



Information Policy & Compliance
bbc.co.uk/foi

Mark

Via email: request-92292-b8bf6530@whatdotheyknow.com

04 January 2012

Dear Mark,

Request for Information – RF120111491

Thank you for your request of 2nd December 2011 under the Freedom of Information Act 2000 ('the Act') seeking the following information:

By reference to staff training materials, policy documents, internal emails and similar documentation, please
(a) confirm that the following actions have meaning to BBC-TVL in terms of moderating or curtailing your enforcement activities, and
(b) indicate what form of moderation or curtailment is involved in each case:

- 1) Letter alleging harassment.*
- 2) Solicitor's letter alleging harassment.*
- 3) Formal complaint at the level of BBC Head of Revenue Management or above.*
- 4) WOIRA with exception for attendance at an appointed date & time.*
- 5) Instruction that BBC-TVL may attend only in the event that evidence of evasion becomes known.*
- 6) Letter instructing you to "cease & desist" from sending mass-mailing letters.*
- 7) Letter instructing you to "cease & desist" all enforcement activities.*
- 8) A notice physically posted on visited premises instructing BBC-TVL to leave.*
- 9) The use of CCTV or other video recording equipment at the time of a BBC-TVL visit to premises.*
- 10) Involvement of the MP of someone who does not need a TV Licence.*

AND a COMPLETE DISCLOSURE of any/all other forms of action that can be taken by citizens that are meaningful in terms of your internal policy decisions on the nature and continuance of enforcement activity

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 (which undertakes the majority of the administration of the TV Licensing system), with the administration of our cash related payment schemes contracted to iQor UK Limited. PayPoint Network Ltd and PayPoint Collections Ltd are contracted to provide over-the-counter services. Marketing and printing services are contracted to Proximity London Ltd as are public relations and advertising services. The latter are subcontracted by Proximity to Fishburn Hedges Boys Williams Ltd, Abbott Mead Vickers BBDO Ltd and PHD Media Ltd. The BBC is a public authority in respect of its television licensing functions and retains overall responsibility.

I shall respond to your request by reference to each of the ten scenarios you refer to:

1) Letter alleging harassment.

TV Licensing sends letters to unlicensed addresses to check the status of those addresses and whether a licence is required. The letters need to take account of a range of circumstances which would include the property being unoccupied, the property not requiring a licence or the property requiring a licence but none has been bought.

TV Licensing asks people to let us know the licensable status of the property in order that we can keep our database updated and not trouble those who don't require a licence with enquiry letters. There is no specific response to a customer letter complaining of harassment as responses depend on individual circumstances.

We have included below some standard paragraphs which we consider to be broadly relevant to this part of your request which we use for complainants who have clarified that they do not need a television or that the property is unoccupied.

The following is taken from a template used by Customer Relations for responding to complaints:

I'm sorry you've received a letter from us and that you've had to contact us about this.

I've looked into this and you were sent this letter because we write to all addresses without a TV Licence and where the situation is not known. We've found this to be the best way to keep our records up to date.

When we're advised that a property is empty, we'll update our records and stop our letters from being sent for a time.

I've now updated our records, stopping further letters for [] months. We'll then write to the address again just to check if the situation is still the same. If the property is still empty please let us know.

There's a chance that another letter has already been prepared for posting. If one arrives in the next few weeks, please ignore it.

Thank you for the time you've taken in helping us update our records.

The following is taken from a template used by Customer Relations when writing to customers where it has been confirmed that no licence is needed:

I am writing to you following a recent visit from one of our officers, who has confirmed that you don't need a TV Licence.

Our records have been updated and you won't be contacted again for almost two years. We'll then get in touch to confirm if you still live at the address and that your circumstances haven't changed.

If your situation changes during this time please let us know.

Customer Relations also use the following on a first contact from a customer:

I'm sorry you're unhappy you've received a letter from us.

I've looked into this for you and I've updated our records. You won't receive any more letters from us for almost two years, apart from one further letter confirming this.

TV Licensing don't permanently stop writing to any address as circumstances change over time, and the occupier may change. We'll get in touch after this time to confirm if you still live at the address and that your circumstances haven't changed.

We've a responsibility to make sure that everyone in the UK who needs a TV Licence has one and we visit some of these addresses to check that one isn't required. It's unfortunately necessary for TV Licensing to visit homes to confirm there's no television being used as, when we made contact on these visits, nearly a fifth of people were found to require a licence (based on 2010/11 figures). If we visit your address and confirm that you don't need a licence we can stop contact for another two years from the date of the visit.

There's a chance that another letter has been prepared for posting. If this arrives, please ignore it.

Thank you for the time you've taken in helping us update our records.

I am also enclosing a work instruction document (Disclosure Document 1) which provides guidance on recognising written complaints and includes a reference to harassment. This document is also relevant to scenarios 2 and 10 of your request.

However we hold no other recorded information relevant to this part of your request. To assist you further I should explain that this is because, as with the vast majority of complaints, letters alleging harassment are dealt with on a case by case basis, in line with TV Licensing's standard complaints procedure. Therefore, to answer the second part of your request with regards to this scenario I can tell you that the only effect such a letter may have in terms of moderating enforcement activity is that enquiries at an address may cease temporarily while the complaint is being investigated.

