



# BBC Bullying and Harassment Policy

## Contents

1. [What is the purpose of the policy?](#)
2. [Who does the policy apply to?](#)
3. [Our approach](#)
4. [What is bullying and harassment?](#)
5. [What support and guidance is available?](#)
6. [Trying to resolve problems using informal processes](#)
7. [How to resolve a problem using the mediation service](#)
8. [What to do if you cannot resolve a problem informally - the formal process](#)
9. [Possible outcomes following an investigation](#)
10. [What to do if you witness bullying or harassment](#)
11. [How bullying and harassment is monitored](#)

## What is the purpose of the policy?

In line with our BBC [Values](#) we strive to offer an environment where everyone is treated with dignity and respect. We do not tolerate bullying or harassment.

We have a duty of care to protect you so we make it our priority to support you if you experience problems with bullying or harassment. If you have a problem with bullying or harassment we encourage you to use the support available to try to resolve it as early as possible, ideally in an informal way. We will investigate any complaint that you bring to our attention in a fair, independent and confidential way and, after considering all the facts, we will take prompt and appropriate action.

This Policy explains the support available and how you can informally or formally address issues with bullying or harassment. The accompanying Bullying and Harassment Guide offers links to external support and detailed information on bullying and harassment using examples and case studies. It also gives guidance on examples of acceptable and unacceptable behaviour.

## Who does the policy apply to?

We expect everyone to familiarise themselves with and adhere to the principles of the Bullying and Harassment Policy and Guide. In particular, you must behave respectfully towards others and never act in a way that could be regarded as bullying or harassment. A non-exhaustive list of examples of acceptable and unacceptable behaviour is found in the Bullying and Harassment Guide. Acts of bullying or harassment are regarded as a serious disciplinary matter and could place your continued employment or engagement with the BBC at risk.



These principles extend to everyone working for or with the BBC including freelancers (contributors and presenters), sub-contractors, agency workers, those taking part in our programmes, visitors and guests.

BBC employees are expected to comply with the full terms of the Bullying and Harassment Policy and process.

Freelancers (PAYE or gross paid) who wish to make a complaint should contact the [local HR person assigned to that department](#) (or the Support at Work phone line when in place). The same principles of fairness and objectivity will be applied. We will mirror the formal process set out in this Policy with flexibility, in exceptional circumstance, to take into account the short term nature of some freelance engagements.

Sub-contractors and agency workers should send any complaint to their relevant local manager. Visitors and guests should contact [BBC Complaints](#).

This policy can be used if you experience bullying or harassment either at work or work-related events, for example BBC social functions or business trips.

## Our approach

We will not victimise, unfairly treat or discipline you if you make a genuine informal or formal bullying or harassment complaint.

We will respect and maintain your confidentiality. We will also remind anyone involved in your complaint about their responsibilities to maintain confidentiality. As we have a duty to protect you and your colleagues, there may be times we decide to act on your complaint independently. In these situations, we will encourage you to use our support services (see below) and will inform you of the outcome of our investigations if you wish to know.

You can use our informal or formal processes to resolve your complaint although where possible, we encourage you to try to resolve any problems informally in the first instance. There are a number of [internal](#) and external (found in the Guide) support services available to help you get the advice you need.

## What is bullying and harassment?

Bullying or harassment can take place face-to-face, behind your back, by telephone, email, text, social media or any other form of communication.

The Bullying and Harassment Guide that supplements this Policy is designed to help you better understand bullying and harassment by providing examples and case studies of what is acceptable and unacceptable behaviour.

### *Bullying*

There is no statutory definition of bullying. [ACAS](#) defines bullying as offensive, intimidating, malicious or insulting behaviour. It is an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure you. Bullying tactics can include hostile verbal or nonverbal communication, sabotage, exclusion, manipulation, and psychological or physical abuse.

According to the TUC guide '*Bullied at Work?*', bullying behaviour can include:

- competent staff being constantly criticised, having responsibilities removed or being given trivial tasks to do



- shouting at staff
- persistently picking on people in front of others or in private
- blocking promotion
- regularly and deliberately ignoring or excluding individuals from work activities
- setting a person up to fail by overloading them with work or setting impossible deadlines
- consistently attacking a member of staff in terms of their professional or personal standing
- regularly making the same person the butt of jokes

Please note there are many actions and behaviours that do not amount to bullying. For example: fair and reasonable criticism of your performance or behaviour

- constructive feedback
- not being invited to meeting where you are not required
- being placed on a performance procedure where your performance is not of an appropriate standard

### *Harassment*

Harassment is defined by the [Equality Act 2010](#), as unwanted conduct related to your 'protected characteristics' that has the purpose or effect of violating your dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for you. Harassment is also unwanted conduct of a sexual nature which has that same purpose or effect.

Protected characteristics are:

Age  
Disability  
Gender reassignment  
Marriage and civil partnership  
Pregnancy and maternity  
Race  
Religion or belief  
Sex  
Sexual orientation

*Examples of bullying and harassment behaviours include when someone:*

- puts you down or deliberately embarrasses you
- makes insulting or offensive comments or jokes
- scares you, makes threats or shouts at you
- uses insulting words or threatening body language
- ignores you or unreasonably keeps you out of meetings or events
- stops or blocks you from doing your job
- threatens you or commits physical violence
- leaves offensive items around your work area

*Examples of sexual harassment include when someone:*

- makes unwelcome sexual advances or touches you in an intrusive way
- makes sexual jokes
- displays pornographic photographs or drawings around your work area
- sends you emails with material of a sexual nature

Detailed information on bullying and harassment, and examples and case studies of acceptable and unacceptable behaviour can be found in the accompanying [Bullying and Harassment Guide](#). Information and support about harassment and stalking are available on the [myRisks](#) website.

### **What support and guidance is available?**

We have internal support services available to everyone working for the BBC. The [Bullying and Harassment Guide](#) offers information on external support services that anyone can access.

Other sources of support are found on the [Staff Help & Support](#) page on Gateway.

### **Trying to resolve problems using informal processes**

Everyone working for the BBC can use the informal process. Where possible and appropriate, we encourage you to try to resolve problems with bullying or harassment informally before using the formal process. You can do this with the support of any of the services detailed in the Bullying & Harassment Guide, or with the help of your trade union representative, line manager or local HR person.

We advise you to try to resolve your complaint as early as possible, to reduce stress and worry for you and possibly the other person involved. It is important to remember that the other person may be unaware of their behaviour and the impact it has on you. Your informal feedback will give the person a better understanding and opportunity to change or stop their behaviour.

In the first instance it is best to speak to the other person to explain the situation and how it has made you feel. It can be helpful to describe the day, place, meeting or event that took place so



the other person is clear about your concerns. You should use the opportunity to ask the person to change or stop their behaviour. If you feel unable to speak to the person yourself, you can approach your trade union representative, line manager or local HR person to help you.

#### *How to resolve a problem using the mediation service*

[Mediation](#) is another way you can resolve issues with bullying or harassment informally. Everyone working for the BBC can use the mediation service. It is a confidential, facilitated meeting between you, the other person involved, and an independent and impartial mediator.

Mediators are BBC employees, including HR and trade union representatives, who have voluntarily applied and been trained to become mediators. Your mediator will be allocated from outside your division. You will also have the option of an external mediator.

Mediation involves private and joint meetings to help identify the root cause of a problem. At the joint meeting, the mediator will clarify how the meeting will be run. You and the other person will each have an opportunity to speak. The mediator will help you identify areas that you agree on, but you and the other person will ultimately agree the final outcome.

Mediation can be successful if you and the other person are willing to participate fully in the process and genuinely want to repair the working relationship. Mediation is a voluntary process, so you and the other person have a choice about whether you want to participate. It is entirely acceptable for either of you to decide not to participate in mediation and your decision will not impact on any formal process.

Mediation is not suitable in certain cases for example, harassment related to any of your [‘protected characteristics’](#) (see p.3), where the formal process should be followed straightaway.

For information, advice or access to the mediation service please contact [mediation@bbc.co.uk](mailto:mediation@bbc.co.uk).

#### **What to do if you cannot resolve a problem informally**

If you are a BBC employee and you do not feel the informal process is an option for you, you may decide to follow the formal process straightaway. Equally, you might have already tried to resolve the matter informally and the problem has continued. The formal process will be mirrored for freelance complaints whilst retaining flexibility, in exceptional circumstances, to take into account the short term nature of some freelance engagements.

In any of these cases you should contact either, the [Bullying and Harassment Helpline](#), the Support at Work phone line (when in place), your trade union representative, line manager or local HR person to explain the situation and get advice on possible next steps.

#### *The formal process*

This formal process can be used if you are a BBC employee who wants to make a formal bullying or harassment complaint. In certain circumstances we may decide that it is more appropriate for your complaint to be investigated and dealt with under the BBC Disciplinary Procedure. In either case, you will not be able to make a separate complaint using the [BBC Grievance Policy](#), which should be used for any complaint about a management action, or intended action, against an individual employee. This policy cannot be used for collective complaints.

The formal process will be mirrored for freelance complaints whilst retaining flexibility, in exceptional circumstance, to take into account the short term nature of some freelance engagements.



If you are unsure about which Policy you should follow for making your formal complaint, please contact the [Bullying and Harassment Helpline](#), the Support at Work phone line (when in place), your trade union representative, line manager or local HR person.

If you have not already considered mediation, where appropriate, you will be encouraged to use one of the BBC's trained mediators or an external mediator to seek resolution of the issue informally. You will not be obliged to pursue mediation before progressing a formal complaint.

We recognise a decision to make a formal complaint is not easy so we encourage you to use the internal and external (found in the Guide) services for support. If you need to make a formal bullying or harassment complaint (and we do not believe that it can be more appropriately dealt with under the BBC Disciplinary Policy), then we will follow the 3-step process below.

#### *Step 1: Making your formal complaint*

We ask you to put your formal complaint in writing and send it to HR Direct: [hr@bbchrdirect.co.uk](mailto:hr@bbchrdirect.co.uk) or your local HR person as soon as possible after the time of the incident. This will provide the best opportunity to fairly and reasonably investigate your complaint while details of what took place can readily be remembered by anyone involved. We understand this may not be possible in all cases and will investigate any complaint made in good faith.

We ask you to include full details of your complaint including a detailed account of the incident, the date it took place, who was involved including any witnesses, and any action you may have taken.

Once a formal grievance has been submitted the following individuals will be assigned to your case:

Hearing Manager:	joint decision-maker following investigation (outside the division)
External Expert:	joint decision-maker with casting vote if agreement cannot be reached
Investigation Lead:	assigned to carry out all fact-finding

Further HR support may be provided as required.

#### *Step 2: The meeting*

We aim to investigate a bullying or harassment complaint in 30 days. For complex cases, (defined as those with: multiple grievers, witnesses geographically dispersed, a counter grievance or where another HR process is ongoing e.g. sickness absence), we aim to complete investigations in 60 days. This will require you and all other parties involved in the investigation to make best efforts to ensure that you/they are available to attend any meetings that will be set up by HR as quickly as possible and that adequate time is provided in diaries to ensure any issues can be resolved as quickly as possible. It is likely that a more complex case will require more time.

We aim to offer you a date for the first meeting within 10 days of your contact with HR. The meeting will be an opportunity to discuss the details of your complaint. Sometimes extra meetings will be needed and it is important that you attend them all. You are entitled to reasonable paid time off to attend formal meetings and should notify your manager as soon as you know about dates, so that adequate cover can be arranged during your absence.

We will handle your complaint in an objective and fair way. An investigation lead will be assigned to investigate your case. The hearing manager and external expert assigned to your case will meet with you to discuss your complaint, and may re-interview witnesses as required. The hearing manager assigned to your case will be more senior than the other person involved in your complaint. In rare cases where this is not possible, the manager will, by agreement, be at least the same seniority as the other person involved.

You have the right to be represented by a recognised trade union representative or BBC colleague (not a practising lawyer) at any formal meeting that you are invited to attend.

While we investigate your complaint, we may arrange for you or the other person involved to be temporarily redeployed. Or we may decide to temporarily change the person you report to. In certain cases, we may decide that it is appropriate to suspend the other person involved.

After your complaint has been fully investigated, the hearing manager and external expert will make a decision as to the result of the case and communicate to you their decision and any associated recommendation. The other person involved will also be informed of the decision.

### *Step 3: Your right to appeal*

If you are not content with the result of your bullying or harassment complaint you have the right to appeal, using the BBC Appeals Policy.

Once an appeal has been submitted the following individuals will be assigned to your case:

Hearing Manager:	joint decision-maker (outside the division)
External Expert:	joint decision-maker with casting vote if agreement cannot be reached
Investigation Lead:	to carry out any additional fact-finding

Further HR support may be provided as required.

With the exception of the Investigation Lead these roles will not be assigned to individuals involved in the initial grievance. If you wish to use the appeals process we will continue to maintain your confidentiality, but we may need to share records from your investigation with the new manager/expert and HR person. We will tell you and any witnesses involved if we need to share your records.

You have the right to be represented by a recognised trade union representative or BBC colleague (not a practising lawyer) at any formal meeting that you are invited to attend.

### *Possible outcomes following an investigation*

There are many outcomes that can follow an investigation into bullying or harassment including mediation, training, coaching, or disciplinary proceedings (which could lead to formal warnings being issued up to and including dismissal, redeployment or demotion).

If the response to your complaint is that there is a case to answer of bullying or harassment then we may use the BBC Disciplinary Policy and/or make recommendations.

If an outcome of your complaint is that the person you have complained about is invited to a disciplinary meeting under the [BBC Disciplinary Policy](#), you will be informed, on a strictly confidential basis, of the outcome of the disciplinary proceedings once any appeal process has come to an end.

Disciplinary hearings arising from a bullying and/or harassment complaint will be heard by a hearing manager appointed from a different division to the employees.

In any case, if inappropriate behaviour is found to have occurred, it will be made clear to the other person involved that the behaviour must stop.

Everyone involved in a bullying or harassment investigation must act with goodwill and honesty. We may take disciplinary action if we find that an employee has made a false or malicious complaint.



For freelancers: your continued engagement may be at risk if we find that you have committed any acts of bullying or harassment.

The involvement of external mediators, external experts and investigation leads will be reviewed 1 year after implementation (date tbc).

### **What to do if you witness bullying or harassment**

We all share responsibility for ensuring a safe working environment for ourselves and others. You may not have experienced bullying or harassment directly, but have witnessed someone else being bullied or harassed. If this has occurred, you should raise your concerns in order to protect the safety and wellbeing of the other person.

We understand you may feel worried about getting involved in a situation that does not directly affect you. We will support you in raising your concerns in an informal or formal way, so the bullying or harassment can stop. We will not victimise, unfairly treat or discipline you for raising a genuine concern.

There are a number of [internal](#) and external (found in the Guide) support services that provide confidential advice and guidance on your options. We encourage you to contact either the [Bullying or Harassment Helpline](#), the Support at Work phone line (when in place), your trade union representative, line manager, or [local HR person](#) to explain the situation and get advice on possible next steps.

If you decide to raise a formal complaint we ask you to send this in writing to *HR Direct*: [hr@bbchrdirect.co.uk](mailto:hr@bbchrdirect.co.uk) or your [local HR person](#) as soon as possible after the time of the incident.

### **How bullying and harassment is monitored**

We handle all bullying and harassment complaints in line with the *Data Protection Act* and the [BBC Data Protection Handbook](#).

We use information from the yearly staff survey and exit interviews to identify any potential problems with bullying or harassment. We keep anonymised records of all formal bullying and harassment complaints and we publically share information on the number of formal complaints upheld by the BBC. Our Diversity team monitors unlawful harassment complaints using the 'protected characteristics' to make sure everyone is treated fairly.

Our Employee Relations team are responsible for reviewing this policy to make sure that it remains up-to-date.



## BBC Capability Policy

This policy forms part of the contract of employment that applies to employees of the BBC's Performing Groups.

### Definition

This policy sets out the procedure to be followed where an employee fails to reach or maintain the required standards of job performance through a lack of knowledge, skill or ability.

The *BBC Disciplinary Policy* will be used where the failure to perform to the standards required is a matter of misconduct.

