

BETWEEN

CHARLES SHOEBRIDGE (Applicant)

and

COMMISSIONER OF POLICE OF THE METROPOLIS (Respondent)

STATEMENT OF MR CHARLES SHOEBRIDGE

I confirm that the contents of this statement are true to the best of my knowledge and belief. *Signed* *Date 14 March 2005*

1. Between August 1988 and July 2000 I was employed by the Respondent as a police officer. During this time, I was consistently assessed to have been highly successful in a wide variety of uniformed and detective roles, and had been expected to progress to relatively high rank. My chief specialisation was as a detective within Special Branch - working alongside the Security Service, the Anti-Terrorist Branch, HM Immigration and HM Customs in a wide variety of overt and covert intelligence activities throughout the United Kingdom.

2. Prior to joining the Metropolitan Police I served as an Army Officer, having previously graduated in International History and Politics from the University of Leeds, and from the Royal Military Academy, Sandhurst.

3. In March 1996, having earlier left Special Branch on promotion, I was posted as the Sergeant in charge of a CID plain clothes crime squad, in the London Borough of Hammersmith and Fulham. The squad, which had been designating as failing prior to my having commenced as manager, soon began to achieve great success in the proactive targeting of prolific vehicle and street crime offenders. Within the first year some 150 charges had been sent to Court and local crime, which had risen year on year before my arrival, had fallen by 13%. The squad became a popular posting and I, and my managing Detective Chief Inspector, were happy. My intention was to return to Special Branch once I had served two years outside, and as soon as vacancies for my rank had arisen.

4. In November 1997 however, without warning I became the subject of a minor allegation from a female officer of whom, as her line manager, I had been imminently expected to write an adverse report. Despite my previous exemplary record, and despite the trivial nature of the complaint, I was immediately transferred by the Respondent, in the form of Superintendent Anthony Wills, to uniformed duties, and made the subject of a formal disciplinary investigation. I was not, however, permitted to either answer the allegation, or to know what it was. Superintendent Wills meanwhile directly approached two other female officers, encouraging them to make complaints of a similarly minor nature. These officers from the outset stated they would not have been made complaints, had the Respondent not asked them to do so.

5. Having been transferred to uniform and made the subject of an investigation but, in clear breach of Police Regulations, not been allowed to know for more than a week the allegations against me, I made a formal complaint by email through the Respondent's grievance procedure.

6. The original complaining officer then made a further allegation, claiming that I had, some four months previously, indecently assaulted her. She also added that I had at some point racially abused a prisoner. Accordingly, on 13 November 1997, I was suspended from duty. In contrast to the seriousness with which the original female officer's trivial complaint against myself had been treated, the Respondent failed to investigate my more serious complaint against Superintendent Wills, or even to register it.

7. As a result of this, on 4 February 1998 I lodged an application for sex discrimination at the Employment Tribunals (Case No 2200634/1998). The application was deferred, pending possible proceedings for the indecent assault allegation.

8. Despite the lack of corroborating evidence, on 16 November 1998 I was tried on this charge at Borough Crown Court. The assault had allegedly occurred after I had known my accuser for only three days, at seven in the morning en route to an arrest operation, in front of the police station cctv system and two witnesses. Despite

one of these being a personal friend of the woman's husband, neither had seen the alleged assault. She had made no complaint of any incident until some four months later, just as she was due to receive an adverse report. One of her female friends furthermore had given evidence that she had confided to her the intention to make an allegation, were she to receive such a report. During the trial, my accuser's claims under oath to have documented my alleged behaviour against her were shown to be false, resulting in a formal apology to the Court from Counsel for the prosecution. It was also revealed that, some five years earlier, she had left her previous employment as a Customs and Excise officer having made a similar complaint against a manager there. On 23 November 1998, after less than an hour's deliberation by the jury, I was unanimously acquitted.

9. Despite the acquittal and the circumstances of the case, the Respondent took no action against the accusing officer. Also, despite appeals from myself, my line manager, my solicitor and my Federation representative, I was not permitted by the Respondent to return to work, notwithstanding the suffering I had endured over the previous twelve months of having been falsely accused, and facing the prospect of the loss of my work and home, and a possible prison sentence. Following my acquittal, the Respondent did not communicate with me at all for five months. Then, in April 1999, I was informed that I was to remain further suspended and face a discipline board for two allegations of having used "oppressive conduct" towards the two other previously mentioned female officers. The original accusing officer's claim of racial abuse was not proceeded with, there having been no evidence to support it. As with the indecent assault claim however, no action was taken against the officer for having made such a potentially damaging false allegation.

10. Between 29 June and 1 July 1999, the Employment Tribunal heard my claim for sex discrimination concerning the Respondent's actions prior to the indecency allegation. In their Reserved Decision of 15 July 1999, the Employment Tribunal, having heard extensive evidence of the Respondent's conduct towards male and female officers, unanimously ruled that, had I been a woman facing the same allegations in the same circumstances, I would have been treated differently.

11. At the conclusion of the first hearing, but before the judgement was known, I lodged a second application at the Employment Tribunals (Case No 6004126/1999). I claimed that, had I not lodged my earlier discrimination claim, I would not have been left suspended for almost another year following my acquittal, nor would I have been facing the most serious form of police discipline - the Full Board, at which almost all officers are dismissed or demoted - for what were, by any measure, very minor allegations.

12. On 11 October 1999 I appeared before the Full Board, facing allegations that I had used the word 'fuck' in reprimanding one female officer, and in conversation with another. Both 'victims' however gave evidence that they regarded me as a good supervisor, and that they had not been upset by use of the word - which is in common use in the Police Service as elsewhere, and which they themselves used. They also confirmed that their formal complaints had resulted purely from the Respondent's procurement.

13. The discipline board dismissed the charges within two hours of sitting, and without needing to hear any evidence for my defence. The board, who had no prior knowledge of the tribunal matter, ruled "we have real concerns why this case was brought at all."

14. I was reinstated to duty. However, despite the findings of the Tribunal and the discipline board, and my experiences over the previous two years, the Respondent then ordered me to work, in uniform, directly under the command of newly promoted Chief Superintendent Wills - the same senior officer against whom my discrimination case had originally been brought.

15. Notwithstanding the result of the discipline board and of the first Tribunal, the Respondent vigorously contested the victimisation hearing, which began on 1 March 2000. On 12 April 2000 in their Reserved Decision, the Tribunal ruled unanimously that I had remained suspended from duty for almost a further year, and required to face very serious disciplinary proceedings, purely as victimisation for my having previously brought the discrimination case against the Respondent.

