

Heads of Agreement

Ofcom and the BBC have agreed as follows:

1. Background

- 1.1 The BBC has an obligation to provide services for the investigation and resolution of interference to domestic television and radio in the UK ("relevant interference"). This has previously been satisfied through a contract with Ofcom to provide these services on the BBC's behalf.
- 1.2 The BBC has now taken the decision to terminate this arrangement and will fulfil its obligations using in-house resources from 30 June 2010. It will be responsible for the investigation of all relevant interference cases from this date in accordance with its Charter obligations.
- 1.3 Ofcom will continue to meet its broader obligation to conduct enforcement action against unlawful use of the electro-magnetic spectrum.
- 1.4 As a direct consequence of this transfer of responsibilities a number of staff have been released by Ofcom, on the basis that a minority of cases will require such enforcement action. Accordingly it is vital that, within the spirit of this agreement, the BBC process is as efficient as possible at screening out cases prior to referral to Ofcom.
- 1.5 This document sets out the key elements of an agreement between the BBC and Ofcom regarding how both parties will work together to provide this service going forward.

2. BBC responsibilities

- 2.1 The BBC has an obligation to provide reasonable arrangements for the investigation of television and broadcast radio interference complaints. It is the BBC's intention to satisfy this obligation through a combination of online information, web-based diagnostics and technical telephone support. This support will extend to provision of a letter to assist consumers in resolving interference from third-parties where this has been identified through the BBC triage process.

- 2.2 As part of its reasonable arrangements the BBC will make reasonable endeavours to ensure that interference problems are not due to the consumer's location, receiving installation, shared antennae systems, other devices within the household, or otherwise within the consumer's control, and take the steps outlined below to resolve interference. Cases may then be referred to Ofcom when this process is completed.

3. Ofcom responsibilities

- 3.1 Ofcom has a function to provide a service of advice and assistance to persons complaining of interference with wireless telegraphy. Ofcom may charge for some elements of this service, including for some services it provides to the BBC (indicated in 4.8 below).
- 3.2 Ofcom also has powers and duties to bring enforcement action under the Wireless Telegraphy Act 2006 (and relevant subordinate legislation), the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000 and the Electromagnetic Compatibility Regulations 2006.
- 3.3 Ofcom intends to perform the function in 3.1 by:
- 3.3.1 advising consumers who complain to Ofcom about relevant interference of:
 - 3.3.1.1 their need to ensure that any interference is not caused by their location, receiving installation, shared antennae systems, other devices within the household, or otherwise within their control; and
 - 3.3.1.2 the BBC's responsibilities and services, as set out in this document; and
 - 3.3.2 assisting them to refer the matter to the BBC, and by making relevant information available on its website; and

3.3.3 subjecting cases submitted to it by the BBC, after the BBC has undertaken the activities specified in 2.2, to further analysis by Ofcom's Case Assignment Team before allocation of an engineer to investigate instances of interference (which may necessitate a visit to the consumer's household). Ofcom will consider these cases for enforcement action.

3.4 In the cases falling within 3.3.3, where interference is identified that is caused by a third-party, Ofcom will consider such cases as within its normal duties and will not charge the BBC. Where the problem is determined to be within the control of the consumer (e.g. their receiving installation or other devices within their control), a shared antenna system, is not interference related, or where the BBC could reasonably be expected to have resolved the case prior to the point of referral, an agreed charge will be made to the BBC.

3.5 Ofcom will provide a web form for the BBC's exclusive use to facilitate the passing of cases to Ofcom.

4. Key stages of resolution process

4.1 All consumers will contact the BBC in the first instance. Any cases referred to Ofcom by consumers will be redirected to the BBC (as set out in 3.3.1 above).

4.2 The BBC will perform an effective triage in order to ensure that the issues are interference related and not simply cases of poor reception etc. This process will identify, for example, cases arising from poor coverage, engineering work, building work, distributed antenna systems etc.

4.3 This activity will also determine the impact on neighbouring properties based on information from the consumer in order to localise the source of any interference if possible, and provide initial help and assistance to the consumer in an attempt to resolve the issue. In cases where the interference appears to be caused by a third party this will, where appropriate, extend to the provision of a letter to assist the consumer in resolving any issues with that third party.

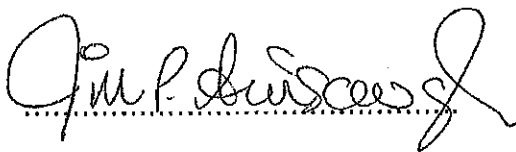
- 4.4 Where the BBC is unable to resolve the issue they will advise the consumer of the options available and their relative cost. These will include referral to a TV engineer, approved aerial installer, alternative means of delivery (e.g. cable, freesat etc) or referral to Ofcom. The BBC will ensure that consumers understand their obligations and that a charge levied by the BBC may result if a case is referred to Ofcom and it is found that the issue is within the consumer's own control. They will also be instructed that, depending on the cause, no resolution may be possible under Ofcom's powers, and that a reference to Ofcom does not guarantee resolution or enforcement action.
- 4.5 The BBC will give due regard to the severity and duration of suspected interference before referring cases to Ofcom.
- 4.6 Any cases requiring consideration by Ofcom will be submitted via the Ofcom web form accompanied by a BBC case reference number.
- 4.7 Ofcom will review any cases through the Case Assignment Team and liaise with the BBC interference team as necessary. This may involve further dialogue with the affected consumer. Any work completed by Ofcom conducting this initial case review will not result in any charge to the BBC.
- 4.8 Following the initial case review, Ofcom may despatch an engineer to investigate the interference complaint and, if possible using reasonable endeavours, effect a resolution. If the issue is determined to be either within the control of the consumer or building owner, or is not interference related (e.g. results from poor coverage or installation), or where the BBC could reasonably be expected to have resolved the case prior to the point of referral to Ofcom, Ofcom may charge the BBC for this work. Any charge will be evidenced by investigation findings. The BBC may choose to pass some (or all) of this charge to the consumer.
- 4.9 There may be cases where Ofcom does not have the power to use enforcement action in order to resolve complaints of interference. And, in all cases, such action is subject to matters such as Ofcom's functions, powers and duties and its assessment of the evidence available and of the public interest. Neither enforcement action nor resolution of interference is guaranteed in cases referred to Ofcom.

- 4.10 The effectiveness of the process will be subject to regular review to ensure effective use of both BBC and Ofcom resources.

5. **Next steps**

- 5.1 Both Ofcom and the BBC are committed to the spirit and intent of these Heads of Agreement. They agree to use their reasonable endeavours in good faith to agree a Memorandum of Understanding based on what has been agreed and they accept this document as the basis of further negotiations. This agreement should be reviewed on the anniversary of the handover of the service from Ofcom to the BBC.

Signed for and on behalf of Ofcom



Name ...Jill Ainscough.....

Position ...Chief Operating Officer...

Date 28th June 2010

Signed for and on behalf of the BBC



Name ...Graham Plumb.....

Position Acting Controller Distribution

Date 28.06.10