The BBC reserves the right to implement the capability procedure at any of the stages as set out below, taking into account the relevant circumstances including the level of poor performance, the nature of the role and the performance issues in question. In particular in cases of gross negligence or in any case involving an employee who has not yet completed their probationary period, dismissal without following the capability procedure may be appropriate.

### Principles

- Individuals are expected to be capable of carrying out the work they are engaged to do at the required standard.
- Reasonable efforts should be made to informally address issues of under-performance without instigating the Formal Procedure.
- Managers are required to provide an employee with a reasonable opportunity to improve and support to achieve the required standard of performance. The period of time to improve and level of support must be balanced against the needs of the business.
- At any formal meetings employees have the right to be accompanied by an accredited trade union representative or a BBC colleague (other than a practicing lawyer), and the employee will be advised of that right prior to the meeting. The companion should be allowed to address the meeting in order to present the employee's case.
- There is no minimum period of notice for the formal capability meetings, but the member of staff will be permitted sufficient time to contact and brief an accredited representative or BBC colleague.
- Employees must take all reasonable steps to attend formal capability meetings. Failure to attend a meeting without good reason may be treated as misconduct.
- Employees have the right to state their cases at formal capability meetings before decisions are reached.
- The employee will not be eligible for any pay increase due during the period of any Improvement Plan. This will be reviewed and the pay increase reinstated at the point when the employee has consistently met the required performance standard.

- HR will be available to provide advice and guidance to the manager, attend meetings under the Formal Procedure and take notes as appropriate.
- If appropriate managers should refer to the *Guide to Supporting, Retaining & Recruiting Disabled Staff* and where necessary advice should be sought from Access Services.
- The application of this policy will be in accordance with the *Data Protection Act* and the *BBC's Data Protection Handbook*.

## Informal Action

In the normal course of employment, managers will discuss with an employee their performance, providing regular feedback.

Managers are responsible for setting realistic standards of performance, for explaining these standards to employees and for the provision of training, support and guidance, where appropriate, so that the employee has the opportunity to perform well.

The manager and the employee should aim to discuss any under-performance issues at or around the time they arise.

Prior to the instigation of the formal procedure the manager will ensure that an employee has been advised of their under-performance and will provide support and assistance so that the employee has the opportunity to achieve the required standard. Support may include the provision of training, development, advice, guidance or other support. As part of this process the manager will advise the employee that failure to reach the required performance standard may result in the formal procedure being instigated. This will be confirmed in writing.

Where informal action does not achieve satisfactory results or if informal action is not appropriate, the Formal Procedure will be implemented.

## Formal Procedure

### Step 1: First Capability Meeting

The manager will write to the employee notifying them of the concerns over their performance and the basis of those concerns, and will invite them to a meeting to discuss the matter.

At the meeting the employee's manager will explain the way in which the required standard has not been met, using examples to support concerns. Through discussion with the individual, the manager will seek to identify the reasons for the unsatisfactory performance.

Following the meeting, if the manager decides that it is appropriate to do so, the employee will be issued with a written improvement note setting out the areas in which the employee has not met the required performance standards and the improvement that is required, and a formal Improvement Plan will be initiated. The improvement note will stipulate that failure to reach the required performance standard may result in further formal action being taken and could lead to dismissal.

The improvement note will be disregarded for capability purposes after 12 months or such other period as specified at the time it is issued.

## Improvement Plan

An Improvement Plan aims to enable the individual to achieve the required standard of performance.

The plan will include clear, measurable and realistic objectives. Performance progress will be reviewed periodically. Specific actions will be detailed and may include training and development activities, advice, guidance, or support activities.

When issuing an improvement plan the manager will ensure the length of the plan is reasonable by taking into account all of the relevant circumstances including:-

- the level of poor performance;
- the performance issues in question and improvement required; and
- the nature of the role.

The length of the plan would not normally exceed three months.

## Interim Review

During the Improvement Plan, the employee's manager will usually hold at least one interim review meeting to assess the individual's performance against the Improvement Plan period to date.

Where progress towards the objectives is satisfactory, it will be recognised and continued improvement encouraged. If the individual is not making sufficient progress towards the objectives the manager will discuss with the employee the further improvement that is required and any support that is needed.

## Step 2: Second Capability Meeting

At the end of the Improvement Plan period, a meeting will be held to review the employee's performance. The manager will write to the employee in advance explaining the purpose of that meeting.

The possible outcomes of the meeting may include but are not limited to:

**No further action:** If the manager determines that the objectives have been met and the individual is performing at the required standard no further action will be taken. The employee will be informed in writing that they have achieved the required level and that they are expected to maintain that standard of performance.

**Extension of the Improvement Plan:** Where significant progress has been made in achieving the required standard but concerns remain a manager may decide it appropriate to extend the Improvement Plan. The length of the extension will take into account the length of the previous improvement plan and the level of under-performance but cannot exceed the expiry of the improvement note.

Where the required standard of performance is not maintained during the period of the improvement note the employee will be required to attend a further Step 2 meeting.

**Final written warning:** If the objectives have not been met and the manager concludes that the under-performance may still be rectified by further support a final written warning and improvement plan may be issued to the employee. The warning will stipulate that failure to reach



the required performance standard may result in dismissal or redeployment to another position. A final written warning will be disregarded for capability purposes after 12 months or such other period as specified at the time it is issued. In exceptional circumstances a warning may remain in force for more than 12 months or never be removed.

### **Step 3: Third Capability Meeting**

At the end of a further Improvement Plan period, a meeting will be held to review the employee's performance. The manager will write to the employee in advance explaining the purpose of that meeting and that one of the possible outcomes may be dismissal or redeployment to another position.

The possible outcomes of the meeting may include but are not limited to:

**Redeployment to another position** - the manager may consider that this is appropriate as an alternative to dismissal. This may include demotion.

**Dismissal with notice.**

**No further action** - this will follow the principles set out at Step 2 above.

The manager will inform the employee of their decision in writing.

Before a capability penalty is imposed on an accredited representative of a trade union recognised by the BBC, the capability proceedings will be discussed with a full time officer of the union concerned.

### **Step 4: The Right to Appeal**

Employees have a right of appeal against the penalties under this procedure which are an improvement note, redeployment, a final written warning or dismissal. All appeals will be conducted in accordance with the *BBC Appeals Policy*.



## MANAGING MUSICAL PERFORMANCE POLICY

1. This procedure should be followed when the standard of the musical performance of a player appears to fail to reach the standard reasonably required by the BBC from members of that Orchestra. This procedure will be used instead of the *BBC Capability Policy* in such circumstances. The *BBC Capability Policy* will be used in other incidences of under performance and the *BBC Disciplinary Policy* will be used where the failure to perform to the standards required is a matter of misconduct.
2. The BBC reserves the right to implement this procedure at any of the stages as set out below, taking into account the relevant circumstances including the level of poor performance, the performance issues in question, and the needs of the particular Orchestra. In particular, in cases of gross negligence or in any case involving a player who has not yet completed their probationary period, dismissal without following this procedure may be appropriate.

### Procedure

3. Initially, the player will be asked to an informal meeting with a member of the Orchestra management team. The problem areas will be outlined and discussed with the player and the manager will endeavour to provide the appropriate support to help the player. An informal programme of improvement will be agreed and include clear objectives which may include provision for training (lessons) and/or counseling. These objectives will be put in writing so that both parties are clear on what they are and what the timescale is for their achievement (normally no more than three months). A note of the meeting may be kept for reference purposes but nothing will be placed on the player's file.
4. At the end of the informal programme of improvement period, a meeting will be held and the manager will decide on one of the following:
  - that the requirement improvement has taken place and that no further action will be taken; or
  - that there has been significant progress but concerns remain and the manager feels it is appropriate to extend the informal review period; or
  - that the required improvement has not taken place and that a formal programme of improvement is required.
5. Where formal action is required (i.e. where informal action does not achieve satisfactory results or if informal action is not appropriate), the manager will write to the player notifying them of the concerns over their performance and the basis of those concerns and will invite them to a meeting to discuss this matter. The letter will also explain that the player has the right to be accompanied at the meeting by either an accredited representative of a trade union or a member of BBC staff (other than a practising lawyer).
6. At the meeting, the problem areas will be outlined and discussed with the player. Following the meeting, if the manager decides that it is appropriate to do so, the player will be issued with a written warning setting out the areas in which the player has not met the required improvement and the improvement that is required. The warning will stipulate that failure to reach the required performance standard may result in further formal action being taken and could lead to dismissal. The written warning will be disregarded for capability purposes after 12 months or such other period as specified at the time it is issued.
7. The formal programme of improvement will include clear objectives as described in 3. above and be put in writing on the player's file. The player will be given a timescale (normally of no more than three months) to improve.
8. At the end of the formal period of improvement, a further meeting will be held to review the player's performance. In advance of the meeting, the manager will write to the player explaining the purpose of the meeting and that the player has the right to be accompanied



by either an accredited representative of a trade union or a member of BBC staff (other than a practising lawyer).

9. During the meeting, the player and the manager will discuss further the performance of the player. Following the meeting, the manager will decide on one of the following outcomes:
  - that the required improvement has taken place and that no further action will be taken; or
  - that there has been insufficient improvement and that the first formal review period will be extended; or
  - that the required improvement has not taken place and that a final written warning and a further formal programme of improvement is appropriate. The programme of improvement will set out the timescale for improvement - normally allowing the player no more than three months to improve his/her standard of performance. The final written warning will set out the areas in which the player has not met the required improvement standards and will stipulate that in the event of the standard of performance failing to improve, termination of his/her contract may follow. A final written warning will be disregarded for capability purposes after 12 months or such other period as specified at the time it is issued.
10. The manager's decision will be confirmed in writing to the player.
11. If a further programme of improvement is required, the performance of the player will be listened to and reviewed and the player may be invited to an audition at or after the end of that period in order that the standard of his/her performance can be judged. The player may nominate one person to attend the audition.
12. At the end of the improvement period, a meeting will be held to review the player's performance. The manager will write to the player in advance explaining the purpose of the meeting, and the right to be accompanied, and that one of the possible outcomes may be dismissal. Following the meeting, the manager will decide on one of the following outcomes:
  - that there has been the required improvement and that no further action will be taken. The player will be informed that they have achieved the required level and that they are expected to maintain that standard of performance;
  - that there has not been the required improvement, and that redeployment to another vacant position be appropriate as an alternative to dismissal; or
  - that there has not been the required improvement, and that the player be dismissed with notice.
13. The decision will be confirmed in writing to the player.
14. Players have a right of appeal against the penalties under this procedure. Appeals will be conducted in accordance with the *BBC Appeals Policy*.



## BBC Disciplinary Policy

This policy forms part of the contract of employment that applies to employees of the BBC's Performing Groups.

### Definition

The standards of behaviour expected of employees are those necessary for the proper operation of the workplace, and to maintain mutual trust and confidence between the employer and employee. The *BBC Values* provide a framework for the standards of behaviour expected of employees.

Where standards of behaviour fall below what is expected, this could constitute misconduct. The BBC takes all allegations of misconduct seriously and where necessary the disciplinary policy will be followed.

Matters which may be viewed as amounting to disciplinary offences include, but are not limited to:-

- persistent bad timekeeping;
- unauthorised absence;
- poor attendance;
- failure to observe BBC policies and procedures;
- abusive behaviour (including bullying and harassment);
- unreasonable refusal to follow an instruction issued by a manager.

The Formal Procedure will always be followed for allegations of gross misconduct which are acts so serious as to justify summary dismissal without notice. Examples of gross misconduct may include, but are not limited to:

- assault;
- theft or dishonesty;
- serious negligence;
- endangering life;
- gross dereliction of duty;
- discrimination or serious bullying and/or harassment;
- serious breach of confidence.

Where an employee fails to reach or maintain the required standards of job performance through a lack of knowledge, skill or ability, the *BBC Capability Policy* should be used.

The BBC reserves the right to implement the disciplinary procedure at any of the stages set out below taking into account the relevant circumstances including the alleged misconduct of an employee.

## Principles

- Where appropriate, employees and managers should make every effort to resolve issues without recourse to the formal disciplinary procedure.
- Matters should be dealt with promptly, taking into account the need for appropriate investigations to be carried out.
- Employees should be informed of the allegation/s against them and given the opportunity to state their case before any decision is reached.
- There is no presumption that a disciplinary procedure will result in a disciplinary penalty.
- Disciplinary action should not be taken until the Formal Procedure has been followed.
- The outcome of the disciplinary is based on the hearing manager's reasonable beliefs with regard to the evidence, not what has been proved beyond reasonable doubt.
- All cases should be dealt with in a non discriminatory and consistent way.
- All those involved in a disciplinary procedure will respect the confidentiality and privacy of others. Whilst efforts will be made to protect the confidentiality of others, if further procedures are invoked, for example an appeal procedure, statements may be disclosable and parties will be advised of such disclosure. Where appropriate, information may be withheld in certain circumstances, for example to protect witnesses.
- At any formal meeting employees have the right to be accompanied by an accredited trade union representative or a BBC colleague (other than a practising lawyer), and the employee will be advised of that right prior to the meeting. The companion should be allowed to address the meeting in order to present the employee's case,
- Employees must take all reasonable steps to attend formal disciplinary meetings. Failure to attend a meeting without good reason may be treated as misconduct.
- At the start or during the course of an investigation, if the manager reasonably believes the matter involves a serious breach of discipline the employee may be immediately suspended from work on full pay. Any decision to suspend will be confirmed in writing and such written confirmation will state that the nature of the suspension is precautionary, not disciplinary, pending the outcome of the disciplinary proceedings. In some circumstances, as an alternative to suspension, it may be appropriate to temporarily adjust the employee's duties pending the outcome of disciplinary procedures.
- HR will be available to provide advice and guidance to the manager, attend meetings under the Formal Procedure and take notes as appropriate.
- The application of this policy will be in accordance with the *Data Protection Act* and the *BBC's Data Protection Handbook*. Information on disciplinary action will be deleted or destroyed if it is no longer needed e.g. where an allegation is unfounded.
- Disciplinary hearings arising from a bullying & harassment complaints will be heard by a hearing manager appointed from a different division to the employees.

## Informal Action

Managers should always discuss conduct issues with their employees at the earliest opportunity and where appropriate should first attempt to deal with any minor misconduct informally before resorting to the formal procedure. If employees commit a minor infringement of the established standards of conduct, their manager will usually advise that a further breach may result in the Formal Procedure being instigated. No record will be made on the employee file but a brief confidential note may be kept for reference purposes.





## Formal Procedure

The formal procedure will be used when a manager believes that an employee may have committed a breach of conduct: either

- a further minor breach of conduct that has already been subject to informal action;
- a matter too serious to be dealt with by informal action; or
- in all cases of alleged gross misconduct.

### Step 1: Fact Finding Investigation

Where there is uncertainty about whether a breach of discipline has occurred a manager may conduct a fact finding investigation. Where there is no need for such investigation, a meeting will be convened under *Step 2* of this procedure.

Where a fact finding investigation is needed, an employee's manager will promptly and thoroughly investigate any matter that is reasonably suspected or believed to contravene any of the BBC's policies or rules or which may otherwise be a disciplinary matter. The employee will usually be informed that a fact finding investigation is being carried out and when it has been concluded.

Meetings to investigate an issue are not formal meetings at which the employee has the right to be accompanied, however provided it does not cause undue delay, the employee may request that an accredited trade union representative or BBC colleague (other than a practising lawyer) be present at the meeting.

### Step 2: The Meeting

Where there are reasonable grounds to believe that an employee may have committed an act of misconduct the meeting manager will write to the employee notifying them of the allegation/s against them and the basis of those allegation/s and invite them to a meeting to discuss the matter. In cases where the outcome may be dismissal the letter must warn the employee of this.

In advance of the meeting the employee will be given copies of documents relevant to the allegation/s except where such disclosure is inappropriate, for example, in cases where managers believe there could be a risk of intimidation.

There is no minimum period of notice for the meeting, but the employee will be permitted sufficient time to contact and brief an accredited representative or BBC colleague.

An employee has the right to state their case at the meeting before any decisions are reached.

Following the meeting, the hearing manager will review the evidence and decide on the outcome.

If the allegation/s are upheld the penalties that may be imposed, include, but are not limited to:

- written warning
- final written warning
- dismissal (with contractual notice)
- redeployment to another position, including demotion
- summary dismissal (without contractual notice).