16. The major decision makers in carrying out that victimisation were Deputy Assistant Commissioner Jane Stitchbury, and Commander Quinn, the head of the Respondent's Directorate of Professional Standards (DPS). The Tribunal's written judgement made a point of noting that the evidence under oath of Commander Quinn, the very person in charge of the unit dealing with wrongdoing within the Metropolitan Police - motto: 'Integrity is Non-Negotiable' - had been unacceptable, as anyone attending the hearing could have seen. Mrs Stitchbury was promoted after my case to become Chief Constable of Dorset, and is now an Her Majesty's Inspector of Constabulary. She was also, until recently, Head of the Association of Chief Police Officers Personnel Management team. These matters may be significant in the context of the present case, because it is very unusual for Employment Tribunal proceedings to be brought directly against officers of such senior rank. Also, it is my understanding that the Employment Tribunals Unit of the Respondent was, until very recently, a part of the DPS, the same unit that Commander Quinn headed. (See the Reserved Decision of the victimisation Tribunal, pages 39 – 47 of the bundle).

17. On 22 July 2000 I was ordered to be medically retired from the Metropolitan Police Service.

18. In August 2000, following a number of remedy hearings, the Respondent settled damages to cover the loss of pay and pension I had suffered as a result of the wholly unnecessary demise of what had been a very promising police career. In recognition of these losses, the award was the largest such payment made to a police officer of either sex in Employment Tribunal proceedings. The case had also constituted one of the country's very first sex discrimination findings in favour of a male officer.

19. In March 2001, on the occasion of the Real IRA bombing of their Television Centre Headquarters, I began work for the *BBC* in an occasional freelance capacity as an on-screen consultant and commentator on crime and security issues, including terrorism.

20. Before I started work in this area, the media had traditionally relied for its expertise upon academics or retired senior officers. In neither case, however, despite

being described as a crime or security expert, did the person concerned generally have any recent or relevant practical background in the field. The perspectives I could bring to a story were fresh and original, and my work therefore expanded rapidly. In May 2001 I became similarly employed by the *Sky News* television channel. On a regular basis I would be called, often at short notice, to provide explanation and commentary upon issues of current policing interest. Sometimes such television appearances would be pre-recorded, but usually they were performed live on air, in response to policing and security developments as they occurred.

21. As one of perhaps only two people prior to September 11th 2001 regularly providing radio and television commentary and analysis of terrorism issues, I found myself, following the New York and Washington attacks, to be very much in demand - not only for *Sky News* and the *BBC*, but also for foreign media. Examples of this included *CBS*, *NBC* and *France 2*, from where reporters and producers had seen me working on the *BBC* and *Sky*. At that time, figures such as Abu Hamza, Omar Bakri and Abu Qatada were virtually unknown to the British media and public, despite the authorities having been aware of their activities for many years. Additionally, there was in the wake of 9/11 a public fascination for anything related to terrorism – which continues to this day. Consequently, with considerable knowledge and experience of weapons, tactics, organisations, relevant legislation and counter-terrorism operations, I was, and am, well placed to assist the media – not just in supplying information and explanation, but also critical appraisal and analysis of developments, such as attacks, arrests or policy announcements, as they occurred.

22. Having relatively diverse policing experience, I was employed by *Sky* to speak on a wide range of crime and security issues. For example, I co-hosted on a number of occasions half hour or an hour phone-in programmes relating to crime and policing, and gave extended live commentary of major events. On my first day working at *Sky*, for the May Day demonstrations and later riots, I spent eleven hours at the studio, some seven of which were actually broadcasting live. Between 1 May and 8 October 2001 I carried out some 35 to 40 separate interviews – an average of around two per week. Many of these contributions were repeated on half hourly bulletins throughout the day. My total pay from *Sky* over this period amounted to £2845, an average of about £542 per month. In addition to this, my work for *Sky News*, which is seen

around the world, resulted in increasing work from other British and foreign organisations.

23. Despite incessant public and media demand in the weeks and months following 9/11 for experts who could speak competently on terrorism related subjects, approximately halfway through October 2001 my employment by *Sky News* suddenly ceased. Major terrorism related stories broke, but I received no call from *Sky* – in stark contrast with the situation only days before, when my phone would not stop ringing from calls from *Sky*. Within eleven minutes of the second hijacked airliner crashing into the World Trade Center for example, I had received seven media calls requesting my immediate assistance, three of which were from *Sky* – even though I was out of the country at the time. When, at some point in October I called *Sky* to find out what had happened, I received no explanation beyond being told by an unidentified female working on the news desk “We’ll call you if we need you again”. This, again, was in stark contrast to the very friendly and open atmosphere that I’d become accustomed to.

24. Over the next few months however, I did receive a number of calls from *Sky* staff. These would either be calls purely for advice, such as wanting an alternative angle for a terrorism or crime related story, or, on occasion, actually booking me to come to *Sky* to give an interview. When this happened, the caller almost invariably called back within a few minutes to cancel the appointment. Knowing the way that guests were booked at *Sky*, it seemed that reporters and producers were keen to call me, but then had their decisions reversed when put for confirmation to an editor or senior producer.

25. On one occasion, on 2 December 2001, I was asked by a reporter to come to *Sky* to give an interview on police reform, which I then did. Upon arrival, it seemed that whatever problem there had been had simply disappeared. However, although I was paid for the interview, it was never used, even though the package in which my interview would normally have been positioned was broadcast. As this had not happened with me before, and as the reporter had earlier expressed his satisfaction with the comment he had obtained, it appeared that the reporter had either initially been unaware of, or had forgotten, that I was not to be used.

26. A graph of my employment by *Sky* in 2001, at page 48 of the bundle, shows clearly that, at some point during October, something had occurred to dramatically curtail my work – particularly when the unused December interview is disregarded. I struggled to think what might have caused this. Certainly it was unlikely to be that I was not highly regarded by the channel – indeed, the opposite seemed to be true.

27. This is illustrated not only by the frequency with which I'd previously been used, but also by an incident which had occurred in July 2001. At that time I had been placed on standby by a producer to come to *Sky* immediately a verdict was announced in the trial of Barry George for the murder of Jill Dando. I had accepted this work but, when the verdict came several days later, the producer instead called in John O'Connor, another former Metropolitan Police officer who also regularly commented on *Sky* and elsewhere on crime issues. Whilst I had no concerns over not having been used for the story, I of course did object to the fact that for many days I had been unnecessarily placed on standby.. In response to this situation, I sent an email to Phil Wardman, the Head of Home News at *Sky*. His response, and that of John Kent, the producer concerned, are indicative of the value that senior management at *Sky* placed upon my work for them. Phil Wardman concluded his email "We appreciate your willingness to come into *Sky* at short notice and you are a guest we would not want to lose."

28. John Kent, the producer who had placed me on standby, wrote "Having a guest like you who is willing to give his time and expertise at short notice is really valued. I hope I haven't damaged that too much." In fact, no lasting damage had been caused, and my good relationship with *Sky* immediately resumed. At page 48A of the bundle is a list of the job titles of *Sky News* personalities relevant to the present case. At page 49 is my original email to Phil Wardman, and at pages 50 and 51 are the replies I received. As is usual with email, page 51 should be read from the bottom up.

