedophile #teamunder18"</i>
195.		29 May 2012	<i>"Did Tim Westwood Get Fired For Fingering a 15 Year Old Gyal"</i>
196.	<b>June – August 2012</b>	4 June 2012	<i>"Just remembered tim westwood was djing last night and all he kept asking was if girls boobs were real... #creep"</i>
197.		12 June 2012	<i>"Tim westwood is like those old african men that want young girls."</i>
198.		13 June 2012	<i>"@TimWestwood loved it lastnight espesh when you looked at my boobs. made me feel special &lt;3 x0x0"</i>
199.		13 June 2012	<i>"Lol so tim westwood fingered a 15 year old loool whaaaaaat your 50"</i>
200.		24 June 2012	<i>"Tim Westwood looks like an absolute paedophile"</i>
201.		15 July 2012	<i>"@TimWestwood YOU'RE NOT FUCKING BLACK, YOU'RE A MIDDLE AGED PRICK WHO LOOKS LIKE A PAEDOPHILE NOW GET BACK TO THE NEWSPAPER AND SLIPPERS"</i>

202.		29 July 2012	""@ [REDACTED]: Tim Westwood's doing an A-Level and U-18 GCSE results day party :( This fucking Paedophile" nah man he goes in"
203.		3 August 2012	"Is Tim Westwood A Paedophile ?"
204.		22 August 2012	"@ [REDACTED] Tim Westwood that any paedophile"
205.		22 August 2012	"Tim Westwood on about a Under 18 GCSE result party, erm that guys asking for maximum abuse though..."
206.	Late 2012	9 September 2012	"RT @ [REDACTED]: Tim Westwood came to my club [REDACTED] he's ruined my night ccuz he touched mee [REDACTED] < Ahhhhh Westwood touched you? LMAO 😂"
207.		1 October 2012	""@ [REDACTED]: No one can tell me Tim Westwood isn't a paedophile" << I swear he got charged for doing something with a 15 or 16 year old"
208.		28 October 2012	"[Video] Lowkey Accuses Tim Westwood Of Being A Paedophile, itch.fm/p447"
209.		30 October 2012	"I bet when Tim Westwood dies his paedophile shit gona come out like jimmy saville's lol"
210.		8 November 2012	"just learnt that tim westwood's a paedophile? hahahahahahahaha that's brilliant"
211.		29 December 2012	"Looooool listening to tim Westwood and he plays ass and says the ladies with a fat ass shake ur boobs instead"

212.	2013	4 February 2013	<i>""@ [REDACTED]: "@TimWestwood: Illuminati turned out the lights" i heard you like young girls you perv, catch this pic.twitter.com/PP03LUVj""</i>
213.		30 May 2013	<i>""@ [REDACTED]: &amp; Tim Westwood is slyly a perv" lool he asked me to come back to his hotel room &amp; gave me his number"</i>
214.		19 June 2013	<i>"@ [REDACTED] by far the best DJ! @TimWestwood is a strange old man throwing out hand signs and perving on young darkies #Fireinthebooth"</i>
215.		21 June 2013	<i>""@ [REDACTED]: Last night was bizarre! Tim Westwood ringing me trying to get me to his hotel #idonotthinkso #OAP" how's he got your number?"</i>
216.		29 June 2013	<i>"Shocked at how @TimWestwood follows over 9000 under age girls (some as young as 11) but won't follow @ [REDACTED] or @ [REDACTED]"</i>

## Annex 1: Twitter Searches

The following searches were carried out on Twitter. The table above contains a sample of relevant tweets that were responsive to the following search terms:

- “Westwood” AND “Paedophile”
- “Westwood” AND “Abuse”
- “Tim Westwood” AND “Paedophile”
- “Tim Westwood” AND “Abuse”
- “Tim Westwood” AND “Child”
- “Tim Westwood” AND “Touch”
- “Tim Westwood” AND “Perv”
- “Tim Westwood” AND “Finger”
- “Tim Westwood” AND “Creep”
- “Tim Westwood” AND “Creepy”
- “Tim Westwood” AND “Boob”
- “Tim Westwood” AND “Ass”
- “Tim Westwood” AND “Bum”
- “Westwood” AND “Bum”
- “Westwood” AND “Touch”
- “Westwood” AND “Nonce”
- “Tim Westwood” AND “Nonce”
- “tim westwood young until:2013-07-31”
- “tim westwood pervert until:2013-07-31”
- “tim westwood nonce until:2013-07-31”
- “tim westwood grab until:2013-07-31”
- “tim westwood touch until:2013-07-31”
- “tim westwood uni until:2013-07-31”
- “westwood perv until:2013-07-31 since:2007-01-01”
- “tim westwood hotel until:2013-07-31 since:2007-01-01”
- “tim westwood 15 until:2013-07-31 since:2007-01-01”
- “tim westwood young girls until:2013-07-31 since:2007-01-01”
- “tim westwood (finger)”
- “tim westwood (paedophile) until:2013-12-12 since:2006-01-01”
- “tim westwood (abuse) until:2014-01-01 since:2006-01-01”
- “tim westwood until:2012-05-26 since:2012-05-23”
- “tim westwood until:2012-05-25 since:2012-05-23”