A written or final written warning will be disregarded for disciplinary purposes after 12 months or such other period as specified at the time it is issued. In exceptional circumstances a warning may remain in force for more than 12 months or never be removed.

Following the meeting the hearing manager must inform the employee of their decision in writing, outlining the basis of the decision reached and any action that is involved.

Before a disciplinary penalty is imposed on an accredited representative of a trade union recognised by the BBC, the disciplinary proceedings will be discussed with a full time officer of the union concerned.

### **Step 3: The right to Appeal**

The employee has the right to appeal against the outcome of the disciplinary process. All appeals will be conducted in accordance with the *BBC Appeals Policy*.

## BBC Employee Personal Property Policy

This policy forms part of the contract of employment that applies to employees of the BBC's Performing Groups.

### Definition

This policy prescribes the circumstances under which the BBC will compensate for the loss, theft or damage of an employee's personal property.

### Principles

- Employees are responsible for the care and safekeeping of their personal property during the course of employment.
- Employees are expected to make their own insurance arrangements for their personal property.
- Employees must keep personal property brought onto BBC premises in a safe and secure place. Where facilities are provided, personal property must be locked away.
- The BBC accepts no responsibility for loss of or damage to cars, motorcycles, scooters or bicycles (or their contents) brought onto BBC premises, whether they are left in car parks, cycles racks or otherwise.
- Compensation as outlined in the circumstances prescribed by 1-6 below will not exceed £500 for any one incident of loss, theft or damage except while travelling on duty involving an overnight stay where the limit will be £2000.
- Loss or damage to an employee's personal property due to riot and civil commotion on international assignments are covered by the separate provisions detailed in this policy.
- Payment for items lost or destroyed will be based on the estimated value of the property, not its new replacement cost.
- An employee is not entitled to compensation under this policy where a claim is dealt with under a personal insurance policy.
- Any payment made is on an ex gratia basis and does not signify any admission of liability by the BBC.

### Compensation

The BBC will compensate an employee for lost, stolen or damaged personal property that belongs solely to the employee in the following circumstances only:-

#### **1. Theft, burglary or fire while on duty**

Provided that adequate precautions for safeguarding the property had been taken by the employee. This provisions applies anywhere in the world.

#### **2. Damage due to accidents in the course of duty**

Provided that the damage could not have been avoided by the employee taking reasonable care and was caused by circumstances which were clearly exceptional or by negligence on behalf of the BBC. This provisions applies anywhere in the world.

#### **3. Loss or damage occurring in BBC sleeping accommodation**

Provided there has been no negligence on the part of the employee.



#### **4. Articles held in official cloakrooms**

Although the BBC accepts no responsibility for the loss of or damage to articles deposited in official cloakrooms, it will nevertheless consider a request for compensation arising out of such loss or damage.

#### **5. Tools of the trade**

The BBC will compensate employees for loss of or damage to any personal tools of the trade whilst on BBC premises provided they were properly stored when not in use and that there was no negligence on the part of the employee.

#### **6. Property lent to the BBC**

The BBC will compensate employees for the loss or damage to any personally owned properties lent to it following a specific written request from the BBC.

### **Making a claim**

This is a department funded scheme and managers are responsible for authorising claims made by employees.

Employees should complete the *Claim form for lost, stolen or damaged property* form and submit it to their manager.

Before agreeing compensation managers should be satisfied of the following:-

- It was reasonable for the employee to have had the item in question at work
- All reasonable precautions to secure the safety of the property were taken by the employee
- It is appropriate for the employee to claim against the BBC rather than their own insurance policy.

When assessing compensation, managers have the discretion to take into account contributory negligence.

### **Loss or damage to personal property due to riot and civil commotion on international assignments**

The BBC will compensate employees against loss of damage to personal property directly due to riot and civil commotion whilst assigned to a post outside the UK, where the government of the country in which the incident occurs does not pay compensation. If the government of the country pays compensation but the amount is less than that which the BBC would pay, the BBC will pay the difference between the two amounts.

Claims can also include the personal effects of the employee's family if their travel to the country in question has been paid for by the BBC and household goods where the cost of transporting them has been paid for by the BBC. This can include a car where the BBC has previously determined that a car is necessary for the employee's post in the country concerned.

Employees are expected to claim against their own personal insurance in the first instance and financial assistance is available when employees have been unable to obtain insurance cover at reasonable cost or the operation of an exclusion clause in respect of riot and civil commotion prevents them from bringing a successful insurance claim.

In the event of a claim an employee must submit to their manager the following information:

- Full details of the circumstances giving rise to the claim



- A description of the property lost or damaged, including the total value.
- Jewellery and valuables which have been insured against ordinary risks may be included at the figures for which they have been insured.

Payment will be based on the estimated value of the property, not its new replacement cost.

## BBC External Education Assistance Policy

This policy forms part of the contract of employment that applies to employees of the BBC's Performing Groups.

### Definition

This policy details the assistance which may be provided to employees who voluntarily take up external education courses. It does not relate to courses for which an employee is nominated by the BBC. 'Assistance' refers to financial assistance and leave assistance.

### Principles

- Provision of assistance under this policy is at the discretion of the BBC.
- Employees must have a minimum of one year's service to be eligible to apply for financial assistance under this policy.
- Applications for assistance may be considered if a course is of benefit to the BBC because it is relevant to an employee's current role or anticipated future role.
- Applications for assistance may be considered where the course will support and/or is relevant to an anticipated change in career direction within the BBC. Assistance in these circumstances must be endorsed by the employee's Manager and the relevant HRDM.
- To be considered for financial assistance for relevant degree course fees an employee must be able to demonstrate, where appropriate, that they have obtained the maximum assistance from the Local Education Authority and this is insufficient.
- Employees attending Open University or Honours Degree Courses regardless of the subject matter, and whether they are related to their current or future role, are entitled to be considered for the leave provisions outlined within this policy.
- Employees on contracts with a fixed end date are eligible for consideration for financial assistance under this policy on the provision that they will comply with the payback provisions prescribed within this policy. They will however be eligible for leave under this policy irrespective of the length of contract.

### Requirements

The following factors should be taken into account when determining whether assistance should be offered and what level of assistance may be offered:-

- Will the course contribute to business objectives now or at a point in the future?
- Is the course relevant to the employee's career development?
- Has the benefit of the course of study been balanced against the impact on the business of the employee's absence and an assessment made?
- Can the employee be spared to attend the full course?
- Is the requirement met by established internal training programmes?
- Has the employee the potential to complete the course successfully?
- Is the employee's contract likely to extend beyond the period of further education?

Managers have the discretion to approve up to 100% of financial assistance for external education courses covering course and examination fees, textbooks and equipment.

### Course and Exam Fees

Course fees will normally be paid in instalments, subject to the production of appropriate invoices and satisfactory progress and attendance. If progress and attendance is unsatisfactory,



instalments will be withheld and no further funding provided. In the event of failure on a course, assistance will not normally be given a second time for the same course. Examination fees will be refunded on production of receipts.

### Text books and Equipment

When employees are unable to obtain the necessary books and equipment through sources such as the college or local library, the manager may grant assistance to purchase course text books and equipment (receipts for the purchases must be produced).

### Leave for Study, Exams, and Attending the Course

Employees are expected to attend their course outside of their normal working hours where possible. Where this is not possible Exceptional Leave (see the BBC Leave Policy) may be granted at the discretion of the manager as follows:-

- Where the employee requires day release in order to attend the course
- Where the employee has to leave work early in order to attend the course on time
- For study purposes
- To attend examinations

### Conduct

Employees in receipt of leave or financial assistance under this policy are expected to continue to observe the normal standards of behaviour expected of employees whilst they are attending their course.

Employees are expected to continue to observe the provisions regarding intellectual property contained in their contracts of employment and also the provisions of the *BBC Photography, Recordings, Patents & Inventions Policy* whilst undertaking their course.

### Payback period

Employees in receipt of financial assistance, whether they successfully complete their course or not, are expected to remain employed with the BBC for a continuous period of 2 years following the completion or end of their course. Where this is not possible due to the employee's resignation or the termination of their employment by the BBC on the grounds of their conduct or capability, the employee must repay the whole or a proportion of the financial assistance on the following basis:-

Length of employment following completion of course	Proportion of financial assistance to be repaid
0 - 6 months	100%
7 - 12 months	75%
12 - 23	50%
24	0

The payback period does not apply to employees in receipt of financial assistance who are:-

- made redundant; or
- whose employment is terminated on the grounds of medical incapacity.



The payback period will only apply to employees whose courses are approved on or after the 10 August 2009.





## BBC Flexible Working Policy

This policy forms part of the contract of employment that applies to employees of the BBC's Performing Groups.

### Definition

Flexible working can benefit both the employee and the BBC as it:

- helps retain experienced and valued employees;
- can create a range of employment opportunities to suit both changing operational needs and the needs of individuals;
- can increase employment opportunities for employees with family commitments and people with disabilities who are not able to work full-time.
- Only parents with children under the age of 17 or disabled children under the age of 18 or adults with responsibility for care of members of their family in their own home have a statutory right to request a flexible working arrangement. However, the BBC permits all employees to make a request, subject to meeting eligibility criteria.

### Contents

1. Procedure for Applying
2. Types of Flexible Working
  - 2.1 Part-time working
  - 2.2 Term-time Working
  - 2.3 Working from Home
  - 2.4 Job Sharing
  - 2.5 Unpaid Leave
  - 2.6 Career Breaks

### Principles

- An employee may make a flexible working request if they have been continuously employed for 26 weeks, except where an employee applies for a career break, in which case the employee must have been continuously employed for at least one year.
- The BBC will give due consideration to all flexible working requests made under this policy but there is no automatic right to a flexible working arrangement.
- The timescales and process in this policy reflect those that apply to statutory flexible working requests. The BBC will try and keep to similar timescales and processes for flexible working requests that are not covered by applicable legislation.
- If an employee's application for flexible working includes a request for a fixed working pattern and the employee is in receipt of a Flexibility or Unpredictability Allowance, this allowance will be withdrawn if they no longer meet the definitions for these payments. Where an employee requests a reduction in the number of hours worked but continues to work flexibly in accordance with the UPA or Flexibility Allowance definitions the allowance will be pro-rated.
- Employees may only make one flexible working request in any 12 month period.



- Employees should refer to their BBC Pension Scheme member's handbook or contact Pensions at [myPension@bbc.co.uk](mailto:myPension@bbc.co.uk) for information as to how the different types of flexible working will affect their pension.

## 1. Procedure for Applying

Under this policy, employees can request changes to the following aspects of their current job: the hours/days worked; the timing of the hours they work during a normal working day or their work location (e.g. work from home). In addition, an employee may request a career break.

Employees should complete a request via the *Flexible Working Application Form* and send it to their manager and HR Direct.

The manager must arrange a meeting with the employee within 28 days of the request being received. The manager and the employee can agree to extend the time periods.

The employee has the right to be accompanied by an accredited trade union representative or a BBC colleague (other than a practising lawyer) at the meeting.

The manager must notify the employee of the decision in writing within 14 days of the date of the meeting.

The manager may agree a temporary or continuing flexible working arrangement which could vary the contract of employment. For example, it may impact on annual leave or flexibility payments. Contract variations should be confirmed in writing.

If the manager or employee is not sure a flexible working arrangement will work in practice, a trial period may be agreed.

If a request is refused, the manager must give the grounds for the decision and why these grounds apply in the circumstances. If the request is made by an employee covered by the legislation, the grounds for refusal must be one of the following;

- Burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work among existing employees
- Inability to recruit additional employees
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during periods the employee proposes to work
- Planned structural changes

If the request to work flexibly is refused the employee can appeal under the *BBC Appeals Policy*.

## 2. Types of Flexible Working

The BBC considers all flexible working requests but there are specific rules which will be applied to the following arrangements:

### 2.1 Part-Time Working



Part-time working is when an employee works less than 35 hours per week, excluding meal breaks. Under part-time working, basic pay and other terms and conditions e.g. annual leave are adjusted pro rata.

## 2.2 Term-Time Working

This is a form of part-time working where employees work only during defined school terms and take leave during school holidays.

The employee's total annual leave entitlement is taken to cover some of the holidays and salary is adjusted pro rata to cover the extra leave required. The salary is then averaged out over 12 months and paid in equal monthly instalments.

## 2.3 Working from Home

*Home workers* work from home occasionally but are treated as being based at a BBC building.

*Teleworkers* work from home or in places other than BBC locations on a continuing basis.

Managers should consider the specific health and safety requirements and costs of both these types of working before agreeing to requests. For further information see the teleworking and home working page on *Gateway*.

Home working and teleworking locations must be within the UK.

While the BBC recognises that working from home can benefit employees with domestic care responsibilities it should not be used as a substitute for adequate care arrangements. When working from home employees must ensure that they have made appropriate arrangements for the care of their dependants.

## 2.4 Job Sharing

Job sharing is where two employees share the duties of a full-time job so that the work is divided between two employees but is treated as one job. Job sharers are employed under part-time conditions of service but in addition, the arrangement requires a high level of co-operation by each job sharer. The level and nature of expected co-operation between job sharers should be agreed as part of each job sharing arrangement.

In a job sharing arrangement each employee is required to be capable of carrying out the full range of duties and the flow and overall quality of work should not be affected by the employee who is working at any one time. There should be no distinction in quality, quantity or type of work carried out between the employees.

An employee may request a job sharing arrangement under this policy without a partner but no arrangement will be agreed unless a suitable partner is selected through the usual recruitment procedure.

If the job sharing arrangement is not meeting the needs of the BBC, the manager reserves the right to bring the arrangement to an end.

The manager will discuss with the employees the reasons why the job sharing arrangement might be coming to an end. Both partners will be eligible to apply for the job on a full-time basis.

The arrangement may also be brought to an end if one of the partners takes up another job or leaves the BBC. If one job sharing partner is leaving then the other partner will be



offered the job on a full-time basis. If the employee is unable to accept the job on a full time basis, the manager will undertake a recruitment exercise to source a suitable replacement partner.

In either case, where a job share comes to an end the following Formal Procedure will be applied to one or both job sharers

### **Formal Procedure for the Ending of Job Shares**

When the termination of a job sharing arrangement is being considered the manager will write to the employee to explain why they are contemplating taking action under this policy. In cases where the outcome may ultimately result in the termination of employment the letter will warn the employee of this.

The manager will then invite the employee to a meeting to discuss the reasons for ending the job share arrangement. HR will be available to provide advice and guidance to managers, to attend meetings and to take notes as appropriate.

Employees should take all reasonable steps to attend the meeting. The employee has the right to be accompanied at the meeting by an accredited trade union representative or a BBC colleague (other than a practising lawyer).

Under this procedure, the BBC will first consider the redeployment of the employee within the BBC and the meeting should be used to identify suitable alternative employment within the BBC.

Employment will usually only be terminated when suitable alternative employment cannot be found. In these circumstances a termination payment will be made to the employee and will be calculated in accordance with clause 6 of the *Reorganisation, Redeployment, Redundancy Procedures & Payments Agreed Statement*. The manager will advise the employee of the outcome of the meeting in writing.

Depending on the matters discussed at the first meeting, and/or how matters progress, a further formal meeting or meetings may be necessary.

The employee has the right to appeal against termination. All appeals will be conducted in accordance with the *BBC Appeals Policy*.

### **2.5 Unpaid Leave**

See the *BBC Leave Policy*.

### **2.6 Career Breaks**

The BBC will aim to support employees who wish to take a break from their current job for work-life balance reasons, particularly to:

- meet caring responsibilities;
- pursue a course or full-time study;
- undertake an extended period of travelling;
- accompany a partner on an overseas assignment.

A Career Break is an agreed period of time away from the BBC. The BBC's Career Break Scheme is open to all employees who are engaged on a continuing contract and have

completed one year's service. The individual taking the career break resigns from their job and is not an employee for the period of the break.

There are two types of Career Breaks in the BBC:

### **Category 'A' Career Break**

The manager may agree a career break of 1 year or in exceptional circumstances up to 2 years. The individual will be re-engaged in the same job and on the same terms and conditions unless it is not reasonably practical. In these cases the employee is entitled to be offered a suitable alternative job.

### **Category 'B' Career Break**

The manager may agree a career break of no more than 3 years. During this period the individual can apply for internal vacancies. The individual has no offer of re-engagement.