29. Further evidence that I had not been dropped by *Sky* because of any deterioration in the quality of my work was that I continued to be used in an increasing role by other broadcasters, as well as, by the end of 2001, writing for

Police Review and for the *Guardian*. This is illustrated by the graphs on pages 52 and 53 of the bundle, which show that, despite regular work elsewhere, I did not work again for *Sky*, apart from the one unused December interview, throughout the remainder of 2001 and all of 2002.

30. On 26 April 2002 I learned of the reason that *Sky* were no longer using me. On this date I was telephoned by Lee Hannon, a television producer for *Sky News*, who wished to discuss the policing of the large protests anticipated in London for May 1st. The previous year, as already mentioned, I had provided continuous coverage for *Sky* of that year's May Day disturbances. Indeed, it was the success of this contribution that had resulted in my subsequent employment by *Sky* on a regular basis. Another direct consequence was that I had been booked by the *BBC* to work in a similar all day commentary capacity for them on May 1st 2002.

31. After some discussion, I told Mr Hannon that I had not been used by *Sky* for several months. Mr Hannon said "That's because you've been blocked. The management sent round to everyone that you're not to be used anymore." I asked why this was. Mr Hannon replied "Our crime correspondent, Martin Brunt, the Met called him in, and told him that we shouldn't be using you." Mr Hannon suggested that *Sky* had complied with the request because they could not afford to jeopardise the Respondent's goodwill, upon which in the form of police contacts *Sky* was frequently dependant for breaking stories, such as newsworthy arrests or court appearances.

32. Two hours after this call had ended, I decided to make a note of what had been said. I then emailed it to myself to record the date and time of its writing. This note is at page 54 in the bundle.

33. As a result of having considered at some length what action to take in response to what had happened, on 25 July 2002 - three months less one day from when I had received Mr Hannon's call - I made an Application to the Employment Tribunal. I alleged that the approach by the Respondent could only be as a result of my having brought the earlier Tribunal proceedings against him. There seemed to me to be no other credible explanation for what had apparently occurred. It could not be because

I had been unfairly criticising the Respondent in my work, as my commentary and analysis was widely valued for its balance and independence. In any case, I had often been very supportive of the Respondent's work – particularly in highlighting for viewers the day to day working difficulties that police officers face. Furthermore, *Sky* had continued to use John O'Connor as a commentator, even though he was, and is, often much harsher in his criticisms of the Respondent than I had been. Mr O'Connor's continued employment by *Sky* also demonstrated that the Respondent could not have objected to its former employees working in this way. Mr O'Connor has not however previously brought Tribunal proceedings against the Respondent.

34. Four days after having submitted my Tribunal Application, I received another call from Lee Hannon. Again, the purpose of the call was for him to seek advice on some policing related subject. I asked him to give more information about the instruction that *Sky* was not to use me. Mr Hannon said "It was on I-News, and it was a mail, and the mail was from Simon Cole." Simon Cole was, and still is, the Deputy Head of *Sky News*, and in charge of the station's day to day running. It surprised me that the decision not to use me had been taken at such a high level. The email had apparently been very short, simply stating "Please do not use Charles Shoebridge in the future." Mr Hannon had also told me that the reason I was not being used by *Sky* was because the police had requested this. I said to him "And so how did you know it was to do with the police?" He replied "I then went and asked." He would not, however, divulge the identity of the person he had learned this from. I tape recorded part of this call, a record of the conversation concerned is at page 55 of the bundle.

35. On 2 August 2002 I telephoned *Sky News*, hoping to speak to Phil Wardman, the Head of Home News. He was away however, so I spoke instead with his deputy, Mike Wilson. The reason for this call was to attempt to gain corroboration of what I had been told by Mr Hannon. I knew that any direct request for information was likely to be fruitless. My approach therefore was to suggest the reason for my call to be an attempt to mount some form of appeal against what had happened. If people within the management at *Sky* accepted without challenge my statements that, firstly, a message had been sent that I should no longer be used, and secondly that the reason for this was the Respondent's interference, then this would go some way towards confirming what Mr Hannon had said.

36. The telephone call with Mr Wilson was tape recorded, and the record of it is at page 56 in the bundle.

37. Within the conversation are a number of significant points, all of which corroborated what Mr Hannon had said.. Firstly, Mr Wilson confirmed that the “restriction” on my use existed, and that the relationship between *Sky* and myself “was on hold.” He then confirmed that the restriction had been contained in a one sentence email, which did not give a reason for the decision – although this meant that Mr Wilson was unable to confirm that the decision had been made at the Respondent’s behest. Thirdly, however, he said that the restriction had come from “well above” himself, and from above Phil Wardman level. From my own knowledge, the vast majority of *Sky News* employees are not above Phil Wardman, or indeed Mike Wilson, level. One of the very few in this category is Simon Cole. It is therefore significant that Mr Wilson, without my having mentioned Mr Cole’s name, said “What I would do is approach Simon Cole by letter, and see if there’s any movement on it.” This strongly suggested that, if Simon Cole was the person who could reverse the decision, then he was probably the person who had made it.

38. Mr Wilson went on to make other relevant points. He stated that he had seen me “pop up quite frequently” on the *BBC*, commenting later that “As you’re well aware, people turn up on *Sky* and the *BBC* all the time, and as far as I’m concerned there’s no conflict of interest.” He also confirmed that the reason I’d been removed from *Sky* programming probably had nothing to do with the quality of the service I’d been providing, stating “As you’re well aware, I’m responsible for day to day news gathering, and as far as I’m concerned anything that hinders me getting me people that are close on air is a difficulty. And you were obviously close.” Coming from an editor as experienced and respected as I knew Mr Wilson was at *Sky*, this unsolicited compliment was very welcome – particularly as it laid to rest any notion that my effectively having been sacked by *Sky* had anything to do with my ability to do my job.

39. Later on the same day, 2 August 2002, I decided to telephone Simon Cole himself. During all of my visits to *Sky News* I had, to the best of my knowledge,

never met this person. However, as he was the Deputy Head of the organisation, I of course had heard references to him on many occasions. To my surprise, my call was put through by the *Sky* switchboard not to his PA, but directly to Mr Cole himself. Once again, this conversation was tape recorded. The reasons for this were to preserve evidence, to allow me to complete a note of the conversation that was accurate and beyond dispute, and to protect myself from any false allegations concerning what I had said.

40. Once again, I started the conversation by suggesting that the purpose of my call was to appeal against the restriction decision. This was intended to encourage Mr Cole to talk to me, to be open and honest, and to avoid unnecessary confrontation between us. The only alternative to doing this would have been to regale Mr Cole over the decision that I believed he had made, or to have asked him an open question in the hope that he may have decided to volunteer the information that the decision had been at the behest of the Respondent. Such a process would, I believe, have been completely pointless. The transcript of the conversation is at page 57 of the bundle.

