



Information Policy & Compliance
bbc.co.uk/foi bbc.co.uk/privacy

Peter Jones
Via email: request-173741-e444ce77@whatdotheyknow.com

16th September 2013

Dear Mr Jones

Request for Information – RFI20131204

Thank you for your request of 18th August 2013 under the Freedom of Information Act 2000 ('the Act') seeking the following information:

"Under the terms of the Act, please provide the following information:

- 1. The total number of TV Licensing staff that have been formally disciplined for misconduct relating to the prosecution process. Please provide this information as a yearly breakdown from 2008 to present.*
- 2. The total number of TV Licensing staff that have been formally disciplined for misconduct in relation to the gathering of evidence. This includes any that have been disciplined for inaccurate completion of TVL178 Record of Interview forms. Please provide this information as a yearly breakdown from 2008 to present.*
- 3. The total number of TV Licensing staff that have been convicted of criminal offences committed during the course of their TV Licensing duties since the year 2000. Please provide this information as a yearly breakdown, which also shows the nature of offences committed and the geographic location (county, town or city) the staff were based.*
- 4. The total number of complaints that police have received about the conduct of TV Licensing staff and the outcome of those complaints. Obviously this will only encompass complaints that the BBC has been made directly aware of. Please provide this information as a yearly breakdown, which also shows the nature of the complaint and the geographic location (county, town or city) the staff were based.*

Please note that I have previously made requests similar to point 3 above, but it is now reasonable to assume that more recent information exists.

For the avoidance of doubt, by "TV Licensing staff" I mean anyone engaged in TV licence enforcement/administration who is employed by any of the TV Licensing contracted companies; by "formally disciplined" I mean any member of staff that has received a formal written warning or more severe sanction."

Please note that "TV Licensing" is a trade mark used by companies contracted by the BBC to administer the collection of television licence fees and enforcement of the television licensing system. The majority of the administration of TV Licensing is contracted to Capita Business Services Ltd ('Capita'). Over-the counter services are provided by PayPoint plc ('PayPoint') in the UK, and by the Post Office in the Isle of Man and Channel Islands. Marketing and printing services are contracted to Proximity London Ltd. Media services are contracted to Mediaedge:CIA International Limited ("MEC"). The BBC is a public authority in respect of its television licensing functions and retains overall responsibility.

I shall address your requests in turn below.

Questions 1 and 2

1. The total number of TV Licensing staff that have been formally disciplined for misconduct relating to the prosecution process. Please provide this information as a yearly breakdown from 2008 to present.

2. The total number of TV Licensing staff that have been formally disciplined for misconduct in relation to the gathering of evidence. This includes any that have been disciplined for inaccurate completion of TVL178 Record of Interview forms. Please provide this information as a yearly breakdown from 2008 to present.

I can confirm under section 1(1) of the Act that the BBC does not hold the information you have requested. This is because it is the responsibility of Capita to manage the performance of its staff and to take disciplinary action where appropriate. Any such actions taken by Capita are not shared with the BBC and are carried out by Capita for the purposes of its own employee management. Capita does not report the details of such action to the BBC

The Act gives rights of public access to information held by public authorities (as defined in section 3 of the Act). Section 3(2)(a) of the Act says that, for the purposes of the Act, information is held by a public authority if it is held by the public authority themselves or if it is held by another person on behalf of the authority. Capita is not a public authority as defined by the Act therefore information it holds but which is not held on behalf of the BBC is not subject to the Act.

Question 3

3. The total number of TV Licensing staff that have been convicted of criminal offences committed during the course of their TV Licensing duties since the year 2000. Please provide this information as a yearly breakdown, which also shows the nature of offences committed and the geographic location (county, town or city) the staff were based.

As you have stated, you have previously made requests similar to question 3 and I note that you have received BBC responses to three separate requests in 2011: RFI20110625, RFI20110731 and RFI20111165. As such, I consider that your current request has been satisfied in respect of the period 2000 to 24th September 2011 (the date of your last request).

In line with our response RFI20111165, I have requested that searches be undertaken by our contractors to confirm whether any staff employed on TV Licensing duties have been convicted of criminal offences committed in the course of their TV Licensing duties since 24th September 2011.

I can confirm that, to the best of our knowledge, that there have been no convictions relating to offences committed in the course of their TV Licensing duties by any person employed by the BBC or any of the TV Licensing contracted companies (acting on the BBC's behalf) in the this period. However, as stated in our

previous response to you, I estimate that to conduct a fully comprehensive search in order to confirm this conclusively would take more than two and a half days; under section 12 of the Act, we are allowed to refuse to handle the request if it would exceed the 'appropriate limit'. The appropriate limit has been set by the Regulations (SI 2004/3244) as being £450 (equivalent to two and a half days work, at an hourly rate of £25). This is because in order to locate the information we would need to examine every retained personnel file for every individual who has worked for any of our service providers or their subcontractors in the period in question. This would number several thousand files.

Question 4

4. The total number of complaints that police have received about the conduct of TV Licensing staff and the outcome of those complaints. Obviously this will only encompass complaints that the BBC has been made directly aware of. Please provide this information as a yearly breakdown, which also shows the nature of the complaint and the geographic location (county, town or city) the staff were based.

I can confirm under section 1(1) of the Act that the BBC does not hold the information you have requested. This is because we do not keep a record of any complaints made to the police about the conduct of TV Licensing staff.

Please note that Capita would refer any cases of staff criminal activity to the police as a matter of course; and this will have occurred in all of the cases reported in our previous responses to you where such activity was discovered by Capita itself.

Appeal Rights

If you are not satisfied that the BBC has complied with the Act in responding to your request you have the right to an internal review by a BBC senior manager or legal adviser. Please contact us at the address above, explaining what you would like us to review under the Act 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/>.

Kind regards

Rupinder Panesar

Freedom of Information Advisor, TV Licensing Management Team