Career breaks will not normally be granted for a period of less than 3 months. The employee will be informed of their category of reinstatement before commencing the career break.

On returning from the career break continuity of employment is preserved in respect of contractual rights and those BBC benefits that depend on continuity of service e.g. redundancy pay, although the period of the career break itself will not count towards continuous service.

Individuals are required to notify their manager of any change to their circumstances that might be relevant to the career break arrangement and may request an extension to their career break. The manager will consider any requests in line with operational requirements and may need to change the category of reinstatement.

If an individual fails to return on the agreed date or breaks the terms of their career break, the career break will be deemed to have come to an end and the individual will have no right to return to the BBC under the terms of this policy.

### **Career Breaks and Alternative Paid Work**

Career breaks are not for the purpose of taking up alternative paid work.

Those on Category A career breaks are expressly prohibited from taking up any form of paid work of any nature, without having first obtained the written permission of their manager. Permission is likely to be granted where any proposed work is intended for a community or charitable purpose.

Those on a Category B career break are permitted to undertake alternative paid work only with the written permission of their manager.

For those on Category A or Category B career breaks permission will not be granted in *any circumstances* for an individual to work for the BBC including the World Service and/or the BBC's subsidiaries including BBC Worldwide Ltd and BBC Studios & Post Production Ltd in the United Kingdom or abroad in any capacity (including casual, freelance and agency) whilst on a career break.



## BBC Grievance Policy

This policy forms part of the contract of employment that applies to employees of the BBC's Performing Groups.

### Definition

A grievance is a complaint by an employee about an action which the employer has taken or is contemplating taking in relation to the employee.

Where an employee wishes to raise any allegation of bullying or harassment this will be conducted under the procedure set out in the *BBC Bullying and Harassment Grievance Policy*.

### Principles

- Employees and managers should make every effort to resolve issues without recourse to the formal grievance procedure. If the complaint is against the line manager then it should be raised with the next level of management or discussed with HR.
- The purpose of the grievance policy is to resolve individual issues and it cannot be used for dealing with collective matters raised by recognised trade unions.
- Grievances are heard at the level of management above the one at which the action complained of was taken, provided the manager hearing the grievance was not involved in the action complained of.
- Where a grievance is pending against the possible implementation of a decision, that decision will be implemented on the due date, without prejudice to such adjustments as might be necessary as a result of the grievance hearing.
- Employees raising a grievance should be able to do so without fear of victimisation.
- All those involved in a grievance have a duty to act honestly and without malice to anyone else. Individuals raising complaints maliciously may be subject to disciplinary action.
- All cases should be dealt with in a non discriminatory and consistent way
- BBC management will provide a written outcome of an individual's grievance as soon as is practicable and within 90 days from the date of notification of the grievance unless there are exceptional circumstances. All parties will endeavour to resolve matters as soon as is reasonably practicable.
- The procedure set out in the grievance policy should be followed rigorously.
- All those involved in a grievance procedure will respect the confidentiality and privacy of others. Whilst efforts will be made to protect the confidentiality of others, if further procedures are invoked, for example an appeal procedure, statements may be disclosable and parties will be advised of such disclosure. Where appropriate, information may be withheld in certain circumstances, for example to protect witnesses.



- At any formal meeting employees have the right to be accompanied by an accredited trade union representative or a BBC colleague (other than a practicing lawyer), and the employee will be advised of that right prior to the meeting.
- The application of this policy will be in accordance with the *Data Protection Act* and the *BBC's Data Protection Handbook*.

## Procedure

Employees and managers should make every effort to resolve issues without recourse to the formal grievance procedure. If the grievance remains unresolved then the following steps are taken:

### Step 1: Submitting the Grievance

The employee must give HR Direct written notification of their grievance within 14 days of the action complained of. This time limit may be extended at the discretion of the BBC, when circumstances make it impracticable for written notification to be lodged within 14 days.

### Step 2: The Meeting

A meeting is arranged to hear the employee's grievance and the employee and employer must take all reasonable steps to attend the meeting. In exceptional circumstances the employee may request that the meeting is postponed. The HR Manager will advise whether such a request should be granted.

If appropriate, further meetings will take place to investigate the issues raised.

Following the meeting the hearing manager must inform the employee of their decision in writing, outlining the basis of the decision reached and any action that is involved.

### Step 3: The right to Appeal

If the employee is not satisfied with the outcome of the grievance they have the right to appeal. All appeals will be conducted in accordance with the *BBC Appeals Policy*.

## BBC Appeals Policy

This policy forms part of the contract of employment that applies to employees of the BBC's Performing Groups.

### Definition

An appeal is a formal complaint made by an employee under the following circumstances:

- If they are dissatisfied with the outcome of a grievance procedure;
- If they are dissatisfied with a penalty imposed as a result of a disciplinary procedure;
- If they are dissatisfied with a penalty and/or warning of termination on the grounds of capability;
- If they wish to appeal against a dismissal including the terms of the dismissal; or
- If they are dissatisfied with the application of the procedure followed for any of the above.

Those employees who wish to appeal against a decision to make their post redundant including any complaints regarding their selection for redundancy may do so under the procedure set out in the [BBC Reorganisation and Redundancy Policy](#).

Employees who want to appeal a decision to refuse a request under the terms of the [BBC Flexible Working Policy](#) may do so under the appeals procedure set out in the policy.

The policy does not apply to an employee who is dismissed because they do not meet conditions of the employment offer within the first six months e.g. failure to provide a satisfactory reference.

### Principles

- Employees raising an appeal should be able to do so without fear of victimisation.
- All those involved in an appeal have a duty to act honestly and without malice to anyone else. Individuals raising complaints maliciously may be subject to disciplinary action.
- Appeals are heard at the level of management above the one at which the decision was taken, provided the manager hearing the appeal was not involved in the original decision.
- Where the appeal is against a bullying & harassment grievance not upheld, (partially or fully) this will be heard by a hearing manager appointed from outside of the employee's division and an external expert (with a casting vote if agreement cannot be reached). An investigation lead will also be assigned to carry out any additional fact-finding.
- Where the appeal is against disciplinary sanctions resulting from a bullying & harassment disciplinary this will be heard by a hearing manager appointed from outside of the employee's division. An investigation lead will also be assigned to carry out any additional fact-finding.
- Where the appeal is against a disciplinary or capability dismissal this will be heard at Head of Division level or by the nominated deputy. The employee and their representative will be advised of the manager hearing the appeal.
- All cases should be dealt with in a non discriminatory and consistent way.
- BBC management will provide a written outcome of an individual's appeal as soon as is practicable and within 90 days from the date of notification of the appeal unless



there are exceptional circumstances. All parties will endeavour to resolve matters as soon as is reasonably practicable.

- Employees who are on notice of dismissal will remain on the payroll until their appeal is decided or their notice expires, whichever is the later, see Procedure Step 2, for exceptions. However no employee will remain on the payroll after 90 days except where their notice is greater. All parties will endeavour to resolve matters as soon as is reasonably practicable.
- The procedure set out in the appeals policy should be followed rigorously.
- All those involved in an appeal procedure will respect the confidentiality and privacy of others. Whilst efforts will be made to protect the confidentiality of others, if further procedures are invoked, for example at an employment tribunal, any statements may be disclosable and parties will be advised of such disclosure. Where appropriate, information may be withheld in certain circumstances, for example to protect witnesses.
- At any formal meeting employees have the right to be accompanied by an accredited trade union representative or a BBC colleague (other than a practicing lawyer) and the employee will be advised of that right prior to the meeting
- The application of this policy will be in accordance with the *Data Protection Act* and the BBC's [Data Protection Handbook](#).

## Procedure

### Step 1: Submitting the Appeal

The employee must give HR Direct or their Divisional HR contact written notification of their appeal within 14 days of the decision they are appealing against. This time limit may be extended at the discretion of the BBC, when circumstances make it impracticable for written notification to be lodged within 14 days.

### Step 2: The Meeting

A meeting is arranged to hear the employee's appeal and the employee and employer must take all reasonable steps to attend the meeting. Employees will be given no less than 3 working days' notice in writing of the date and time of their appeal meeting, unless a shorter time period is mutually agreed. In exceptional circumstances the employee may request that the meeting is postponed. The HR Manager will advise whether such a request should be granted.

The employee is required to submit the grounds of their appeal in writing to the responsible HR Manager as soon as possible and at least two working days in advance of the meeting.

Following the meeting the hearing manager must inform the employee of their decision in writing, outlining the basis of the decision reached and any action that is involved.

Employees appealing against dismissal, other than

- summary dismissal which takes effect immediately, or
- a fixed term contract expiring on its due date,

remain on the payroll until their contractual notice has expired or until the internal appeal has been completed or abandoned, which will be no longer than 90 days. All other decisions against which an appeal is pending are implemented on the due date, without prejudice to such adjustments as will be necessary if the appeal succeeds.



The outcome of the appeal is final.



## BBC Guide to Appeals

An appeal is a formal complaint made by an employee under the following circumstances:

- If they are dissatisfied with the outcome of a grievance procedure;
  - If they are dissatisfied with a penalty imposed as a result of a disciplinary procedure;
  - If they are dissatisfied with a penalty and/or warning of termination on the grounds of capability;
  - If they are dissatisfied with a decision to refuse a request under the terms of the [BBC Flexible Working Policy](#);
  - If they wish to appeal against a dismissal including the terms of the dismissal;
- or
- If they are dissatisfied with the application of the procedure followed for any of the above.

Those employees who wish to appeal against a decision to make their post redundant including any complaints regarding their selection for redundancy may do so under the procedure set out in the [BBC Reorganisation and Redundancy Policy](#).

There is no right of appeal for an employee who is dismissed because they do not meet conditions of the employment offer within the first six months e.g. failure to provide a satisfactory reference.

The procedure set out in this guide should be followed rigorously.

### Roles and Responsibilities

Your HR contact will arrange for an appropriate manager to hear the appeal. All parties are required to respect confidentiality.

#### Employee

- Submits the appeal in writing, including grounds for their appeal.
- Contacts their representative or BBC work colleague as appropriate
- Takes all reasonable steps to attend the meeting/s.

#### Hearing Manager

Conducts the meeting including:

- providing the employee with an opportunity to outline the grounds of their appeal.
  - obtaining the relevant facts and information pertaining to the appeal;
  - asking questions to establish facts and probing where necessary; and
  - reviewing the summary notes of the meeting.
  - Decides if any further investigation is required as a result of any new evidence and undertakes any such further investigation e.g. interviewing of relevant witnesses.
  - Reviews the decision upon which the appeal is based.
  - Responsible for deciding the appropriate outcome of the appeal, including recommending any further action and for communicating this to the employee in writing.
  - If appropriate, ensures the employee's line manager is aware of any recommendations.
- 
- Ensures that matters are dealt with in a timely manner.

## HR Manager

- Provides advice and guidance to the hearing manager to ensure the process is fair and complies with BBC Policy.
- Organises the logistics of the meeting.
- Writes to the individual confirming the details of the meeting.
- Accompanies the hearing manager at the meeting.
- Takes summary notes of the meeting and sends a copy to the employee and their representative (where applicable) for their comment.
- Ensures a copy of the summary notes are retained on the employee personnel file.
- Ensures witnesses are aware of the procedure and issues of disclosure and confidentiality.

## Trade Union Representative/BBC Colleague

- Provides advice and guidance to the employee throughout the process.
- Assists and represents the employee in stating their case.

## Procedure

### Step 1: Submitting the Appeal

The employee must give HR Direct or their Divisional HR contact written notification of his/her intention to appeal within 14 days of the decision they are appealing. In some cases, it may be appropriate to extend this deadline, and guidance about this should be sought from your divisional HR team before decisions are reached.

The written notification should include any new evidence, where applicable.

The employee will receive an acknowledgement on receipt of written notification of the appeal.

### Step 2: The Meeting

The employee is invited to attend a meeting to discuss the appeal. The meeting will be arranged at a suitable time and place and the employee and employer must take all reasonable steps to attend the meeting.

In exceptional circumstances the employee may request that the meeting is postponed, for example, if there are no representatives available on the given date. The HR Manager will advise whether such a request should be granted.

If the employee fails to attend the meeting without good reason the BBC will inform the employee of its decision based on the information available at the time and may treat the procedure as being at an end.

HR will confirm the arrangements for the meeting in writing. Employees will be given no less than 3 working days' notice in writing of the date and time of their appeal meeting, unless a shorter time period is mutually agreed. This confirmation will also advise the employee of the right to be accompanied by a trade union representative or BBC colleague (other than a practising lawyer). The employee is responsible for informing their representative of the arrangements for the meeting.

The employee is required to submit the grounds of their appeal in writing to the responsible HR Manager as soon as possible and at least two working days in advance of the meeting.

It is not permissible for either party to use recording devices during the meeting except where it forms a reasonable adjustment under the *Equality Act 2010*.

At the start of the meeting it must be explained that:

- it is an appeal meeting and the hearing manager will indicate how they propose to conduct the meeting, its purpose and the roles of those present;
- summary notes of the meeting will be made by the HR Manager and sent to the employee and representative (where applicable) for comment after the meeting;
- whilst the procedure will be kept as confidential as possible the information given at the meeting may be disclosable under certain circumstances e.g. in order to investigate the grievance or if, as an outcome of the appeal, further procedures are invoked (e.g. disciplinary, employment tribunal);and
- either party may request an adjournment at any time.

At the outset of the meeting the hearing manager will ask the employee to outline their appeal and present any new supporting evidence. The hearing manager may ask questions.

If the hearing manager believes they need to carry out further investigations as a result of issues raised, it may be necessary to meet with the employee again at a later date.

At the end of the meeting it must be explained that:

- a copy of the summary notes will be sent to the employee and their representative (where applicable) for comment;
- unless comments are received by a reasonable deadline the hearing manager will assume the summary notes are accurate.

Where the employee does not agree with the notes, a copy of their comments will be retained and the process will continue.

Once the meeting has been concluded, all investigations completed, and the employee has had the opportunity to comment on the summary notes, the hearing manager will review the evidence and make a decision.

The hearing manager must decide whether to uphold the employee's appeal and may make recommendations about any further action. This decision must be based on the hearing manager's reasonable beliefs with regard to the evidence, not what has been proved beyond reasonable doubt.

The possible outcomes are:

- the appeal is rejected;
- the appeal is partially upheld;
- the appeal is upheld and the previous decision overturned

Where a formal disciplinary or capability penalty has previously been issued, the hearing manager can decide to reduce the penalty.

The hearing manager will then write to the employee confirming their decision, the basis for their decision and any further action required.

The outcome of the appeal is final.



## BBC Guide to Grievances

A grievance is a complaint by an employee about action which the employer has taken or is contemplating taking in relation to the employee.

Employees and managers should make every effort to resolve issues without recourse to the formal grievance procedure. If the grievance remains unresolved and the employee submits a formal grievance the formal process outlined in this guide is followed.

The procedure set out in the grievance policy and explained in this guide should be followed rigorously.

For grievances relating to bullying and/or harassment or where it becomes evident the grievance contains an element of bullying and/or harassment the [BBC Bullying and Harassment Grievance Policy](#) will be followed.

### Roles and Responsibilities

Your HR contact will arrange for an appropriate manager to hear the grievance. All parties are required to respect confidentiality.

#### Employee

- Submits the grievance in writing
- Contacts their representative or BBC work colleague as appropriate
- Takes all reasonable steps to attend the meeting/s

#### Hearing Manager

Conducts the meeting – including:

- providing the employee with an opportunity to outline their complaint.
- obtaining the relevant facts and information pertaining to the complaint;
- asking questions to establish facts and probing where necessary; and
- reviewing the summary notes of the meeting
- Decides if any further investigation is required and undertakes any such further investigation e.g. interviewing of relevant witnesses
- Responsible for deciding the appropriate outcome of the grievance, including recommending any further action and for communicating this to the employee in writing
- If appropriate, ensures the employee's line manager is aware of any recommendations
- Ensures that matters are dealt with in a timely manner

#### HR Manager

- Provides advice and guidance to the hearing manager to ensure the process is fair and complies with BBC Policy
- Organises the logistics of the meeting and any further investigation interviews
- Writes to the individual confirming the details of the meeting
- Accompanies the hearing manager at the meeting
- Takes summary notes of the meeting and sends a copy to the employee and their representative (where applicable) for their comment
- Ensures a copy of the summary notes are retained on the employee personnel file
- Ensures witnesses are aware of the procedure and issues of disclosure and confidentiality



## Trade Union Representative/BBC Colleague

- Provides advice and guidance to the employee throughout the process
- Assists and represents the employee in stating their case

## Procedure

### Step 1: Submitting the Grievance

The employee must give *HR Direct* written notification of their grievance within 14 days of the action complained of. In some cases, it may be appropriate to extend this deadline, and guidance about this should be sought from your divisional HR team before decisions are reached.