41. The conversation ended with Mr Cole suggesting that I should put any grounds for appeal to him in writing. I did not do this, because the whole issue of a written appeal was a red herring. I knew this, because it was myself who had introduced it. There was nothing I could put in writing that I had not expressed already verbally. There was also nothing I could put in writing to remove the basic problem, which was that the Respondent objected to my working for *Sky*. If the decision at the behest of the Respondent to stop employing me was wrong, a letter from me could do nothing further to point this out. If it was not considered to be wrong, then, again, a letter was pointless. All I could say to Mr Cole in a letter was what he knew already – yet this had not prevented my not being used. I was also concerned that I could be re-employed, only to be dropped again the moment the Respondent again intervened. Mr Cole had simply grasped at my straw of a letter as a means of fobbing me off and, as far as he was concerned at the time, it had worked. I certainly did not hear anything from *Sky* over the next two years to the effect of, for example, a reminder that the letter was being awaited. It clearly was not.

42. The first point from the conversation was that Mr Cole knew exactly who I was, even though there was no reason for this to be so. I had never met him, and Sky regularly uses tens, or possibly hundreds, of experts in different fields. It had also been ten months since I had stepped inside the Sky newsroom, or been on *Sky News*. “I see the *BBC* still use you, don’t they?” he said, demonstrating not only that he had known who I was when he saw me on the *BBC*, but also confirming that at *Sky* I was not to be used. The fact that immediately upon picking up the phone he knew who I was, seemed to suggest that he must have in some way had dealings with me.

43. When I suggested to him that he had put something out to the effect that I should no longer be used on his channel, Mr Cole stated that he didn’t think a memo as such had been put out. He added “If we were going to do that, we would never put it on the record anyway, because it’s not right.”

44. Mr Cole then said “I think it would be fair to say that certain elements within Scotland Yard suggested that there was perhaps a slight question mark against you, and because you did not represent, if you like, the sort of semi-official view of the Yard.” This seemed to be clear confirmation, from a very high *Sky News* management level, that the reason for my no longer being used was indeed the intervention of the Respondent – or, at least, certain elements within his organisation.

45. The fact that Sky did as the “elements” wished suggests strongly that they must have held senior position within Scotland Yard. The elements were, according to Mr Cole, concerned with how, in their eyes, the Yard was being presented. This suggested to me for the first time that the source of the Respondent’s intervention could be from within his Press Office. Furthermore, the Press Office would not only be regularly dealing with the news media, but also would, as Mr Hannon had indicated, be in a position to provide *Sky* with incentives in the form of newsworthy tips and exclusives.

46. Mr Cole mentioned, without being prompted, the circumstances under which “sometimes people have left” the police. This suggested a connection between not only the Respondent and the decision not to employ me, but also that the Respondent’s intervention was related to the circumstances under which I had left his

employ. I left the Respondent's employ having successfully brought discrimination proceedings against him.

47. Mr Cole went on to say that this connection had not occurred in my case. But if that was true, and the circumstances of my leaving weren't of relevance to the decision not to employ me, it seems most strange that he mentioned the subject at all. This is particularly so in the light of Mr Cole acknowledging that *Sky News* had known of my discrimination proceedings against the Respondent from the very start of my employment with them. The issue of the circumstances under which I left the Metropolitan Police therefore were not a problem for *Sky News*, but appeared to be for the "elements" of the Respondent.

48. John O'Connor, the other former Metropolitan Police officer working regularly for *Sky News*, was also discussed. Mr Cole said "John, much though he's a lovely guy and a good performer, I would put him in the category that he's probably out of touch with mainstream police opinion." I have met John O'Connor on a number of occasions, and suspect that he would not be overly concerned at such a description. However, the comment is important to the present case, because effectively these same grounds were given to Mr Cole as a reason that I should not be used. Yet, despite them also apparently applying to Mr O'Connor, Mr O'Connor was, and is, still employed by *Sky*. The circumstances of Mr O'Connor having left the Respondent's employ were, of course, very different to my own.

49. Mr Cole had denied being the author of the email instructing that I should not be used. However, in concluding the conversation, he stated that I should write to him and he would "Talk with the Head of News about it, and if we're happy, I'll give you a call and we'll get you back on." Once again, this suggests that, as the person who could undo the decision, either Mr Cole, or the Head of *Sky News*, Mr Nick Pollard, is likely to have made the decision in the first place.

50. As previously stated, from October 2001, and throughout 2002, I did not appear on *Sky News*. In 2003 and 2004 I did make a number of contributions, as listed on page 59 of the bundle. Almost all of these cases can be accounted for in a similar way to my unused interview in December 2001. Thus, for example, on 9 July

2003 I was asked to do a pre-recorded interview in respect of the publication the following day of a Commons Defence Select Committee report into contingency planning and resilience issues. The interview was not broadcast.

51. On 23 June 2003 I provided live and pre-recorded interviews in studios and at Windsor Castle in response to Aaron Barschak's intrusion into Prince William's birthday party. I supplied commentary and analysis on *GMTV*, *ITN*, the *ITV News Channel*, *BBC News 24*, *Five News* and *BBC* radio explaining how and why the security breach had occurred. From just a superficial look at the castle from a security perspective, it was obvious that either no proper survey of the Castle had been carried out for many years, or that the survey's recommendations had been ignored. I commented that the failings were much more likely to be systemic in nature, than the fault of an individual low ranking constable who, at the time, the Government appeared to be blaming. I also said that the security breach was an opportunity to undertake a long overdue review of security at all Royal palaces, and that Aaron Barschak should not face charges as he had done the country a favour in exposing the shambolic state of security. This message was in contrast to the official and unofficial briefings which were coming from Government at the time, yet by the afternoon the Home Secretary Mr Blunkett's position had changed to reflect what I on almost all news channels had been saying. A review of all Royal palace security was announced, Aaron Barschak was never charged, and Mr Blunkett and a subsequent report declared the failings to have been "systemic" in nature.

52. In the midst of all this activity, James Forlong was reporting from Windsor Castle for *Sky News*. He asked me to do a live interview, and as he and his producer were pleased with the result, he asked me to stay at Windsor to do a repeat in an hour's time. When I later returned to him to give the second live interview, he said to me "I don't know why, but now I've got you here they don't want to use you." Had he been aware of the reason of course, I would not have been asked to give the first interview in any case. As it had been live, it couldn't be stopped and I had appeared for the first time on a *Sky* news broadcast for some twenty months. I was paid for the second interview, even though it had not taken place. Mr Forlong was later sacked by *Sky* over an unrelated matter.

53. This was not the first time however since October 2001 I had actually been broadcast on the *Sky News* channel. On a number of occasions I had appeared on America's CBS evening news programme – which *Sky News* also broadcasts as a complete 30 minute package, but without having influence on editorial content. Similarly, during 2003 and 2004 I appeared on six occasions on Richard Littlejohn's discussion programme. The unit which made this show however was run independently of *Sky News*. It was based in Millbank, SW1 rather than in the main *Sky News* studios in Isleworth, and had its own completely separate staff who were not full time *Sky* employees. The editor and senior producer of the programme had worked with me on a number of previous occasions when they were working for other companies and, when they took over the making of *Littlejohn*, they took me in their contacts books with them. Hence, particularly in my case, the booking of guests was done entirely independently of *Sky News*.

