



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

S. Craig
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1 May 2015

Dear Mr Craig,

Freedom of Information Request - RF120150637

Thank you for your request under the Freedom of Information Act 2000 (the Act) dated 19 April, seeking the following information:

'It looks like the BBC is well beyond the statutory time limit for responding to request RF120142105.

I wonder if the BBC has any intention of answering this question? I want to know the answer so am making a similar request myself.

In 2013 the BBC strengthened its governance requiring approval from the BBC's Senior Manager Remuneration Committee for:

- Any proposed compromise agreements where the total of all redundancy/severance payments is over £75,000.*
- Any proposed compromise agreement where there is a an exceptional payment regardless of the amount.*
- The BBC committed to cap severance payments to £150,000 from September 2013 onwards.*

This applies to all BBC employees regardless of grade. Compromise agreements where individuals receive a total severance/redundancy payment that is less than £75,000 and is in line with the BBC redundancy pay policy, are approved at divisional levels.

Since this governance mechanism was introduced in September 2013 to date (19 April 2015);

- Who has sat/sits on the Senior Manager Remuneration Committee?*
- How many compromise/settlement agreements have been submitted to the Senior Manger Remuneration Committee?*
- How many applications have been accepted in the first instance?*
- How many applications have been accepted following revision to the initial submission?*
- How many applications have been refused?*

- *What has been the outcome of any applications which have not been accepted, accepted following revision, refused?*
- *How many payouts have exceeded the £150,000 cap?*
- *How many payouts of less than £75,000 were referred as “exceptional payment”?*
- *What were the justifications for any “exceptional payments” made outside the BBC’s redundancy pay policy?*
- *What have been the highest and lowest payouts?*
- *What is the total sum that has been paid out in compromise agreements?*

Under section 14(1) of the Act, public authorities are not obliged to comply with a request for information if the request is vexatious. The Information Commissioner’s guidance with respect to vexatious requests states that ‘determining whether a request is vexatious is a balancing exercise, taking into account the context and history of the request. The key question is whether the request is likely to cause unjustified distress, disruption or irritation’.

The BBC is of the view that the following questions, which the ICO recommends an organisation considers, are of particular relevance to your request;

- Is the request harassing the authority or causing distress and irritation to staff?
- Does the request create an unjustified level of disruption?
- Is the request disproportionate?

This request could fairly be characterised in terms of the Information Commissioner’s guidance on the matter as ‘harassing the authority’ and is ‘designed to cause disruption or annoyance’. Based on these factors, where the information requested is covered by the Act, we are of the view that the BBC is not obliged to comply with this request.

You may be interested in the ICO guidance regarding ‘vexatious requests’, which is available at the following link;

<https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

Appeal Rights

If you are not satisfied that we have 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 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, Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) or see <http://www.ico.gov.uk/>.

Yours sincerely

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