

A prosecution statement is a record of an interview which takes place under caution. Such interviews are conducted when TV Licensing visiting officers suspect that an offence may have been committed at an address under the Communications Act 2003. This record is known within TV Licensing as a “Code 8”.

2. *If there are any training materials or other documents provided to whomever takes these prosecution statements, detailing what such a statement is, how to take one, and/or other matters relating to the taking of such, please provide these, or details where they are otherwise currently available.*

Relevant documents in relation to this issue include:

- TV Licensing Visiting Procedures
- Procurator Fiscal's guide to TV Licensing
- Visiting Officer Work Instructions Quiz
- Reply Codes Handout
- Visiting Officer Work Instructions Quiz
- Visiting Officer quick reference guide
- Visiting Officer legal overview
- What is a 'Code 8'? - Training workbooks and training brief (including 'recognising what is acceptable as a 'Code 8') Separate docs for Scotland
- Code 8 quiz
- Code 8 presentation for Enquiry Officers
- The new 178 record of interview - what's changed?
- Conflict awareness handouts 1 and 2, training brief and presentation slides
- Visiting Officer Induction programme documentation

As stated above, “TV Licensing” is a trading name used by companies contracted by the BBC to administer the collection of television licence fees and enforcement of the television licensing system. The company responsible for training TV Licensing visiting officers is Capita. I should emphasise that copies of any training materials which pertain to our contractors, including the majority of the documents listed above, are not held on our behalf (as per section 3(2) of the FOI Act) and are thus outside the scope of the FOI Act.

I can release to you a copy of the *TV Licensing Visiting Procedures*. However, please note the following:

- This document is extremely large, hence I have only provided those sections which are relevant to your request.
- I have also determined to redact some of the information which is in scope since in my view it is exempt under sections 31(1)(a), (b), (d) and (g) and (2)(a) of the Act which relate to law enforcement, specifically that disclosure would, or would be likely to, prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, the collection of the licence fee and the BBC’s ability to discharge its public functions in respect of such matters. I am satisfied in terms of section 2(2) of the Act that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the

public interest in disclosing the information. I have provided further explanation of my consideration of the public interest test in the section 'Why information has been withheld' below. Redacted sections have been shaded in grey.

- Finally, please note that some sections of the *TV Licensing Visiting Procedures* are due to be revised soon to better reflect changing policy and practice.

As well as the enclosed information, I can also volunteer the following general information about the training of visiting officers.

Capita has stated that the initial Training Programme for a visiting officer comprises classroom sessions, job shadowing, doorstep training leading to a final assessment by an Area Manager. The following subjects are covered in detail:

- Introduction to Capita;
- Introduction to TV Licensing;
- TV Licensing Policy;
- Health and Safety;
- Payment methods for a TV Licence and Administration;
- Visit Preparation;
- Visiting Officers and the Law;
- Conducting an Interview Under PACE;
- The Competency Framework.

Why information has been withheld

I am required under s 2(2) of the Act to assess whether the public interest in maintaining the exemptions outweighs the public interest in disclosing the information.

The following factors are in favour of disclosure:

1. ensuring that the licensing authority is exercising its functions appropriately and proportionately, i.e. that people will not be unfairly prosecuted;
2. ensuring that public funds are being appropriately applied, that is:
 - a. ensuring that the TV Licensing system is being efficiently run; and
 - b. ensuring that value for money is being obtained.

I consider that the above public interest factors in favour of disclosure are served by the following:

1. The BBC/TV Licensing does not prosecute except where it is in the public interest to do so, which includes having sufficient evidence. This is a key principle of the Crown Prosecution Guidelines which we publicly state that we adhere to. Further, a magistrate would not allow a prosecution to take place if there was not sufficient evidence and public interest.

2. The BBC is required to satisfy the National Audit Office ('NAO') as to the value for money of the collection and enforcement arrangements and is accountable for the economy, efficiency and effectiveness of such arrangements. NAO's most recent audit is published at http://www.nao.org.uk/publications/nao_reports/06-07/0607183.pdf.
3. The BBC has reduced the cost of collection from 6.2% of the total licence fee collected in 1991/2, when it took over from the Home Office, to 3.6% for the financial year 07/08. This demonstrates that the TV Licensing system is being efficiently run. This and further related information is available in the BBC's annual report (see www.bbc.co.uk), the TV Licensing Annual Review and the *About TV Licensing* document (see <http://www.tvlicensing.co.uk/aboutus/index.jsp>). A key part of this success has been the use of detection as a significant deterrent element.

Providing further information relating to our prosecution process would reveal information which may be useful to people attempting to evade the licence fee.

There is hence a greater public interest in ensuring the effective collection of the licence fee than in disclosing the information you have sought. I am therefore satisfied, in terms of section 2 of the Act, that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Appeal rights

If you are not satisfied with this response you have the right to an internal review by a BBC senior manager or legal adviser. Please contact us at the address provided, explaining what you would like us to review and including your reference number. If you are not satisfied with the internal review, you can appeal to the Information Commissioner. The contact details are: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, telephone 01625 545 700 or see <http://www.ico.gov.uk/>

I hope this response is helpful.

Yours sincerely,

Natalie Sanderson
Policy Adviser
BBC TV Licensing Management Team