54. The *Littlejohn* programme, which is no longer broadcast on *Sky*, typically comprised lively discussions of about ten minutes on each of three topical subjects. When a terrorism or security story breaks, it will more often than not dominate that day's news. So when I appeared on *Littlejohn* – broadcast live in the evening at seven – very often I had already appeared that day on *ITN*, the *BBC*, or both. Yet on all the occasions I appeared on *Littlejohn*, even in the aftermath of a major incident such as the Madrid bombs, I not once appeared actually speaking on that subject on *Sky News* – even though the channel had nobody with similar knowledge and experience as myself in this field. This clearly indicated that, whilst for whatever reason my occasional appearance on the independent *Littlejohn Show* was tolerated, I was still effectively barred from being on *Sky News* itself.

55. Between October 2001 and the present day however, there were three occasions on which I did actually appear on *Sky News* proper. The first was at Windsor, as mentioned above. The other two occurred within four days of each other in November 2003. The second of these, on 17 November, is the more simple to explain. I had been working all day with various companies in relation to the London visit of President Bush, the massive security effort around which was dominating the day's news agenda. I had been on television and radio for much of the day. It often happens that a producer on one channel sees an expert on another, and wants him or

her for their programme too. As the producer for this programme was one of the few *Sky* staff based at Millbank, it's more likely she informally obtained my details from a member of staff of the *Littlejohn Show*, rather than through *Sky*'s central guest booking system based at Isleworth. As at Windsor, it was a live interview and, by the time management at *Sky* had seen who the terrorism guest the producer had booked was, it may have been too late to cancel the interview and fill the three or four minute slot with someone else. In the three years 2002, 2003 and 2004 this was the only occasion on which I appeared on *Sky News* speaking about security or terrorism, despite being one of the best known British media commentators in this field, and despite this field being one of the most important from a media perspective over these years.

56. Over this period, I was however called on a regular basis by *Sky News*, booked for an interview, and then cancelled within a few minutes, just as had happened on many occasions after the restriction on my use was first introduced. This had never happened during the time I was working for the channel, and has happened on only three or four occasions in the course of some one thousand contributions made to other channels over the last four years. Yet in just 2002 and 2003 I recorded the details of six occasions where this happened with *Sky* – with at least twice as many cancelled bookings where I made no record of the call. This is further supporting evidence that, regardless of occasional appearances on *Littlejohn*, I was still barred, and am still barred, from contributing to *Sky News*.

57. The latest similar call occurred less than three weeks ago, on 22 February 2005. A voicemail was left on my phone asking me to call Kelly Jarrett at *Sky*, “to find out if you're interested and available to join us for an interview later on this evening.” I quickly returned the call to be told that Ms Jarrett would call me back. That she never did was hardly a surprise, as this fits a well-established pattern. I recorded the voicemail message, and the transcript of it is at page 60 of the bundle.

58. Since October 2001 there has only been one occasion where it is not a straightforward matter to explain why I was employed by *Sky News*, whilst being barred from such employment. On 12 November 2003 I was booked to contribute to a discussion the following day, concerning an expected apology from Sussex Police

with respect to the fatal shooting some years previously of an unarmed man. I made an email note of the call, expecting that, as usual, I would be cancelled – particularly as the interview, unusually for live news, was being booked well in advance. The next day I took part in the interview – the first, and last, time I set foot in the *Sky News* studio over a three and half year period to the present day. I remember immediately thinking that it was strange that I was about to be used again, just after the first hearing of the Respondent’s Appeal in the present case had taken place at the Employment Appeal Tribunal. I had hoped that perhaps news of the case had prompted a re-think either by *Sky* or the Respondent, and that the contribution marked a fresh start. However, this was not the case, and the interview proved to be a one-off.

59. A graph illustrating *Sky News* employment relative to other work during 2003 can be seen at page 61 of the bundle.

60. In relation to the above described interview, it is of interest to note that, in the course of disclosure for the present case, my experts’ database record at *Sky News* was disclosed by *Sky* to me. It can be seen at page 62 of the bundle. I was shown this record in the first week that I worked for *Sky News*, in May 2001. It confirms that *Sky* was aware from the outset of my employment tribunal case, and had been given a true picture of my police service experience. The reason I was shown the record was to show me that I had been described as “VERY GOOD”. On the record that has been disclosed to me however, this has been changed to “NOT VERY GOOD”. I also note that the record appears to have been amended on 13 December 2003, although I had not been at *Sky* for a month before this. However, as the “Modified Date” box on the record is, on the disclosed document, blank, it may be that the word “NOT” has been added at a different date.

61. Had I indeed been “NOT VERY GOOD”, it would have been surprising to have carried out so much work for *Sky* before the Respondent’s intervention. I also would not have received the unprompted praise of the Phil Wardman and Mike Wilson as described above. Perhaps even more doubtful, had this description been in any way accurate, would have been the amount of work undertaken in the year commencing only two weeks after the comment was apparently made. A graph

illustrating the success of my media work in 2004 can be seen at page 63 of the bundle. As with the other graphs, contributions for *Sky News* are shown in red – or would have been, had there been any.

62. At page 64 is a list of organisations for whom I have contributed in 2004. It is by any standards impressive, consisting of some ninety clients that read in many ways like a Who's Who of the British and international media world, including *BBC Radio 4*, *Newsnight*, *Channel 4 News*, *ITN*, *Panorama*, *CBS*, *NBC*, and so on. For most of these organisations I have made numerous repeat contributions, and have been quoted by many stations and journals not mentioned in the list. It seems doubtful therefore that all these organisations would so extensively employ me, were the *Sky* record to be accurate – or even genuine. As a further example, at page 64A is an unsolicited letter from the BBC World Service thanking me for a thirty minute 'head to head' between myself and John Wadham, the then head of Liberty. This contribution was made just at the time that Sky had stopped employing me.

63. On 13 August 2004, I again spoke by telephone with Simon Cole, the Deputy Head of *Sky News*. This time the reason for my call was to inform him that he was to be a witness in these proceedings, and to obtain his witness availability details. A conversation took place in which Mr Cole, on this occasion knowing he was to be a witness in legal proceedings, denied that it was the Respondent's intervention that had resulted in *Sky* no longer using me.

64. Mr Cole stated "Certainly the police made approaches to us about you". He denied however that Sky had acted upon those approaches, and insisted that the restriction of my use by *Sky*, just as "elements" of the Respondent had requested it, had been a coincidence. Mr Cole declined to explain why, two years previously, he had told me the opposite of this. It is also noteworthy that throughout this conversation Mr Cole referred to the approaches as having been made by "the police", rather than elements of the police. This suggests that whoever had made the approaches was recognised as having the authority to approach *Sky* as a spokesperson for the police.