Where the employee is represented, the employee may wish to discuss the grievance with their representative prior to submitting the grievance. Written notification must include a simple statement of the grounds on which the grievance is based and where possible should also include the date/s the incident/s occurred. The employee may also wish to submit any supporting documentation relevant to the grievance and indicate the remedy sought.

The employee will receive an acknowledgement on receipt of written notification of the grievance.

### Step 2: The Meeting

The employee is invited to attend a meeting to discuss the grievance. The meeting will be arranged at a suitable time and place and the employee and employer must take all reasonable steps to attend the meeting.

In exceptional circumstances the employee may request that the meeting is postponed, for example, if there are no representatives available on the given date. The HR Manager will advise whether such a request should be granted.

If the employee fails to attend the meeting without good reason the BBC will inform the employee of its decision based on the information available at the time.

HR will confirm the arrangements for the meeting in writing. This confirmation will also advise the employee of the right to be accompanied by a trade union representative or BBC colleague (other than a practising lawyer). The employee is responsible for informing their representative of the arrangements for the meeting.

It is not permissible for either party to use recording devices during the meeting except where it forms a reasonable adjustment under the *Equality Act 2010*.

At the start of the meeting it must be explained that:

- it is a grievance meeting and the hearing manager will indicate how they propose to conduct the meeting, its purpose and the roles of those present;
- summary notes of the meeting will be made by the HR Manager and sent to the employee and representative (where applicable) for comment after the meeting;
- whilst the procedure will be kept as confidential as possible the information given at the meeting may be disclosable under certain circumstances e.g. in order to investigate the grievance or if, as an outcome of the grievance, further procedures are invoked (e.g. appeal, disciplinary, employment tribunal); and



- either party may request an adjournment at any time

At the outset of the meeting the hearing manager will ask the employee to outline their grievance and present any supporting evidence. The hearing manager may ask questions.

If the hearing manager believes they need to carry out further investigations as a result of issues raised, it may be necessary to meet with the employee again at a later date.

At the end of the meeting it must be explained that:

- a copy of the summary notes will be sent to the employee and their representative (where applicable) for comment;
- unless comments are received by a reasonable deadline the hearing manager will assume the summary notes are accurate

Where the employee does not agree with the notes, a copy of their comments will be retained and the process will continue.

Once the meeting has concluded, all investigations have been completed, and the employee has had the opportunity to comment on the summary notes, the hearing manager will review the evidence and make a decision.

The hearing manager must decide whether to uphold the employee's grievance and may make recommendations about any further action. This decision must be based on the hearing manager's reasonable beliefs with regard to the evidence, not what has been proved beyond reasonable doubt.

The possible outcomes are:

- the grievance is rejected;
- the grievance is partially upheld;
- the grievance is upheld

The hearing manager will then write to the employee confirming their decision, the basis for their decision and any further action required.

### **Step 3: The right to Appeal**

If the employee is not satisfied with the outcome of the grievance they have the right to appeal. All appeals will be conducted in accordance with the [BBC Appeals Policy](#).



## BBC Health and Sickness Absence Policy

This policy forms part of the contract of employment that applies to employees of the BBC's Performing Groups.

### Content

1. Sickness Absence
2. Managing Sickness Related Absence
3. Medical Examinations
4. Infectious and Contagious Diseases

### Definition

This policy sets out how the BBC will support employees during sickness absence and with other health-related matters.

If an employee has frequent short-term sickness absences, or a prolonged period of ill health the procedures in this policy should normally be followed.

The BBC recognises that sickness absence may be disability-related. Where an employee is disabled or becomes disabled during their employment the [BBC Guide to Retaining Disabled Staff](#) will be used.

### Principles

- Managers may refer employees to the BBC's Occupational Health Service for advice and/or examination at any time during their employment.
- Employees should take all reasonable steps to attend BBC Occupational Health Service appointments and should cooperate fully with the Occupational Health process.
- If an employee considers they are affected by a disability or any medical condition which affects their ability to undertake their work they should inform their manager.
- The BBC reserves the right to require employees not to report for work if they have been in contact with infectious or contagious diseases, or if the BBC considers that the employee is otherwise unfit to attend work due to sickness or injury.
- There is no entitlement to paid sickness absence (over and above statutory sick pay) which is granted at the discretion of the BBC.
- The application of this policy will be in accordance with the *Data Protection Act* and the [BBC's Data Protection Handbook](#).

## 1. Sickness Absence

### Reporting Procedure

On their first working day of sickness absence, employees must notify their manager, as soon as is reasonably practical of their absence from work due to sickness and the expected length of absence.



They should also provide their manager with their current contact details. Employees must continue to keep their manager informed of their progress and likely return to work date.

During periods of sickness absence, employees may be contacted by their manager or HR, in order to discuss their wellbeing.

Managers may contact employees during their sickness absence for any urgent work-related query. Contact should be of a reasonable level taking into consideration that the employee is sick.

Employees must:

- provide a self-certification form for an absence that lasts from four to seven consecutive days, including days off, if required;
- provide a signed Statement of Fitness for Work (Fit Note) for an absence that lasts for eight or more consecutive days, including days off; and
- record the end date of their absence in accordance with their local procedures for [recording sickness absence](#)

Managers reserve the right to ask for written self-certification for any absences if the employee has been absent for more than a total of three days during any 12 month period.

Absence that has not been notified in accordance with the above reporting procedure will be treated as unauthorised absence.

If employees fail to follow the requirements of this procedure or the manager doubts the integrity of the evidence provided, the [BBC Disciplinary Policy](#) may be applied.

### **Statutory Sick Pay**

Statutory Sick Pay (SSP) is a minimum weekly payment which employers must pay for 28 weeks to qualifying employees. Employees who are excluded from receiving SSP or who have exhausted their SSP entitlement may be entitled to claim sickness benefits from the state.

### **BBC Sick Pay**

There is no entitlement to paid sickness absence over and above SSP. BBC Sick Pay is granted at the discretion of the BBC. However, where employees have complied with the reporting procedure, it is the BBC's normal practice to pay employees during sickness absence, in accordance with the following limits:

- Less than 2 years continuous service
  - Up to 4 weeks BBC Sick Pay for each illness; and
  - Up to 13 weeks BBC Sick Pay for all absences.
  -
- More than 2 years continuous service
  - Up to 8 weeks BBC Sick Pay for each illness; and
  - Up to 26 weeks BBC Sick Pay for all absences in a 2 year period\*

\* The 2 year period is the full calendar year in which the current sickness absence falls and the previous full calendar year.

A week is defined as 7 days to include all days off.



BBC Sick Pay is calculated as basic pay and any continuing allowances which would normally be paid during authorised absence; it does not include any additional payments e.g. night payments. BBC Sick Pay is inclusive of any SSP.

If an employee is reaching the limits of their BBC or SSP the manager should advise them in writing, within a reasonable timeframe.

### **Sickness and Annual Leave**

Employees who are sick during a period of annual leave may have the leave credited if they provide a Statement of Fitness for Work (Fit Note) or similar medical certificate from a local doctor (if the employee is away from home) confirming the dates of the sickness. Self-certification will not be accepted as proof of sickness when employees are sick during a period of annual leave.

If a period of sickness absence lasts longer than three months, the employee's contractual annual leave entitlement may be reduced pro rata to no less than 28 days, including public holidays, for full-time employees. The relevant adjustment should be made for part-time employees.

### **Sickness Absence due to an Off Duty Accident**

If a period of sickness absence is as a result of an accident or injury caused by a third party, in respect of which damages may be payable, employees must immediately notify their manager of that fact and of any claim compromise, settlement or judgement made or awarded in connection with it and all relevant particulars the BBC may reasonably require.

The employee will be eligible for sick pay advances equivalent to the BBC Sick Pay they would have received. The employee shall repay to the BBC that part of any damages or compensation received by them relating to the sick pay advance for the period of sickness absence as the BBC may reasonably determine.

If the sick pay advance is refunded in full, the period of sickness absence will not be included in calculating whether an employee has reached their BBC Sick pay limit. If, however, no refund is made or the refund is made in part, the BBC at its discretion will decide to what extent the period of sickness absence will be taken into account.

## **2. Managing Sickness Related Absence**

If an employee has frequent short-term absences, the manager may require employees to attend a meeting on their return to work to discuss with the employee the reasons for the absence. The manager may consider referring the employee to the BBC's Occupational Health Service.

If there is no underlying medical reason for the absences and the manager has concerns about the employee failing to reach or maintain the required standards of job performance or if the level of absence is unacceptable the [BBC Capability Policy](#) or the [BBC Disciplinary Policy](#) will normally be followed.

Where there is an underlying medical reason for short-term absences or in cases of long-term sickness absence, the manager will keep in regular contact with the employee about their health. The informal discussions may include:-

- the medical advice from the BBC's Occupational Health Service
- the return to work prognosis
- reasonable adjustments that could enable a return to work.

If the medical advice is that the employee cannot carry out their role to the required standard in the foreseeable future, the manager will arrange a meeting to discuss this with the employee under the Formal Procedure in this policy.

### Formal Procedure

The manager will arrange a meeting with the employee to discuss their sickness absence. HR will be available to provide advice and guidance to managers, to attend meetings and to take notes as appropriate.

In advance of the meeting the manager will write to the employee setting out why they are contemplating taking action under this policy. In cases where the outcome may be termination of employment the letter will warn the employee of this.

Employees should take all reasonable steps to attend the meeting. The employee has the right to be accompanied at the meeting by an accredited trade union representative or a BBC colleague (other than a practising lawyer).

The manager should consider matters such as the following during the meeting (this is not exhaustive):

- the medical advice including the employee's prognosis and any recommendations, and whether further advice is required;
- the effect the medical condition and/or the employee's absences are having on the employee's performance in their current role;
- the effect the employee's absences are having on the business; and
- the reasonable adjustments that could be made to enable a return to work.

Managers can also refer to the [BBC Guide to Retaining Disabled Staff](#).

Examples of action that may be taken are:

- making reasonable adjustments to the working conditions of the employee's current job;
- implementing an appropriate rehabilitation plan;
- finding suitable alternative employment within the BBC; or
- terminating the employment on the grounds of medical incapacity.

An employee's employment will usually only be terminated on the grounds of medical incapacity if reasonable adjustments cannot be made to the working environment or if suitable alternative employment cannot be found within a reasonable period.

Where termination occurs, an incapacity pension may apply on the basis that an individual cannot carry out their normal occupation and this is likely to permanently and substantially impair their earning capacity.

Where such pension payments do not apply, the manager may, in conjunction with the HRDM, consider whether it is appropriate to make an ex gratia payment to the employee on the grounds of ill-health.

The manager will advise the employee of their decision in writing after the meeting



Depending on the matters discussed at the first meeting, and/or how matters progress, a further formal meeting or meetings may be necessary.

The employee has the right to appeal against termination on the grounds of medical incapacity. All appeals will be conducted in accordance with the [BBC Appeals Policy](#).

### 3. Medical Examinations

The manager may request that the employee undergo a medical examination with the BBC's Occupational Health Service at any time during their employment. There may be a minority of job roles where there is a genuine job-related reason for an individual to undergo a medical examination with the BBC's Occupational Health Service prior to the offer of employment. Where this is the case Divisional HR can advise.

If an employee chooses not to attend an examination the BBC will make decisions regarding their employment based on the information which is available.

Managers will arrange for an employee to be referred to the BBC Occupational Health Service where there are reasonable grounds to do so. The reasons include, but are not limited to, the following;

- their fitness for work
- their ability to carry out their duties effectively
- their capability to attend work regularly
- their state of health may be a source of danger to themselves or others
- they have been offered a job or are currently undertaking a role that has special medical or health surveillance requirements
- they have been offered a post overseas
- the employee is a 'night worker' under the *Working Time Regulations 1998*
- the employee is returning to work after a period of sickness absence
- guidance is required on adjustments to the role

### Procedure

The manager must explain to the individual the reason for the referral and the arrangements for the examination(s).

Employees will be offered the opportunity to view the BBC Occupational Health Service report prepared on them, prior to it being sent to the manager.

If necessary, the employee will be asked to give consent for the [BBC's Occupational Health Service](#) to consult with their own doctor and the employee should respond to such a request without unreasonable delay. Any medical report sent by their doctor will be provided in accordance with the *Access to Medical Reports* legislation.

### 4. Infectious and Contagious Diseases

Employees who have been in close contact (e.g. with a member of their immediate family) with an infectious or contagious disease, such as tuberculosis, chicken pox, measles, meningitis or other serious condition that could be passed on to work colleagues, should notify their manager and seek advice from their doctor or the BBC's Occupational Health Service on the need to stay away from work. This is especially important if one of their colleagues is pregnant.



If they are required not to attend work as a precautionary measure they will be granted paid leave.

Employees must follow the usual procedures for sickness absence if they are suffering from an infectious or contagious disease. If advised to refrain from work employees cannot return without clearance from their doctor or the BBC's Occupational Health Service.



## BBC Leave Policy

This policy forms part of the contract of employment that applies to employees of the BBC's Performing Groups.

### Definition

This policy details the provision for Annual, Additional, Exceptional and Unpaid Leave. It also outlines the leave provisions for employees who wish to participate in specific public duties.

### Contents

- Annual Leave
- Additional Leave
- Exceptional Leave
- Unpaid Leave
- Elections
- Local Government
- Magistrates
- Reserve Forces and Volunteer Civilian Organisations
- Jury Service and Court Appearances
- Other Public Service Duties

Appendix: Proportionate Annual Leave Table

### Principles

- The BBC recognises that it is important for employees to take regular breaks from their duties through annual leave.
- The 'leave year' for all leave calculations in this policy is from 1<sup>st</sup> April to 31<sup>st</sup> March.
- All entitlements to leave are pro rata for employees who join or leave part-way through a leave year (see Appendix).
- The taking of leave is subject to operational requirements.
- All entitlements to leave are pro rata for part-time employees (see exception on accruing service for Additional Leave).
- The BBC recognises that some employees will wish to participate in public duties.
- The BBC recognises that on occasion there may be the need to provide leave for domestic reasons.
- Employees should refer to the [BBC Declaration of Personal Interests Policy](#) when considering external activities or whether to stand for election.

## 1. Annual Leave

All full-time employees are entitled to 5 weeks annual leave per year. Employees who join or leave part way through the leave year have a proportionate entitlement to annual leave. Employees on fixed-term contracts are entitled to annual leave in proportion to the length of their contract.



Employees should submit requests for annual leave with reasonable notice. In considering requests, managers will take into account the requirements of the individual and the needs of the business. Requests for annual leave will not be refused unreasonably.

A maximum of 5 days leave each year may be carried over. The 5 days may be exceeded in exceptional circumstances with the agreement of the manager. No payments will be made in lieu of accrued but untaken holiday, except on termination of employment where it has not been possible or practical for employees to take the leave.

In addition to the annual leave entitlement, full-time employees receive the 8 UK Bank Holidays and 1 Corporation Day at Christmas time.

Part-time employees are entitled to these days pro rata. If a Bank Holiday or Corporation Day coincides with a normal duty day, the part-time employee is not required to work and the day is deducted from their pro-rata entitlement. If it does not coincide with a normal duty day then that day is not deducted from their entitlement.

If the number of duty days that coincide with Bank Holidays and Corporation Day is less than the part-time employee's entitlement, the remaining days can be taken at other times of the year. If the number of duty days that coincide is greater than the employee's entitlement, the employee should use their annual leave to make up the shortfall.

