

Title:	<b>The Radio Investigation Service</b>
Action:	<b>FOR NOTING</b>
Meeting:	<b>13 January 2010</b>

**Purpose:**

This paper is being brought to the attention of the FCC because it relates to the BBC's obligation under the BBC Agreement to make *"reasonable arrangements for the investigation, at the BBC's expense, of complaints of interference by electro-magnetic energy affecting domestic television and radio reception within the UK"*.

The BBC currently contracts Ofcom to provide the Radio Investigation Service to meet those obligations. Although the contract is low in value, FCC should be aware that we are making a significant change to the way we meet those obligations in the future.

It should be noted that the BBC has received insufficient information about the existing service to fully determine the impact on the licence fee payer of changing these arrangements. If additional information is received which would indicate that a different route should be taken, then the process will be reviewed and an update to this paper issued if necessary.

**Recommendation:**

The FCC is invited to note the proposal for the future delivery of our obligations for the investigation of reports of interference.

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	Date	Board or Committee
Onward approval path:	N/A	N/A

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**APPROVAL PATH TO DATE**

Board or Cttee	Date	Summary of feedback on paper and resulting amendments
Executive Board	7 December 2009	Approved without comment

## THE RADIO INVESTIGATION SERVICE

### 1. Introduction

The BBC has an obligation under the BBC Agreement to make *"reasonable arrangements for the investigation, at the BBC's expense, of complaints of interference by electro-magnetic energy affecting domestic television and radio reception within the UK"*.

Since 1998, we have met this requirement by contracting the Radiocommunications Agency (now Ofcom) to provide the RIS, which comprises a call centre, technical experts and a field investigation team and in addition Ofcom operate a separate enforcement team. Only Ofcom has the statutory powers to enforce for a service of this type, but the elements of the service within the scope of the BBC's obligation under the BBC Agreement could be provided by the BBC itself and other parties. The enforcement aspect is not part of the service for which the BBC is responsible.

The original 1998 contract was placed for one year with a nine month notice period, but has never been formally renewed or extended. However, Ofcom has continued to invoice the BBC and we have continued to pay. The value of this contract is £2.1M per annum. The informal continuation of the service has not been subject to external tendering; it is therefore necessary to regularise the position under the EU procurement regime.

### 2. Context

We have been working with Ofcom over the last year to try to improve the quality of management information it provides. Ofcom has been able to provide only very basic information on the numbers of calls it deals with and has been unable to demonstrate how it calculates the costs of the work it does. Due to the lack of basic reporting or process controls, the BBC is unable to demonstrate that value for money is being achieved.

Having exhausted a negotiated approach to resolving the issues with Ofcom, we gave notice of termination of the contract to Ofcom in June 2009 to take effect on 31 March 2010. This has the effect of resolving the issues over procurement requirements. Ofcom subsequently informed us that they believe TUPE may apply to up to 12 members of their Field Service staff, currently distributed around the UK on a regional basis. Ofcom has indicated that they do not anticipate any call centre staff being subject to TUPE.

The current service provided by Ofcom comprises two initial triage stages (ie basic re-tuning and reception advice followed by more specific questions tailored to the consumers particular problem) followed by a more detailed in home investigation service, provided by the field engineers. Currently about 1000 cases are dealt with by the field service stage, out of a total case volume of about 4000. It is believed that a significant percentage of the cases requiring a field investigation could be resolved by more thorough and technical triage processes.

Distribution has been working with MC&A to improve how Capita manage calls to the BBC relating to interference or reception difficulties, including developing a number of new on-line applications to help the public resolve the majority of issues themselves. More specialised technical queries would need to be supported by 'technical triage experts' who will respond directly to the consumer. The cases which cannot be resolved by these means are predicted to be transmitter faults, digital switchover interactions or interference due to licence breaches. There are existing systems in place to manage the former two, and the latter is the responsibility of Ofcom under its

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statutory powers, outside of the scope of the existing contract or the BBC's obligations under the BBC Agreement.

### **2. Timing**

The current contract will terminate on 31 March 2010, and at that point the BBC should be able to bring the call centre and the technical triage stages in-house. Bringing the existing contract in-house does not require the BBC to carry out a procurement process. Ofcom has indicated that where TUPE applies to any staff performing the existing contract, they would like to inform any affected staff before 31 December 2009.

Based on our experience so far, it seems very likely that Ofcom will not provide all the information necessary to determine the extent and financial consequences of any TUPE liability, should it exist, until close to the end of the contract. It is proposed to extend the existing contract with Ofcom for a three month period to give Ofcom sufficient time to consult with staff and unions and to give the BBC additional time to gain more information on the current operation of the service.

### **3. Future Delivery of the RIS**

On cessation of the Ofcom contract, it is intended to bring the call centre activities of the RIS in-house, and to reduce to a minimum and if possible cease, the in-home investigation service.

The new processes developed for Capita should enable the BBC to improve on the basic triage services currently offered by Ofcom. In addition, Distribution will create two new attachments<sup>1</sup> to provide the specialist technical triage service to support Capita, and to deal with more complicated queries. These "technical triage experts" would be responsible for liaising with the consumers, offering specific advice and technical support on-line, via email and on the phone and referring the consumer to Digital UK or Ofcom as appropriate. By making the technical triage element of the service more robust and sufficiently exhaustive, it should be possible to reduce the number of calls which require an in-home visit to a minimum while still offering a good service to the consumer.

With regards to the potential TUPE implications of up to 12 Ofcom field engineers, we will continue to work with Ofcom to resolve this issue, but based on the evidence they have provided to date, we believe most cases can be resolved without any need for the field engineer role. Having stated out intention to cease in-home investigations, Ofcom have indicated that they may be able to provide some information on the current cases they are managing to demonstrate what may be required. In order to provide them with sufficient time to gather this data and to fully consult with their staff and unions over the potential TUPE implications, we propose to extend the current contract for a limited period. Terminating the field engineer services could potentially include the redundancy costs for the 12 Ofcom staff that may be subject to the TUPE regulations.

### **4. Conclusion**

It is recommended that on March 31 2010:

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<sup>1</sup> During the period of attachment analysis will be undertaken to identify workload and potential implications for other sources of service provision e.g. the MC&A Reception Advice team

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- we extend the current contract with Ofcom for a period of three months
- we transition the call centre function into Capita
- we provide a technical triage service in-house using new “technical triage experts”
- we reduce to a minimum and if possible cease all in-home field investigations

It should be noted that the BBC has received insufficient information about the existing service to determine absolutely whether the in-home investigations could cease without significant impact. If additional information is received from Ofcom in the immediate future which would indicate that a different route should be taken, and update to this paper would be issued accordingly.

### **5. Further Information Available**

The following additional information can be provided if required:

- Description of the new processes which have been developed in-house for delivery of the RIS triage service.
  - Projected costs of providing the full service in-house.
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