65. Mr Cole further stated “If you’re expecting me to stand up and say that we took you off air because the Met called up one of our boys, that is blatantly rubbish.” This may be significant, because I had not at any time suggested this scenario, that one of his “boys” had been called by the Respondent, to Mr Cole. His comments did seem to corroborate however the version of events described by Lee Hannon in his phone call to me of 29 July 2002 – on page 55 of the bundle.

66. When told in the course of the conversation that evidence existed to suggest that it had been himself who had sent the memo instructing *Sky* staff not to use me, Mr Cole admitted that, even though he had initially denied it, in reality he may have done. He said “The God’s honest truth is that I don’t remember. It’s two years, and a lot’s happened since then. But if you say I did, and you have proof, then I did.”

67. The conversation with Mr Cole was tape recorded, with a transcript at page 65 of the bundle. As with all recorded conversations, a copy of the tape has been supplied to the Respondent.

68. At page 69 of the bundle is an email in which, on 18 November 2004, Mr Cole confirmed that he was unwilling to voluntarily attend any hearing, or provide a written statement. At page 70 is an email I sent to Mr Cole on 14 February 2005, to which were attached copies of records of our conversations, and offering him the opportunity to have a copy of the taped conversations sent to him for agreement. He did not reply to this offer.

69. As most of my work is in broadcasting, it is not a simple matter to demonstrate it without having at a hearing internet access, or a television with DVD or video player. In the light of the information already given in the paragraphs above, it may in any case be considered unnecessary to do so. However, pages 70A to 92 of the bundle contain examples of work that is available in written form, which may be of interest not only in terms of the diversity and depth of the work undertaken, but also to note the balanced and objective manner in which the Respondent, as all subjects, is treated.

70. At page 70A is a *BBC* contribution of 14 August 2001, whilst I was still working for *Sky*. The two main points of my analysis for the *BBC* – that the men would prove to be IRA as opposed to Real IRA members, and that they would be assisting Columbia’s FARC guerrillas as part of a financial deal – both subsequently proved correct.

71. At page 70D is my first *Guardian* contribution, on 24 October 2001, in which I argued that a non-arrest cannabis policy, whilst a triumph for pragmatic policing, would not be without problems. Subsequent reports months and years later found that such problems have indeed occurred.

72. Pages 71 and 72 are a *Guardian* article of 6 November 2001, describing the lonely life under surveillance of the animal rights activist Barry Horne, who had died the day before on hunger strike. I was told that only someone with practical experience of counter-terrorism work, or a good imagination, could have produced this type of work

73. Pages 73 and 74 are a *Guardian* article of 14 December 2001, providing the first British media analysis of the Osama Bin Laden video seized during the war in Afghanistan. This piece was widely quoted around the world.

74. On page 75 is an article which appeared on 8 January 2002, at a time when rapidly increasing rates of street robbery were repeatedly dominating the news. The Metropolitan Police had blamed this increase on the need to provide security patrols in the wake of 9/11. Almost all the media regurgitated this line, even though analysis of crime figures proved otherwise. However, even though the piece at first appears to be critical of the Respondent, its main message is that street robbery is above all a problem that the Respondent should not be expected to solve on his own. Perhaps surprisingly, given its content, this article was reproduced in British and foreign GCSE level school books as, according to an editor at Hodder and Stoughton, a “text book example of a balanced analytical piece.”

75. At page 78 is an article which supported the Commissioner (the Respondent) at a time when he was being subject to intense public criticism from the Home

Secretary, Mr Blunkett. It was one of the first articles to challenge the widely accepted concept that more uniformed police patrols are the key to cutting crime. At page 80 is an article from the *Times*, reporting the news that, some three months after my article, the President of the Association of Chief Police Officers (ACPO) had stated precisely the same. This should perhaps be considered in the context of Simon Cole's comment that the Respondent had regarded me as not representing "the semi-official position of the Yard" – as if that were a reason to silence an independent and objective commentator in any case.

76. Pages 81 and 82 are an article which appeared in *Police Review* on 3 May 2002. It was the first piece to debunk the story accepted by most of the media at the time that the policy of not arresting for cannabis use in Lambeth had decreased street crime and improved police resources. My previous *Guardian* piece had been a partial defence of the policy, but neither of these two specific claims were true. The *Police Review* piece was subsequently used by both *Newsnight* and the *Today* programme as the basis for broadcast stories, and within weeks the media had changed its position as to what the reasons for the decreasing crime rates were – see page 83 of the bundle. Of more consequence to the present case however is that, of all the more than one thousand contributions I have made to national and international media with respect to policing related issues, this article was the only one which prompted any high-level official response from the Respondent. In the following week's edition of *Police Review*, Deputy Assistant Commissioner Mike Fuller, then Head of the Respondent's Drugs Directorate, wrote "Shoebridge's article makes valid points concerning media exaggeration of the success of Lambeth's cannabis pilot scheme." Once again, it would appear that the Respondent's intervention at *Sky News* could not have been motivated by any consideration of what I was actually saying, whether on air or in print.

77. Pages 84 to 88 are an example of a contribution for the *BBC*, hosting an interactive news forum. The contribution hopefully again demonstrates what is widely regarded as a very balanced and analytical style towards sometimes quite controversial issues.

78. Pages 88A to 88F are a transcript of a broadcast made for the *BBC* a day after the Madrid bombs of 11 March 2004. At this time, and indeed for radio and television from within minutes of when the attacks occurred, I was one of only very few in the media to challenge the assertion of the Spanish and British governments, and of most security and intelligence experts, that the attacks were the work of ETA. On the day of the attacks, my providing for the *BBC World Service* similar analysis as contained in this transcript resulted in requests for interviews from around the world. Hopefully the transcript illustrates perfectly what I am able to provide for those interested in security, intelligence and terrorism issues – analysis which is balanced, objective, challenging, original and, above all, consistently accurate. From what I saw on this and subsequent days, *Sky* had nothing similar to offer its viewers – even though I am readily adaptable to audience and work regularly for a diverse range of broadcasters, from *Radio 4* to *GMTV*, through *Channel 4 News*, *Radio 5 Live*, *Newsnight*, *BBC Asian Network*, *Radio Scotland* and numerous foreign organisations.

79. Page 89, a *BBC* article from 3 August 2004, is an example of my commentary being particularly supportive of the British authorities.

80. Lastly, at pages 91 and 92, is an example of a *BBC* news online contribution of 1 March 2005, published the following day, challenging the extent to which proposed control orders could actually work in practice. Once again, this illustrates an ability to provide fresh perspectives in an area where, hitherto, comment had been mostly restricted to consideration of civil liberties aspects of the new legislation. It would, of course be difficult for someone without relevant experience to make such original comment.

81. In connection with this victimisation claim, and in providing further evidence of the Respondent's relationships with the media, I make reference to an incident that occurred on 21 December 2001. On this occasion I was telephoned by a senior journalist from the *Independent on Sunday*, Mr Severin Carrell. In writing this statement, I now have the benefit of a copy of a tape recording Mr Carrell made of this conversation, which I applied to the Tribunal to have disclosed to me. This was not available to me at the time I submitted my Originating Application, or my Further and Better Particulars.