## 2. Additional Leave

**This entitlement does not apply to employees whose employment with the BBC commences on or after 1st April 2014, regardless of whether they have any prior BBC service.**

On completion of 10 years' service, employees are entitled to an additional half week of leave each year. For additional leave only, the qualifying period of 10 years completed service will be calculated irrespective of whether the service was part-time or full-time.

Service on either a continuing or fixed-term contract with the BBC will count towards the 10 year qualification. Separate periods of employment will be aggregated including secondments to other organisations. Those employed on or after 1 April 2014 will no longer be entitled to rely on any previous BBC service for the purposes of calculating aggregate service.

The half week is half of the weekly contractual hours the employee is working at the start of each year in which they become entitled to the leave. Where employees change their hours additional leave will be accrued and calculated based on the revised working hours. Any previous additional leave held in reserve will remain at the level at which it was accrued and will not be affected by the new working hours.

The first half week is credited on the date the employee qualifies and can be taken in that leave year. Subsequent entitlements are given at the start of the leave year with annual leave and can be taken in that year or held in reserve.

Additional leave may be held in reserve up to a maximum of 8 weeks as agreed with the manager. Thereafter additional leave should be taken each leave year. Where this is not possible, due to operational requirements, this should be discussed with the manager who may agree to hold such leave for a defined period.

Employees should submit requests for additional leave with reasonable notice. Managers will take into account the requirements of the individual and the needs of the business in considering requests.

Payment in lieu of additional leave on termination of employment will not be made.



### 3. Exceptional Leave

The majority of personal circumstances which necessitate time-off work should be accommodated within the normal annual leave allocation. In exceptional circumstances, however, where this is not possible, and subject to operational requirements, managers may grant leave on full pay up to 10 days in any year. In particular, it is intended that such leave should be used for those with caring responsibilities, or when employees have to deal with unforeseen personal circumstances e.g. bereavement, which cannot reasonably be dealt with outside working hours.

Exceptional leave may also be granted as paid study leave in accordance with the *BBC External Education Assistance Policy*.

Refer also to the Time-Off for Dependants provisions in the [BBC Parental and Carers Support Policy](#).

### 4. Unpaid Leave

For other types of leave not prescribed within this policy an employee may apply for a period of unpaid leave up to a maximum of three months. The granting of such request is at the discretion of the manager. Where an employee requires a period of unpaid leave of greater than three months a career break may be considered (see the *BBC Flexible Working Policy*).

### 5. Elections

Employees may under normal circumstances stand in UK parliamentary or assembly elections or a European Parliamentary election. Employees should give their manager as much notice as possible if they wish to stand and will be given up to six weeks' unpaid leave of absence in the period immediately prior to the election.

### 6. Local Government

Employees may, under normal circumstances, stand in a local government election and sit on local councils. Employees should find out what attendance will be expected of them if elected. Where these fall within their normal pattern of hours but would not conflict with operational needs, paid leave may be authorised. Employees are required to give as much prior notice of their intentions as possible. Leave will not be given for absences that conflict with BBC duties.

The BBC will, where possible, grant up to 18 working days' paid leave per year to members of local councils, whose duties require them to attend sessions during any part of their working day, provided that such absences do not conflict with operational requirements.

If an employee requires more leave to fulfil their requirements then subject to operational needs it may be granted but as unpaid leave.

### 7. Magistrates

Any employee seeking appointment as a Magistrate should find out what attendance will be expected of them and give their manager as much notice as possible of their requirements. Where these fall within the pattern of a normal working day but do not conflict with operational needs, paid leave may be authorised. The manager may grant up to 18 working days' paid leave per year.

If an employee requires more leave to fulfil their requirements then subject to operational needs it may be granted but as unpaid leave.

## 8. Reserve Forces and Volunteer Civilian Organisations

Employees should inform their manager if they are a member of, the Reserve Forces or a Volunteer Civilian Organisation since in the event of an emergency it would be essential for a broadcasting service to be maintained.

Employees may be asked to provide official notification of their training and mobilisation obligations on an annual basis.

Employees may be granted paid leave for the purposes of training as follows:

- Reserve Forces - 3/4 of the training period up to 11/2 weeks per year.
- Royal Naval Volunteer Reserve- twice the above allowance in any year in which 28 days naval training is carried out, provided that the aggregate annual allowance over a period of 4 years is not exceeded.
- Civilian Organisations – 6/7 of the training period if selected for a full-time instructor's training course, up to a maximum of three weeks (this is not an annual right).

Where this leave does not cover the whole duration of training, the balance of the time must be taken as unpaid leave or annual leave.

In the event of a call-out order for compulsory mobilisation, the employee should give their manager the official notification of the request. The employee's BBC contract will remain in force during any subsequent leave of absence.

## 9. Jury Service and Court Appearances

Paid leave is granted to employees called for jury service or when they appear as a witness on behalf of the BBC. Travelling and subsistence expenses and any loss of earnings e.g. overtime must be claimed from the court in accordance with their rules. Unpaid leave is granted to employees who are called as witnesses in criminal or civil proceedings. When employees appear as defendants in criminal proceedings, their absence is offset against outstanding annual leave. If there is none, the absence is treated as unpaid leave.

## 10. Other Public Service Duties

Employees holding certain public positions will be granted up to 6 days paid leave per year to perform these duties, subject to operational requirements. These roles include:

- member of a police authority, local education authority, educational governing body, health authority or primary care trust.
- member of any statutory tribunal, an environmental agency or of the boards of prison visitors.
- If an employee requires more leave to fulfil their requirements then subject to operational needs it may be granted but as unpaid leave.

## Appendix

### Proportionate Annual Leave Table

If an employee is entitled to proportionate annual leave, the following table should be used to calculate the amount due:-

## Proportionate Annual Leave

COMPLETED WEEKS	DAYS HOLIDAY	COMPLETED WEEKS	DAYS HOLIDAY
1	0.5	27	13.0
2	1.0	28	13.5
3	1.5	29	14.0
4	2.0	30	14.5
5	2.5	31	15.0
6	3.0	32	15.5
7	3.5	33	16.0
8	4.0	34	16.5
9	4.5	35	17.0
10	5.0	36	17.5
11	5.5	37	18.0
12	6.0	38	18.5
13	6.5	39	19.0
14	7.0	40	19.5
15	7.5	41	20.0
16	8.0	42	20.5
17	8.5	43	21.0
18	9.0	44	21.5
19	9.5	45	22.0
20	10.0	46	22.5
21	10.5	47	23.0
22	11.0	48	23.0
23	11.0	49	23.5
24	11.5	50	24.0
25	12.0	51	24.5
26	12.5	52	25.0



## BBC Long Service Awards Policy

This policy forms part of the contract of employment that applies to employees of the BBC's Performing Groups.

### Definition

All employees are eligible for a long service award on completing 25 years' service and 40 years' service with the BBC. In certain circumstances, a reduced award is payable when employees leave employment in the years immediately prior to the anniversary dates.

In extreme circumstances, a Head of Department may defer or withhold an award, e.g. when an employee is under warning of dismissal.

### 25 years' service

On completing 25 years of full and/or part-time service with the BBC an employee is entitled to an award of 10% of annual basic pay or 5 weeks of paid leave. The award can be taken as a combination of both pay and leave. Separate periods of service will be aggregated for the purpose of determining eligibility. An adjustment to the value of the award will be made if the employee has had full and part-time service.

When part of the award is taken in complete weeks' paid leave and the remaining value in cash, the cash payment will be calculated as follows:

$$\left( \frac{5 - \text{number of week's paid leave}}{5} \right) \times \text{value of full award}$$

The Paid leave must be taken either:

- before the end of the leave year following that in which 25 years' service was completed; or
- before retirement, whichever is the earlier.

It may be taken in either one or two instalments, and may be added to annual leave. As with annual leave it must be taken at a time or times approved by the BBC, release from duty is subject to the overriding needs of the service.

### Reduced award

A reduced award is payable when employees complete 21 years', but less than 25 years' service and then:

- Retire (whether normally, prematurely or on voluntary early retirement);
- Resign (other than to avoid dismissal for disciplinary reasons);
- Are dismissed (other than for reasons of conduct);
- Die in service.

Reduced awards are calculated as follows:

Completed years of service on cessation	% of annual salary on cessation
21	2



22	4
23	6
24	8

The option of paid leave is not available for reduced awards.

### Payment of award after death

On death, any full or reduced award that was due to have been paid in the year of the employee's death, reverts to the BBC. Subject to Inland Revenue limits, an equivalent *ex gratia* payment will be made to the surviving spouse or dependent(s) as the BBC may decide at its discretion.

When a member of staff dies within three months of completing 25 years' service, any *ex gratia* payment will be based on the full award.

### 40 years' service

On completing 40 years of service with the BBC an employee is entitled to an award of a tax free gift of the individual's choosing up to a value of £800, inclusive of VAT, engraving and delivery charges. Separate periods of service will be aggregated for the purpose of determining eligibility including wartime and call-up service whether with the Armed Forces or in some other form of service to the nation. No adjustment will be made for part-time service.

Employees are eligible for a reduced award on retiring, resigning, being dismissed for reasons other than a breach of discipline or death in service, after 36 or more years' BBC service.

When employees have completed 36 years' service, but less than 40 years' service, they qualify for a reduced award on the following scale:

Completed years of service on cessation	Maximum value of the gift
36	£720
37	£740
38	£760
39	£780

## BBC Parental and Carers Support Policy

This policy forms part of the contract of employment that applies to employees of the BBC's Performing Groups.

### Definition

This policy sets out the support that employees may receive when they become carers, parents or take on parental responsibility for a child. If an employee with caring or parental responsibility wishes to request a flexible working arrangement they should do so under the [BBC Flexible Working Policy](#).

Employees should refer to [BBC Pensions](#) for information on pension contributions during the different types of leave in this policy.

### Contents

1. Maternity Leave and Pay
2. Adoption Leave and Pay
3. Paternity Leave and Pay
4. Partner Support Leave
5. Parental Leave
6. Time off for Dependants
7. Foster Care
8. IVF
9. Surrogacy

## 1. Maternity Leave and Pay

### Pregnancy

Employees should notify their manager they are pregnant as soon as they feel able but no later than the 15th week before the Expected Week of Childbirth (EWC). The manager should treat this notification as confidential and only disclose the information where necessary.

After the manager has been notified, a risk assessment should be carried out and where necessary working conditions or the role adapted. If the employee is not able to continue in their role during their pregnancy and no suitable alternative work is available, they will be entitled to receive their basic pay plus any continuing allowances up to the start of their maternity leave.

If a manager has concerns about a pregnant employee's fitness for work at any time during the pregnancy they can refer them to the BBC's Occupational Health Service.

Pregnant employees are allowed paid time-off to attend for antenatal care. Where possible employees should try and arrange appointments to fit around work commitments. Managers may request to see the relevant appointment card.

If an employee is absent from work due to sickness during their pregnancy, regardless of whether it is pregnancy related or not, the normal procedures for sickness absence should be followed. Refer to the [BBC Health and Sickness Absence Policy](#).



If an employee is sick immediately prior to the intended start date of maternity leave they will be transferred from sickness absence to maternity leave on the intended date. If an employee is absent from work due to a pregnancy-related reason after the beginning of the 4th week before the Expected Week of Childbirth (EWC) but before the intended start date of maternity leave, the maternity leave will commence on the day following the first day of absence.

Employees can decide when to take their maternity leave. If an employee wishes to work beyond the 11th week before the EWC they may be required to provide a doctor's certificate which confirms they are fit to continue working.

The employee must provide a maternity certificate (MAT B1) to be entitled to BBC and Statutory Maternity Leave and Pay.

## **Maternity Pay**

An employee must have been employed for a continuous period of at least 26 weeks as at the end of the 15th week before the EWC (known as the 'qualifying week') to qualify for BBC Maternity Pay. BBC Maternity Pay is inclusive of Statutory Maternity Pay (SMP). It is sufficient for the employee to have commenced employment at any time during the first week in order to accumulate the 26 weeks service required. The continuous employment must extend into the qualifying week but it is not necessary for the employee to be employed for the whole of that week.

If the employee does not qualify for BBC Maternity Pay or Statutory Maternity Pay the employee may be entitled to claim Maternity Allowance from the state.

SMP is paid at the rate of 90% of average earnings for the first 6 weeks of maternity leave and the lesser of either the weekly SMP rate or 90% of average weekly earnings for the following 33 weeks.

Your average weekly earnings are your average gross earnings over a period of at least eight weeks up to and including the last payday before the end of your qualifying week.

BBC Maternity Pay is basic pay and any continuing allowances (it does not include any additional payments) for up to 18 weeks followed by 21 weeks of SMP. Your basic pay is your basic pay at the last payday before the end of your qualifying week.

If the calculation for the first 6 weeks of SMP results in a higher payment than BBC Maternity pay then the higher payment will be made.

Any maternity leave beyond the 39 weeks is unpaid. If the contract of employment expires before the 18 weeks then the BBC Maternity Pay is only payable up to the expiry date, however any entitlement to SMP will continue beyond this date.

BBC Maternity Pay and SMP both start on the same day which is the day on which the maternity leave commences.

## **Maternity Leave**

All pregnant employees are entitled to 52 weeks maternity leave, regardless of how long they have worked for the BBC. The first 26 weeks is called Ordinary Maternity Leave (OML) and includes a compulsory leave period of 2 weeks from the date of childbirth. OML is immediately followed by the second 26 weeks which is called Additional Maternity Leave (AML).

Employees can choose to start their maternity leave anytime after the 11th week before the EWC. If the baby is born earlier than the intended start date the maternity leave will commence on the day following the birth.

Employees must give at least 21 days notice of:

- the fact she is pregnant
- the expected week of childbirth (EWC)
- the date she intends to start her maternity leave

The BBC will vary the time limits only in exceptional circumstances where it was not practicable for the notification to have been given earlier.

Employees with an EWC on or after the 5 October 2008 are entitled to the benefit of their terms and conditions of employment, with the exception of salary, during both OML and AML.

### **Annual Leave and Bank Holidays**

Employees will accrue their contractual annual leave and bank holidays (including Corporation Day) during their maternity leave period.

Employees should discuss their annual leave arrangements with their manager prior to their maternity leave period. These arrangements may include:-

- Employees taking their untaken leave accrued up to their EWC prior to commencing their maternity leave; and/or
- Taking their untaken leave on return from maternity leave.

### **Keeping in Touch**

Managers can make reasonable contact with employees during their maternity leave, without such contact bringing the maternity leave to an end. The preferred method of contact e.g. phone or e-mail should be discussed prior to the start of the maternity leave.

Employees may undertake 10 days' work called Keeping in Touch (KIT) Days, during their maternity leave without bringing the leave to an end. The BBC is not obliged to offer KIT days and the employee is not obliged to undertake KIT days. KIT days must be agreed in advance by the manager and cannot be taken during the period of compulsory maternity leave i.e. 2 weeks after the date of childbirth.

A KIT day is for any work that would ordinarily be carried out under the contract of employment. A KIT day will be counted as a turn of duty so it will be no longer than normal working hours for a shift but may be less.

KIT days are paid at the employee's hourly/daily rate of basic pay and continuing allowances. If an employee takes a KIT day while still receiving BBC or Statutory Maternity Pay, the KIT payment is inclusive of this pay.

Where a contract is due to expire during the maternity leave, the contract will not be extended to accommodate KIT days.

### **Returning to Work**

An employee can decide when to return from maternity leave after the period of compulsory maternity leave which lasts for 2 weeks after the date of childbirth.

If an employee wishes to return to work earlier than the 52 weeks, they must give the BBC 8 weeks' written notice of the day they wish to return.





If the due date for the birth of the child is on or after 3 April 2011 and the employee wishes to return to work before using all of their statutory entitlement to maternity leave, they will be eligible to transfer up to 26 weeks of their outstanding maternity leave to their spouse, civil partner, partner, or the father of their child, to be taken as Additional Paternity Leave (APL). Please see the Additional Paternity Leave section below.

If an employee is unable to return to work after their maternity leave due to sickness, the normal sickness absence procedures should be followed. Refer to the [BBC Health and Sickness Absence Policy](#).

If an employee does not wish to return to work at the end of the maternity leave they must give the BBC the notice required by their contract of employment.

An employee returning from OML is entitled to return to the same job on the same terms and conditions unless a redundancy situation has arisen. An employee returning from AML has the same right to return as with OML unless it is not reasonably practical. In these cases the employee is entitled to be offered a suitable alternative job on terms and conditions which are not less favourable.