2) Solicitor's letter alleging harassment.

I can confirm under section 1(1) of the Act that we do not hold any recorded information relevant to this part of your request, specifically that we do not hold any staff training materials, policy documents, internal emails or similar documentation that deals with the above scenario.

However I am happy to assist you by telling you that in practice the standard letter wording provided in 1) above would be adapted for a response to a solicitor. The only effect such a letter may have in terms of moderating enforcement activity is that enquiries at an address may cease temporarily while the complaint is being investigated.

3) Formal complaint at the level of BBC Head of Revenue Management or above.

I can confirm that we have a procedure for escalated complaints which covers complaints made at the level of the Head of Revenue Management. The complaints procedure can be found at <http://www.tvlicensing.co.uk/about/making-a-complaint-AB7>

However, such complaints are dealt with on case by case basis and as with scenarios 1 & 2 above the only effect such a complaint may have in terms of moderating enforcement activity is that enquiries at an address may cease temporarily while the complaint is being investigated.

4) WOIRA with exception for attendance at an appointed date & time.

All the recorded information we hold relevant to the WOIRA process has been provided within the response to your previous request, RFI20111356. However I can tell you that TV Licensing does not offer appointments for enforcement visits.

5) Instruction that BBC-TVL may attend only in the event that evidence of evasion becomes known.

I can confirm under section 1(1) of the Act that we do not hold any recorded information relevant to this part of your request, specifically that we do not hold any staff training materials, policy documents, internal emails or similar documentation that deals with the above scenario.

There is no entitlement to make such a request therefore such a request would have no effect in terms of moderating enforcement activity at an address.

6) Letter instructing you to "cease & desist" from sending mass-mailing letters.

I can confirm under section 1(1) of the Act that we do not hold any recorded information relevant to this part of your request, specifically that we do not hold any staff training materials, policy documents, internal emails or similar documentation that deals with the above scenario.

However, I am happy to assist you further by telling you that letters of this nature are dealt with in line with TV Licensing's standard complaints procedure. The only effect such a letter may have in terms of moderating enforcement activity is that if the cease and desist request was made in the context of a complaint, enquiries at an address may cease temporarily while the complaint is being investigated.

There is no way to 'opt-out' of mailings though customers who make a 'no licence needed' declaration will not receive any letters (other than one initial confirmation letter) for two years.

7) Letter instructing you to "cease & desist" all enforcement activities.

I can confirm under section 1(1) of the Act that we do not hold any recorded information relevant to this part of your request, specifically that we do not hold any staff training materials, policy documents, internal emails or similar documentation that deals with the above scenario.

There is no ability to opt out of all enforcement activities. Individuals are entitled to withdraw the implied right of access but these individuals are notified that enforcement methods other than visits may be used. As noted above, there is no way to opt out of mailings. All relevant recorded information relating to the WOIRA process has already been disclosed in response to RFI20111356.

8) A notice physically posted on visited premises instructing BBC-TVL to leave.

I can confirm under section 1(1) of the Act that we do not hold any recorded information relevant to this part of your request, specifically that we do not hold any staff training materials, policy documents, internal emails or similar documentation that deals with the above scenario.

9) The use of CCTV or other video recording equipment at the time of a BBC-TVL visit to premises.

The only recorded information we hold relevant to this part of your request is as follows, extracted from the TV Licensing Visiting Instructions:

There is no law prohibiting an individual from taking either photographs or video footage of an EO conducting a visit on private property.

Accordingly, the EO should not, under any circumstances, confront or try to prevent an occupant who wishes to do so.

If an EO finds themselves in a situation where they are being photographed or videoed they must remain calm and continue to conduct themselves in a professional manner and ensure that they walk away from the visit as soon as they become aware that they are being filmed or photographed.

All instances of filming/photography must be notified to a manager as soon as possible, and a full report provided.

An Enquiry Officer (EO) may continue a visit despite the existence of filming equipment if they deem that it is safe and appropriate to do so.

10) Involvement of the MP of someone who does not need a TV Licence.

Please find to follow a guidance note on dealing with enquiries from MPs (Disclosure Document 2) which is all the recorded information we hold relevant to this part of your request.

Although the following is not held in recorded form I can also explain that if an MP makes direct contact on behalf of an individual with the Head of Revenue Management she will respond directly to the letter/complaint. If an MP makes contact with Capita, they will respond in line with the standard TV Licensing complaints procedure. The only effect this has in terms of moderating the standard process is that a member of the public who wrote to the Head of Revenue Management without going through the standard complaint escalation process will have their complaint referred back into the standard process. However an MP writing directly to the Head of Revenue Management will get a direct response without being referred back into the standard process. In all other ways MPs involvement will not materially change how a complaint is handled except that complaints from MPs are passed directly to designated members of the Customer Relations team.

To address the final part of the request I can confirm that we do not hold recorded information, relating to any other forms of action that can be taken by any member of the public, that are meaningful in terms of our internal policy decisions on the nature and continuance of enforcement activity.

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

Louise Wright
Senior Policy Advisor, Licence Fee Unit