82. The call was apparently prompted by a *BBC* interview of the same day. An edited version of this, from the *BBC News* website, can be seen at page 93 of the bundle.

83. Mr Carrell suggested that there was some doubt as to whether I had ever served in Special Branch, and therefore whether I was qualified to be speaking in the media about terrorism related subjects. He wanted, in his words, to check me out, and run a story on my lack of credentials if that were to be the case. He appeared to have gained this impression from having spoken to the Respondent, who had provided him with details of my police career. These details omitted any mention of my anti-terrorism experience, thereby adding credence to the suspicions Mr Carrell had already somehow gained. The Respondent had also supplied him with details of my Employment Tribunal case. Mr Carrell told me that he had spoken to a Commander Roy Ramm, who had recently retired. Mr Ramm had apparently told him that, had I had anti-terrorism experience, he would have heard of me, and he had not. As can be imagined, particularly following some of the coverage of my Tribunal case, the prospect of an adverse article about me appearing in a national newspaper caused me considerable stress – as is apparent from the conversation itself.

84. The record of this conversation begins at page 96 of the bundle.

85. At the end of the conversation, it was agreed that a letter would be sent to me, following which I would provide Mr Carrell with documentary evidence that I had served in Special Branch. The letter did not arrive however, so on 27 December 2001 I sent an email to Mr Carrell, answering the points I felt had been raised during our conversation. This is at page 119 of the bundle. Presumably as a result of this email, and my offer to provide supporting documentation, I did not again hear from Mr Carrell, and no adverse story resulted.

86. During the conversation, Mr Carrell had quoted detailed information about me that I felt at the time could only have come from my computerised police personnel records. In the course of disclosure however, the Respondent has supplied to me these personnel records, which do not contain sufficient detail to have been what Mr

Carrell was supplied information from. It is also evident from the surprise that Mr Carrell expressed when I told him that the indecent assault allegation against me had led to trial, that he could not have gained his information from newspaper coverage of my Tribunal case. All the major newspaper reports of the case had suggested that the award was in compensation for having been falsely accused of indecent assault. In this way the media, presumably with the benefit of the Respondent's briefings, had passed the blame for what had happened from the Respondent onto the anonymous accuser – when in fact the Tribunal actions and findings had very little to do with the indecency allegation. Copies of the major press coverage of my case are at pages 121 to 124 of the bundle. The only articles missing, from the *Daily Mail*, also mentioned my trial and acquittal. The *Independent* and the *Guardian* did not cover my Tribunal case.

87. In the course of further disclosure, it became clear that another police computer system also holds details of my police career. At page 125 of the bundle is a printout of an example of the computer record of the handling of my Tribunal case verdict on 17 August 2000 by the Respondent's Press Office. At page 127 is a similar Press Office computer record dated 22 August 2000. According to the Respondent, this is the most recent record referring to myself that the Press Office has and, it being a computer record, it is immediately accessible should a subject search be necessary. The Press Office record contains exactly the same information, only that information, and almost identical wording, as that referred to by Mr Carrell on page 105 of the conversation record.

88. It therefore seems reasonable to assume that this information was passed to Mr Carrell by a person in the Respondent's Press Office. At page 136 is a copy of the statement to the Morris Inquiry of Mr Dick Fedorcio, the Respondent's Director of Public Affairs (DPA). On page 137 he states, perhaps unsurprisingly, that the Respondent's press bureau at New Scotland Yard is the first point of contact for media on a wide range of policing issues.

89. Mr Fedorcio's statement was partly in response to concerns raised that the Respondent had been active in briefing the media against those who had brought proceedings against him. Those concerns are laid out in the Morris Report, at pages

132 of the bundle. Mr Fedorcio goes on to state, in paragraph 21 of his statement, on page 139 of the bundle, that “The DPA makes great efforts to make our dealings with the media accountable and records all MPS statements and responses on a central data system.” This, presumably, refers to the records mentioned in my paragraph 87 above, where responses to media enquiries have indeed been recorded.

90. According to the Respondent however, there is no such record of the response to Mr Carrell. In his Amended Grounds of Resistance dated 15 October 2004, the Respondent states that his only contact with the media in this respect “occurred in the early part of 2002 when the Commissioner’s Press Office was contacted by a journalist from the *Independent* newspaper seeking information relating to the Applicant’s length of service as a police officer and related matters. No information was given to the journalist in question.” (page 23 of the bundle).

91. The Respondent has stated that no record exists of this contact, save for a communication between the Respondent and his solicitor which, he claims, is subject to legal privilege. In any case it does not appear to refer to the enquiry in question, which must have been made prior to the telephone call of 21 December 2001, and in any case resulted in information being passed. It seems unlikely however that two journalists from the same newspaper would have contacted the Respondent over the same story over such a short space of time.

92. There could be two reasons for the fact that, contrary to what appears to be normal practice, no record was made of the initial contact with Mr Carrell. Firstly it could be that the contact was in fact initiated by the Respondent, in which case the information passed would not be a ‘response’ that required recording. Secondly, it could be that the press officer concerned considered that when he released this information to Mr Carrell, he was carrying out an act that for some reason would be better not formally recorded. This would have the effect of covering the press officer’s tracks in the event of any enquiry concerning how Mr Carrell came by this information. The consequences of such an action could potentially bring the press officer within the civil staff discipline code, as outlined in the statement of Commander Hagon on page 145 of the bundle.

93. Regardless of the precise mechanism by which the information about myself came into Mr Carrell's possession, and regardless of which party initiated the contact, the purpose of that contact from Mr Carrell's perspective was to establish whether I indeed had any anti-terrorism experience. It seems unlikely that, given the nature of the information he was either given or requested, that he would not have mentioned this purpose to the press officer. Had the intentions of the press officer been benign, it is difficult to understand why either no information was given to Mr Carrell, or more complete information which would have dispelled his doubts about my background. Had these details not been excluded, there would have been no possibility of an adverse story, and presumably no interest from the journalist in the first place. It is reasonable to conclude from this sequence of events that, particularly given the failure of the Respondent to keep any records of the contact, the purpose of the person passing the information to Mr Carrell, whether he initiated the contact or not, was to give credence to a story that I was purporting to have terrorism experience when I did not. Indeed, Mr Carrell's own words, that he learned this information from "Scotland Yard", suggests that he was told it by someone authorised to speak to the press by the Respondent, or acting as a spokesperson for the Respondent.

94. Further supporting evidence of the Respondent's attempts to adversely influence my present career by approaching his media employers, in the same manner as occurred at *Sky*, comes from another incident which occurred on 19 November 2003. By this time, one of my main sources of work was *Independent Television News (ITN)*.