If a fixed-term contract is due to expire during a period of maternity leave, matters related to the pregnancy should not be taken into account by the manager when considering termination or extension.

If an employee wishes their manager to consider a flexible working arrangement for their return to work, they should submit a request before their return from maternity leave to allow time for the manager to consider it under the timescales in the [BBC Flexible Working Policy](#).

Managers should carry out a risk assessment on the employee's return to work especially if the employee is breastfeeding.

## Stillbirth

If a pregnancy ends with a stillbirth or a miscarriage earlier than 24 weeks of pregnancy, SMP is not payable. Subsequent incapacity for work should be treated as sickness absence. If a stillbirth occurs after 24 weeks of pregnancy then the usual procedures for maternity leave and pay apply.

## 2. Adoption Leave and Pay

Employees who are newly matched with a child for adoption by an approved UK or overseas adoption agency will be eligible for BBC Adoption Leave and may be eligible for Adoption Pay.

Where a couple are adopting jointly they must choose which partner will be the primary carer and should receive adoption leave and pay. The other partner would be eligible for Paternity Leave and Partner Support Leave. Both partners are also eligible for Parental Leave.

Employees must provide a 'Matching Certificate' if adopting in the UK, which is provided by their adoption agency, or an 'Official Notification', if adopting from overseas, which is issued by or on behalf of the relevant UK authority, to be entitled to BBC Adoption Leave and Pay.

The provisions for BBC Adoption Pay are similar to those for Maternity. BBC Adoption Pay is basic pay and any continuing allowances (it does not include any additional payments) for up to 18 weeks followed by 21 weeks of Statutory Adoption Pay (SAP). SAP is the lesser of either the weekly SAP rate, or 90% of the average weekly earnings, which is paid at a flat rate for 39 weeks. BBC Adoption Pay is inclusive of Statutory Adoption Pay (SAP).

The provisions for BBC Adoption Leave are similar to maternity. Eligible employees can take up to 26 weeks of Ordinary Adoption Leave (OAL) followed by 26 weeks of Additional Adoption



Leave (AAL) and include the right to transfer up to 26 weeks of any outstanding Adoption Leave. Please see the Additional Paternity Leave section below.

The provisions for KIT days and returning to work are the same as for maternity.

All adoptive parents are entitled to a reasonable amount of paid leave to attend any mandatory formalities and court appearances required by adoption proceedings. Evidence of the requirement to attend will need to be provided.

### **If adopting in the UK**

Employees must inform the BBC within 7 days of being notified by an approved adoption agency of:

- the fact that they have been newly 'matched' with a child for adoption
- the date on which the child is expected to be placed with them
- the date on which they intend their adoption leave to start

Employees are entitled to BBC and Statutory Adoption Pay (SAP) if they have 26 weeks service at the week in which being notified of being 'matched' with a child for adoption.

The employee can choose to start Adoption Leave from either the date of the child's placement or from a date up to 14 days before the expected date of placement.

### **If adopting from overseas**

Employees must first inform the BBC within 28 days of receipt of the 'Official Notification' or on completion of 26 weeks' continuous service (if this is later):

- the date on which the official notification was received
- the date on which the child is expected to enter the UK

The employee must then give at least 28 days' notice of when they wish their adoption leave to start.

Employees are entitled to BBC and Statutory Adoption Pay (SAP) if they have 26 weeks service at the time when they receive their 'Official Notification' or by the time they want their SAP to begin.

The employee can choose to start Adoption Leave either on the date on which the child enters the UK or on a date that is no later than 28 days after the date on which the child entered the UK.

## **3. Paternity Leave and Pay**

### **Ordinary Paternity Leave**

The following provisions apply to partners of the parent/primary carer, including those of the same sex, subject to meeting eligibility requirements.

Employees who satisfy all of the following criteria can take up to 2 weeks Ordinary Paternity Leave (OPL) and will, subject to eligibility criteria receive Statutory Paternity Pay (SPP):

- The employee is the child's biological father and has (or expects to have) responsibility for the child's upbringing, or is the mother's husband, civil partner or partner (but not the child's biological father) and has or expects to have the main responsibility (apart from any responsibility of the mother) for the child's upbringing,

- The leave must be for the purpose of caring for the child or supporting the child
- The employee must be the biological father of the child and/or the individual matched with a child by an Adoption Agency and/or the mother's/adopter's spouse, civil partner or partner
- The employee must have completed 26 weeks service:
  - For birth: leading into the 15th week before the expected week of childbirth (EWC); or
  - For UK adoption: leading into the week in which the employee receives notification from an Adoption Agency of being 'matched' with a child; or
  - For overseas adoption: leading into the week in which official notification was sent, or from their completion of 26 weeks' continuous service if this is later.

Employees can choose to take either one week or two consecutive weeks of OPL and cannot be taken as individual days or part weeks. OPL can be taken from the date of the birth or placement of the child but must end, within 56 days of the child's birth (or if born before the EWC, within 56 days of the first day of EWC) or the child's placement.

An employee intending to take OPL should tell their manager by the 15th week before the EWC or within seven days of notification of having been matched with the child, unless this is not reasonably practicable.

Employees are not paid their basic pay during OPL but may be eligible to receive Statutory Paternity Pay (SPP). SPP will be paid at the lesser of either the weekly SPP rate, or 90% of the average weekly earnings.

An employee can change the start date of their OPL if they let their manager know 28 days in advance of the following:

- the first day of the EWC or the expected placement date; or
- the new date they wish to start their OPL, unless this is not reasonably practicable, in which case they should notify the BBC as soon as they can.

Employees will be required to complete a self certificate as evidence of entitlement to SPP.

### **Additional Paternity Leave**

Employees are entitled to take up to 26 weeks' APL within the first 20 – 52 weeks of their child's life or after adoption placement providing that the mother or primary adopter has returned to work before using their full entitlement to statutory maternity leave or adoption leave. The employee must:

- have satisfied all of the eligibility criteria for OPL (referred to above)
- must remain in continuous employment with the BBC until the week before the first week of their Additional Paternity Leave
- the mother of the child must be entitled to either maternity leave, statutory maternity pay or maternity allowance or the primary adopter must be entitled adoption leave and/or adoption pay
- give at least 8 weeks' written notice of their intention to take APL before the chosen start date by completing the Additional Paternity Form.

The earliest that APL can start is 20 weeks after the date of birth or the date of the placement of the child and must end no later than 12 months after the date of birth or the date of placement of the child. The minimum period of APL is 2 consecutive weeks and is subject to a maximum period of 26 weeks. The period of leave must be taken as multiples of complete weeks and as one period, so should an employee return to work their entitlement to APL Leave will cease.



## **Additional Paternity Pay**

Employees are entitled to retain all of their terms and conditions during OPL and APL except for terms relating to pay. Employees will not receive their pay during APL but may be eligible to receive Additional Statutory Paternity Pay (ASPP) for some of the APL period i.e. if taken during what would have been the mother or primary adopter's maternity or adoption pay period. ASPP will be paid at the lesser of either the weekly ASPP rate, or 90% of the average weekly earnings of the employee. Any remaining period of APL will be unpaid.

Once the employee has provided written notification of their intention to take additional paternity leave the BBC will respond in writing within 28 days confirming the start and end date of the leave period.

If the employee wishes to change the start date of the APL or cancel it they must give the BBC 6 weeks' written notice before the date originally chosen, or 6 weeks' written notice of the new date, unless this is not reasonably practicable, in which case they should notify the BBC as soon as they can.

## **Annual Leave and Bank Holidays**

Employees will accrue their contractual annual leave and bank holidays (including Corporation Day) during their OPL and APL period.

Employees should discuss their annual leave arrangements with their manager prior to their additional paternity leave period. These arrangements may include:-

- Employees taking their untaken leave accrued up to the date they will commence their APL prior to commencing their APL; and/or
- Taking their untaken leave on return from APL.

## **Keeping in Touch**

Managers can make reasonable contact with employees during their Additional Paternity Leave, without such contact bringing the Additional Paternity Leave to an end. The preferred method of contact e.g. phone or e-mail should be discussed prior to the start of the APL. Employees are also eligible to request up to a maximum of 10 Keeping In Touch (KIT) days and should refer to the provisions set out in the Maternity Leave section above.

## **Returning to Work**

If an employee wishes to return early from Additional Paternity Leave they must give the BBC at least 6 weeks' notice of the date of early return. If 6 weeks' notice is not given, the BBC may postpone the employee's return to such a date as will give the BBC 6 weeks' notice provided this is not later than the end of the Additional Paternity Leave.

If an employee wishes to postpone their return from APL they must request Parental Leave (see section 5) or annual leave in accordance with the *BBC Leave Policy*.

When an employee returns to work after 26 weeks or less of APL, they have a right to the same job and the same terms and conditions as if they had not been away. This protection also applies where the employee takes up to four weeks' parental leave in addition to their APL.

Where the employee has taken more leave than this, they may also return to the same job with the same terms and conditions. However, if the employer can show that it is not reasonably practicable for the employee to return to their original role they must be offered suitable alternative work.

If an employee does not wish to return to work at the end of the APL they must give the BBC the notice required by their contract of employment. If the amount of remaining APL is less than their contractual notice period at the point they give their notice of resignation they may be required to return to work for the remainder of their contractual notice period.

#### **4. Partner Support Leave**

All full-time employees are eligible to take up to 5 days Partner Support Leave if their partner gives birth or is the primary carer in the adoption of a child. This leave is in addition to any eligibility for OPL or APL. The number of days is reduced pro rata for part-time employees.

The Partner Support Leave days can be taken as odd days and are paid on the same basis as annual leave. If employees take Partner Support Leave days during a period of paid APL the Partner Support Leave payment will be inclusive of any ASSP for that day.

Employees should give managers as much notice as is reasonably practicable of their intention to take Partner Support Leave and it should normally be taken within 6 months of the birth or adoption of the child. In exceptional circumstances this can be extended to 1 year.

#### **5. Parental Leave**

All employees are eligible to take up to 18 weeks' unpaid Parental Leave, in respect of any one child (a week's leave is defined in the same way as for annual leave). This leave is in addition to any eligibility for Paternity or Partner Support Leave.

The employee must have legal responsibility for a child by virtue of birth or adoption, or where not covered by legal responsibility, the partner of a person taking the primary role in caring for the child. The BBC may request from the employee evidence of eligibility.

The entitlement to parental leave cannot be exercised after the child's fifth birthday, with the following exceptions:

- in the case where the child is entitled to a disability living allowance, after the date of the child's eighteenth birthday
- in the case of adoption, the fifth anniversary of the date on which the placement began or the child's eighteenth birthday, whichever is earlier
- in cases where the BBC postpone leave beyond any one of the dates

Parental leave can be taken, subject to operational needs, up to the maximum entitlement of 18 weeks in any one year.

Employees are required to give their manager 21 days notice of their intention to take Parental Leave. However, subject to operational needs the notice requirement may be reduced to a minimum of 7 days.

Parental Leave that is to be taken at the time of the birth or adoption cannot be postponed by the manager provided steps have been taken to notify the anticipated date and all practicable steps have been taken to give 7 days notice of the actual date.

In other circumstances managers may postpone a period of parental leave if they consider that the operation of the business would be unduly disrupted if the employee took leave during the period identified. The postponement must not change the leave period requested, must allow commencement of the leave no later than six months after the original period start date, specifying in writing the reasons for the postponement and the new dates and this must be done within 7 days of the original employee notice.



Employees who join the BBC from another employer, having an outstanding entitlement to parental leave, may be asked to provide a reference from the previous employer in order to verify the extent of the outstanding entitlement.

Parental leave will be pro rata for part-time employees. Annual leave continues to be accrued throughout Parental Leave.

Employees have the right to return from Parental Leave to the role in which they were employed before the leave or a role on terms and conditions not less favourable than those which would have been applicable had the employee not been absent from work.

## 6. Time off for Dependants

Employees have the statutory right to take a reasonable amount of unpaid time off during working hours in order to take action which is necessary:

- to provide assistance when a dependant falls ill, gives birth or is injured or assaulted
- to make arrangements for the provision of care for a dependant who is ill or injured
- in consequence of the death of a dependant
- because of the unexpected disruption or ending of arrangements for the care of a dependant
- to deal with an incident involving a dependant child, which occurs unexpectedly in a period during which, an educational establishment is responsible for the child.

A dependant is a spouse, child, parent, any person who lives in the same household (who is not an employee, tenant, lodger or boarder) or any person who relies on the employee for assistance in cases of illness or injury or to make arrangements for care in such situations.

The employee must tell their manager the reason for the absence as soon as is reasonably practicable and how long they expect to be absent.

Time Off for Dependants is unpaid leave, however, if an employee takes time off within these provisions they may be eligible to take some of this paid, under the policy on Exceptional Leave, in the [BBC Leave Policy](#). This does not limit the right of employees to take further time off under these provisions, but any further leave will be unpaid.

## 7. Foster Care

Where an employee needs a short absence because of fostering responsibilities, Exceptional Leave may be granted at the discretion of the manager under the provisions of the [BBC Leave Policy](#). Where a longer period of absence is required, consideration will be given to a request a Career Break under the [BBC Flexible Working Policy](#).

## 8. IVF

Where an employee needs time-off to attend medical appointments for IVF treatment, Exceptional Leave may be granted at the discretion of the manager under the provisions of the [BBC Leave Policy](#). Where leave is required in excess of the Exceptional Leave provisions the employee may be granted unpaid leave at the discretion of the manager.

If an employee is absent due to sickness as a result of the IVF treatment the absence will be treated in accordance with the [BBC Health and Sickness Absence Policy](#).

## 9. Surrogacy



Employees whose child is born through a surrogacy arrangement will be entitled to Adoption Pay and Leave where they are officially adopting the child or if they meet the criteria to apply for a Parental Order. The criteria for eligibility for Adoption Pay and Leave is detailed under section 2 of this policy, and the criteria for applying for a Parental Order is set out in Section 54 of the Human Fertilisation and Embryology Act 2008.



## BBC Photography, Recording, Patents & Inventions Policy

This policy forms part of the contract of employment that applies to employees of the BBC's Performing Groups.

### Definition

This policy outlines the provisions relating to photography and recording carried out by employees and inventions by employees. This policy covers:-

- The use of recording devices (e.g. cameras, mobile phones, webcams) on BBC premises or to record BBC activities.
- Employee contributions from recording devices that are commissioned by the BBC.
- Patents and Inventions made in the course of employment.

### Principles

- The complete copyright in any work undertaken by employees in the course of their employment is owned by the BBC. This includes photographs and recordings taken by employees in the course of their duties or as a result of a commission, or contribution.
- Employees are not permitted to use any recording devices on BBC premises or to record BBC activities except where described by this policy.

### The use of photography and recordings

Photographs and other forms of media are used by the BBC for a wide variety of purposes and are subject to strict editorial and quality control, including those found in the *BBC Editorial Guidelines*. It is therefore important to ensure that the copyright and commercial interests of the BBC are protected.

Photography or the recording of BBC activities through any device may only be undertaken by an employee or an accredited individual engaged specifically to carry out that role and/or activity, and in any event, such material may not be published or reproduced without the permission of the BBC, including online and on social media sites, e.g. Facebook, Twitter etc.

Employees who are not engaged as detailed in the paragraph above are not permitted to take photographs or record any BBC activities in any format whether in studios, other BBC premises or on location, unless authorised under the terms detailed in the sections below 'Photography and recordings by employees' and 'Commissioning photography or recordings through other media'.

### Photography and recordings by employees

Employees will be permitted to take still photographs or make recordings of BBC activities in the following circumstances:

- Employees who are required to take photographs or make recordings for their statutory function or for reference purposes only, e.g. accredited safety representatives for safety reasons or location managers taking pictures for location purposes ('reference purposes' refers to photographs or recordings for internal use only and not for transmission or use in external publications);
- Employees who have been commissioned in advance to take pictures of or record a specific subject or activity by a BBC authorised commissioner of photography or employee contributions;
- Unforeseen circumstances, e.g. on remote locations;





- When permission has been granted by the line manager for employees to take photographs of social events, and specific permission of any artists present has been given, subject to terms on confidentiality.