95. On that day, I was working at *ITN* in connection with the visit to London of President Bush, and a related security breach at Buckingham Palace. At 1230 I had contributed to the main lunchtime news, then went to another studio to record an interview for the main evening bulletin. After that, I returned to the original studio for a further live interview on the *ITV News Channel*. After this, I was spoken to by Martha Collins, the main guest producer for *ITV News*. She said to me "Just after your interview someone from Scotland Yard called, giving me the name of someone else to use instead of you." I asked her "Oh, what did they say, did they criticise what I'd said?" She replied "No. But you were mentioned – just that you'd been on."

96. I said “Who was it who called?” Ms Collins replied “His name was Bob something. I didn’t write down his name because I was in such a rush, and because I was trying to watch PMQs (Prime Minister’s Questions) at the same time. But he gave me the number of the person he wanted me to use – I’ll call him later. He also said he could help us by giving prior notice of what PMQs will be.”

97. The conversation then turned to other matters, as it was clear my questioning was beginning to annoy Ms Collins, who was very busy at the time. I was astonished that someone from Scotland Yard would so blatantly make such a call, giving their name and telephone number. Such confidence seemed to suggest the person to be of very senior rank. This appeared to be the offer of a clear inducement for *ITN* to comply with the Respondent’s request. I made an email note of the conversation, which is at page 128 of the bundle.

98. Some time later, on the evening of 8 January 2004, I literally bumped into Ms Collins as she was leaving a Tube station. The next day I emailed her over a number of issues, one of which was my asking “What was the name and tel number of the person from the Yard who called suggesting you use someone else, or the name and number of the person they suggested? I’d be very interested – I might even know them” She replied “I honestly can’t remember the name of the person from Scotland Yard – I didn’t make a note of it and I speak to so many people every day that my memory often lets me down” . This email exchange is at pages 129 and 130 of the bundle.

99. In a further email, sent in the early hours of 23 August 2004, I asked Ms Collins “When your friend from Scotland Yard called to offer advance notice of pmqs if you took me off air, what good would that have been to *ITN*? Is there any advantage in being given advance notice of pmqs – like, would you be able to broadcast them anyway?” Ms Collins replied “Knowledge is power as they say. It’s always useful to have extra info even if not for broadcast. Don’t go getting paranoid about Scotland Yard though – it’s a waste of energy.” These emails are at page 131 of the bundle.

100. As part of the proceedings in this case, I asked the Respondent to run a telephone call record check to establish if anyone had used the Metropolitan Police telephone network to call an *ITN* extension, which generally begin 020 7430, between 1230 and 1300 on 19 November 2003. I told the Respondent “The producer does not recall the full name of the person from the MPS who called. However, at the time the producer said that it was thought the caller gave his first name as Bob. The caller was definitely male.” This information is contained in an email at page 148 of the bundle.

101. The telephone check was requested, as shown on page 149. This revealed that a call of 2 minutes and 11 seconds duration had been made at 1247 on 19 November to 7430 4170. This is the number for Ms Collins, the producer in charge of booking guests for *ITN*. The Scotland Yard extension that the call had been made from was 62475. This would be 020 7230 2475 from an outside line. The record of this call is at page 150 of the bundle.

102. I then asked the Respondent for details of the person who had made the telephone call. The Respondent’s representative replied “I am unable to confirm the identity of the person who made the call to *ITN* as detailed in the call list. This person cannot be traced. I can however confirm that the telephone number is that of Bob Cox from the MPS Press Office.” This reply is at page 151 in the bundle.

103. The Police Almanac for 2004 shows however that Bob Cox is not merely “from the MPS Press Office”. He is in fact the Respondent’s Chief Press Officer. The Almanac for 2001 shows him to have held this position at this time also, whereas a *Guardian* article from June 1999, suggests he was working in the MPS Press Office on that occasion too. Hence he appears to have been working as the Respondent’s Chief Press Officer throughout the period his office dealt with the media during my Employment Tribunal proceedings, and at all times relevant to the incidents complained of in the paragraphs above. The Almanac entries and the *Guardian* article are at pages 152, 153 and 161A respectively.

104. At pages 154 to 156 of the bundle are the partial minutes of the meeting on 1 June 2004 of the Metropolitan Police Management Board, at which was present Mr Cox. This fact, and that of all the DPA staff present he is the one to be listed first, and

the only one not to be listed alphabetically, gives an indication of Mr Cox's seniority. So too does a case study taken from the internet site of Solcara.com, a knowledge management company, in which Mr Cox is quoted at length talking of the Respondent's systems for retrieving "previous records quickly and efficiently should there be renewed interest in an old story." This is at page 157 of the bundle.

105. On 14 February 2005 I spoke with Mr Cox by telephone, in an attempt to arrange the taking of a statement from him. He declined to supply this, but told me that he did not recollect having made the call in question. This was confirmed to me by the Respondent's representative in a letter to me of 17 February 2005 (page 164 of the bundle), which also enclosed a copy of Mr Cox's diary sheet for 19 November 2003, at page 165.

106. Mr Cox further stated that he had regular contact with the news organisations on a daily basis, but could not recall making the call in question. He added that he did not recognise the number dialled, and, when asked if he would remember a call in which he had suggested that *ITN* not use myself, he replied "I would sincerely hope I would remember that."

107. On 11 March 2005 I received by fax from *ITN* certain documentation, including a copy of my *ITN* database record, and of *ITN*'s record confirming my emails to and from Martha Collins of 23 August 2004. Also included was confirmation, in the form of a computer entry apparently made by Martha Collins on 19 November 2003, the day of the alleged call, that a person called Bob Cox had telephoned to suggest the name of a security expert to use. The caller also supplied his number – the same number that the Respondent's call record shows the call was made from – the phone of Bob Cox. These documents are listed at 165A to E.

(I have also now had sight of a sworn statement in which Bob Cox admits to having dealt with an enquiry from Severin Carrell about my career history. Mr Cox however denies that he passed any information on).

108. In conclusion therefore, the available evidence suggests that, since at least October 2001, the Respondent has pursued an active and consistent policy of

adversely interfering in my media work. This includes causing by his approaches the effective cessation of my employment by *Sky News*.

109. As has been shown, the evidence in this case points firmly in the direction of the Respondent's Press Office, to either Mr Cox, or to a person under his control.

110. The approaches to *Sky* and to *ITN* did occur. The only relevant difference between that to *ITN* and that to *Sky* was that, at *Sky*, the Respondent's intentions were complied with.

111. The only explanation for these approaches can be as victimisation for my previously having brought Tribunal proceedings against the Respondent. Had another former officer begun similar work for *Sky News* or other media organisations, the Respondent would not have taken action to prevent or adversely influence their employment in the way that has with myself. In the cases of at least three other former Metropolitan Police officers – Steve Park, John O'Connor, and Ken Wharfe – the Respondent has not interfered to prevent their regularly contributing to *Sky News* and other media organisations. To the best of my knowledge, however, none of these officers have brought Employment Tribunal proceedings against the Respondent.. There appears to be no other explanation, other than victimisation, for what the Respondent has done.