## Commissioning photography or recordings through other media

Where an employee has been commissioned in advance to take pictures of or record through other devices a specific subject, a Commission form must be completed which specifies the work required and the fee payable for the work involved.

Commission forms can only be issued by people authorised to commission photographs or contributions from other recording devices by the BBC.

Payment will be made through an employee contribution form and will be paid through the payroll.

Copyright in the commissioned photography will belong to the BBC, and the employee also agrees to waive their moral rights in relation to the material, so that the way in which the material is used and credited rests with the BBC.

## Patents and Inventions

Patents and Inventions, including those made in the course of employment, are regulated by the *Patents Act 1977* and the *Copyright, Designs and Patents Act 1988*.

### Inventions made in the course of employment

An employee who makes any invention in the course of employment must notify their Head of Department or nominated deputy immediately.

If required, the employee will, at the BBC's expense, supply the BBC with all necessary information, drawings and models, to explain the working of the invention.

An invention made by an employee belongs to the BBC when:

- It was made in the course of the employee's normal duties; *or*
- It was made in the course of duties falling outside normal duties, but specifically assigned to the employee, and
- in both cases an invention might reasonably be expected to result from carrying out those duties.

Any other invention made by an employee shall be taken for these purposes to belong to the employee.

The employee will be informed if the BBC decides not to apply for a patent in respect of an invention made by an employee in the course of employment. The employee is then at liberty to apply for a patent, on condition that if it is granted the BBC will have the right to a free licence to use the invention.

If a patent is granted to the BBC, the BBC will make an *ex gratia* payment appropriate to the circumstances to the employee. If there is more than one inventor the payment will be shared between them as the BBC may decide. Thereafter, the BBC may, at its discretion, make such further payments on an *ex gratia* basis as it thinks fair and reasonable.

## Employee Contributions to BBC Programmes

Employees may, from time to time, be commissioned to make a contribution to a BBC programme which falls outside of their contract of employment. Such contributions may include written programme material, musical compositions, talks or performances.



Employees who are invited to contribute to a program should first obtain the permission of their manager.

#### *Payment*

Employees should receive the same level of fees as would be paid to professional contributors for similar work.

Performances that are recorded for a live broadcast should be paid. Performances which are rehearsed, but not recorded or broadcast should be paid for at a level which is proportionate to the amount of work done.

No direct payments should be made to employees for the use of material they have assigned or licensed to the Performing Right Society or the Mechanical Copyright Protection Society, except in the case of original fees for specifically commissioned music.

Contributions by employees do not attract a BBC Talent Rights Contract and payments for contributions by employees must be made through the payroll.



## BBC Reorganisation and Redundancy Policy

This policy forms part of the contract of employment that applies to employees of the BBC's Performing Groups.

### Definition

This policy outlines the BBC's approach to managing reorganisation and redundancy.

Redundancy arises when cessation of employment is attributable wholly or mainly to the fact:

That the employer has ceased or intends to cease, to carry on the business for the purpose for which the employee was employed, or has ceased, or intends to cease, to carry on that business in the place where the employee was employed; or

That the requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where they are so employed, have ceased or diminished, or are expected to cease or diminish.

The BBC is committed to securing employment for its employees in the context of need to ensure the efficient and economic discharge of its business.

### Contents

1. Consultation
2. Reorganisation & Procedure for Identifying Selection Pools
3. Selection
4. Redundancy Termination Procedure
5. Redeployment
6. Redundancy Payments
7. Statutory Redundancy Payment
8. Re-employment of Redundant Employees

### Principles

Managers should consider ways of avoiding redundancies which may include alternative proposals such as the development of new job roles, alternative working patterns or contractual arrangements, new ways of working, natural turnover, a review of work undertaken by atypical workers and controlled recruitment activity, prior to progressing to a redundancy situation.

The purpose of this policy is to ensure that, whenever reductions in employee numbers may become necessary:

We communicate clearly with all affected employees and ensure they are treated fairly;

- a. We try to find ways of avoiding compulsory redundancies;
- b. We consult with employees and with the recognised trade unions, and;
- c. Any selection for compulsory redundancy is undertaken objectively, fairly and reasonably.

Once a selection process has been completed, the BBC reserves the right to proceed with redundancy termination and the trade unions reserve the right to register a failure to agree.



This policy will be reviewed from time to time in consultation with the recognised trade unions to ensure it reflects our legal obligations and our organisational and business needs.

The BBC will not terminate employment on the grounds of redundancy for at least 6 months from the date of formal written notification to the Unions National Officers.

The 6 months period includes notification of potential redundancy and contractual notice periods. This does not apply to employees who volunteer for redundancy or those on fixed-term contracts.

In redundancy exercises where selection criteria are applied to a pool of employees, the BBC has agreed to guarantee minimum periods between the point when an employee is notified of their provisional selection for redundancy following a selection exercise and termination of employment on the grounds of redundancy.

The guaranteed minimum periods may run wholly or partially concurrently with the 6 month provision above and will include contractual notice as follows:-

Contractual notice period given to the employee by the BBC	Guaranteed Minimum Period (including contractual notice)
1 or 2 months	3 months
3 months	4 months

The guaranteed minimum periods do not apply to employees who volunteer for redundancy or those on fixed term contracts.

## 1. Consultation

The BBC will consult the recognised trade unions and employees about business changes which may lead to potential redundancies at the earliest practical opportunity.

Consultation will be with a view to reaching agreement with the trade unions on ways of avoiding, reducing or mitigating redundancies, wherever possible.

### 1.1 Written Notification

Consultation will commence with formal written notification to the appropriate National Officer(s) of the appropriate recognised union(s). It will then proceed within the Division as agreed with the National Officer(s). Whilst the parties are not required to agree, at each stage of the process the recognised trade unions will be consulted. As appropriate, employees will also be consulted through joint and individual meetings.

Written notification will include reasons for the proposal, number and job category of employees expected to be made redundant, total number of employees by job category employed at the establishment, method of the dismissals and period over which they shall apply. In addition, the notification will also include the total number of agency workers engaged in the BBC as a whole, the areas in which they are working and the type of work that they are carrying out.

The notification will confirm that the method of calculating redundancy will be in accordance with this policy. The notification will also confirm the selection method, indicating where this differs from provisions outlined within section 2 of this policy.

### 1.2 Minimum Periods of Consultation

The BBC will comply with statutory consultation requirements. These vary depending on the numbers of proposed redundancies. Currently, the minimum periods between the beginning of consultation and redundancy terminations taking effect are as follows:

- At least 30 days where it is proposed to dismiss as redundant between 20 and 99 employees at one establishment within a 90 day period, or;
- At least 45 days where it is proposed to dismiss as redundant 100 or more employees at one establishment within 90 days or less.

Notwithstanding the above, the BBC will consult for a minimum of 30 days where it is proposed to dismiss as redundant between 1 to 99 employees.

## **2. Reorganisation & Procedure for Identifying Selection Pools**

The following 2 scenarios assume there is a reorganisation but no reduction in posts:

### **Job role/s not subject to change**

Employees whose job function, role and responsibilities do not change or the changes are minimal will merely transfer into the new organisational arrangements / structure.

### **Job role/s broadly similar**

Where the roles in the new structure differ, the new positions will be compared to existing positions. Where the new post is broadly similar to an existing post, requiring similar competence and skill of a post holder, the post holder may be transferred to the new post. There may be sufficient numbers of posts, which whilst similar, may differ in emphasis. In such instances management will determine which employee is most suited to each post. Such a decision will take into account individual preference.

## **3. Selection**

The BBC will determine the appropriate method of appointment and selection for positions available within the organisation. The default selection criteria will be based on skills, knowledge, and competencies appropriate to the job. The selection process must be applied fairly and consistently.

### **3.1 Selection for Retention**

Where there are insufficient posts available for all employees within the new structure or where the new posts are not broadly similar, selection for retention will apply. The BBC will determine the pool for selection and who should be appointed to posts in the new organisation by applying the default selection process. The method of selection will be by any of the following:

- reviewing an employee's performance record
- a paper based application
- a selection interview

The criteria will be based on the default criteria as identified above, via the assessment of skills, knowledge and competencies appropriate to the job.

Employees who are unsuccessful in securing a position within the new structure or for whom there is no post are potentially redundant. During their individual consultation and notice period BBC redeployment arrangements will apply.

### **3.2 Alternative selection methods**



BBC management may decide to develop an alternative reorganisation appointment process, developing assessment criteria that may include objective factors such as attendance, performance, conduct, skills and experience. The trade unions will be consulted prior to the application of these criteria. Safeguards must be put in place to ensure these are fair and consistently applied.

BBC management will consult with employees individually and trade unions on the results of the reorganisation selection procedure. The trade unions have agreed to cooperate with the standard reorganisation appointment process whilst reserving the right to register a failure to agree on the outcome of its application. A failure to agree can only be registered once the selection process is completed by informing employees who are provisionally (i.e. subject to further consultation) at risk of redundancy. The trade union may register a failure to agree earlier where the BBC acts arbitrarily. A failure to agree cannot be raised against the selection process and / or selection decisions including a selection pool unless that pool is not compliant with agreed BBC policies.

#### **4. Redundancy Termination Procedure**

Following any selection process, those employees who have been provisionally selected for redundancy will be invited to a meeting to discuss the outcome of the selection exercise. The employee may make further representations at this meeting, which will be considered before a final decision is made. This meeting is conducted by a Head of Department or nominee to determine a redundancy decision by evaluating and considering an employee's representations. A final decision will then be taken on whether to issue notice of termination on the grounds of redundancy.

Authority for dismissal lies with the Head of Department or nominee.

##### **4.1 Appeal**

Employees issued with a formal notice of dismissal on the grounds of redundancy may appeal. The appeal must be registered by the employee within 7 working days, in writing, to the Head of Department or nominee, specifying the grounds. The employee will be notified within 14 days of receipt of the agreed appeal meeting date.

The appeal meeting will be conducted by a more senior manager than the manager who made the original redundancy dismissal decision, unless exceptional circumstances make it impractical. The meeting will consider the application of this procedure and the selection criteria.

The appeal meeting must be held before the end of the employee's notice period.

An employee may be represented at either a redundancy dismissal meeting or appeal meeting by a trade union representative or work colleague (excluding practising lawyers).

##### **4.2 Notice**

Redundant employees under notice of dismissal will usually be required to work their notice. In specific instances the employee's manager may decide that an employee is not required to work their notice, in which case the employee may be asked to remain at home on garden leave. Time-off to seek other employment should be granted subject to operational requirements.

Employees may request not to work their notice or to amend their last day of employment at a date earlier than when notice was due to expire, in which case they will be expected to waive the right to the remaining period of notice.

## 5. Redeployment

### 5.1 Redeployment Process

The BBC will assist employees faced with redundancy in the search for alternative employment inside and outside the BBC. HR and Managers will assist in ensuring the proper conduct of the redeployment process.

If employees wish, they will be given priority consideration for vacant posts (excluding BBC Worldwide) in advance of any other internal or external candidates, providing they meet the skills and competency requirements of the job.

Appointment without competition is covered in the [BBC Recruitment Policy](#). However, final selection for the job will be dependent entirely on merit.

In circumstances where internal or external recruitment has commenced, a potentially redundant employee will only be appointed above other candidates if they are either the strongest candidate or equally suitable for appointment.

In a redundancy situation, disabled employees will be covered by the same process as all other employees. Managers should ensure reasonable adjustments are provided to disabled employees during the redundancy process to facilitate their redeployment. Where reasonable adjustments are required, the manager may seek advice from or refer the employee to [Access Services](#). For further information on supporting and retaining disabled employees in the BBC please refer to the [Guide to Supporting & Retaining Disabled Employees](#).

Women have a legal right to be considered for suitable alternative vacancies, where available, if they would otherwise have to be made redundant at any time during a statutory maternity leave period.

An attachment or retraining may be arranged where this is practicable and at reasonable cost. These options are discretionary and aim to equip an employee to compete for related or comparable work.

The onus is on employees themselves to apply for any suitable posts advertised internally, by searching on the BBC internal website.

Redeployment and or any other assistance will normally run concurrently with notice of dismissal and may also precede it, according to circumstances. Employees retain their existing grade and salary during redeployment.

A potentially redundant employee will be referred to CareerLink. The service offers individual career coaching, a wide ranging programme of workshops and use of online transition tools.

Employees are not obliged to accept an offer of alternative employment. However, employees who unreasonably refuse an offer of 'suitable alternative employment' made in writing will lose their entitlement to redundancy payments.

- d. 'Suitable alternative employment' is defined as broadly similar work and location with no reduction in basic pensionable salary, reflecting the individual's experience and qualifications.
- e. Redundant employees without a post who accepts redeployment to a new post have a statutory right to a trial period of four weeks or such longer period as may be agreed. Before taking up a new job, employees will be informed in writing of the length of the trial period (normally not more than three months) and of any new terms and conditions of employment that may be applicable.

If during or at the end of the trial period it is determined by the BBC that either the individual is unsuitable for the new job, or the job is not a suitable alternative, that person will be eligible for redundancy payments.

## 5.2 Salary Protection

Certain protection of earnings will be afforded to employees who are potentially redundant and redeployed to another post:

- Employees who are offered 'suitable alternative employment' will transfer at their current basic salary (not including London Weighting) and will continue to be eligible, if appropriate, for the standard increase and performance awards.
- In addition, any UPA applicable before redeployment will be protected for a period of six months from the date of transfer if UPA is not applicable to the new role or if redeployment involves a change from UPA2 to UPA1. The protection provisions of UPA also apply to flexibility allowances.
- Employees who transfer to a job at the BBC's instigation which is defined as not being 'suitable alternative employment' will, from the end of the four week statutory trial period, have their basic pensionable salary (not including London Weighting) protected, on a standstill basis (i.e. no standard increases or performance awards) until the salary falls within the salary scale of the new grade.

## 6. Redundancy Payments

Employees terminated on grounds of redundancy will, subject to paragraphs 6.1 to 6.4, receive a redundancy payment equal to annual substantive salary divided by 12 and then multiplied by the number of completed years of continuous employment (as defined in the BBC Contracts of Employment Policy) i.e. as follows:

$$\frac{\text{Annual substantive salary}}{12} \times \text{completed years of continuous employment}$$

(subject to the limits set out below)

### Notes:

- Employees must have 2 or more years' continuous employment (as defined in the BBC Contracts of Employment Policy) on cessation to be eligible for payment.
- Not included are any periods of service:
  - for which a severance payment has already been made, and/or
  - for which there is no entitlement to any redundancy payment, and/or
  - For which the only redundancy entitlement would have been or is statutory
- For employees employed prior to 1 April 2014, the above calculation is capped at a maximum of 24 years' continuous service or £150,000, whichever is the lesser.





- For employees employed on or after 1 April 2014, the above calculation is capped at a maximum of 12 years' continuous service or £150,000, whichever is the lesser.

## 6.1 Statutory Redundancy Pay

The redundancy payment will include the statutory redundancy payment due.

## 6.2 Interaction with BBC Pension Scheme

*[Clause 6.2 has been temporarily suspended with effect from 30 September 2011].*

When the redundancy payment is added to the full benefit of any continuing pension for which employees may be eligible under the rules of the BBC Pension Scheme (whether or not they elect to receive that benefit), it must not be more than the total substantive salary they would have received had they remained in service to normal retiring age (which is 65 years), or anticipated date of retirement if aged over 65.

## 6.3 Total Substantive Salary

'Total substantive' salary in relation to 6.2 above is calculated in years and days (as are pensions) using the substantive salary payable on the date of cessation.

## 6.4 Part-Time Employees

Employees who, at the time of their redundancy are engaged on a part-time contract of service, which is contiguous with a previous full-time contract, will receive a redundancy payment which compensates them on the basis of their average hours of work over their continuous period of service.

The adjusted final substantive salary is used in the normal calculation of BBC redundancy subject to the conditions applied to those calculations as set out above.

For employees who also qualify for a BBC Pension, the adjusted final substantive salary will be used for calculating the total substantive salary will be used for calculating the total substantive salary they would have received had they remained in service until normal retiring age. This applies to calculations under 6.2.

The adjusted final substantive salary is equal to 'average hours' multiplied by the final part-time salary and divided by final part-time hours:

$$\frac{\text{Average hours X final part-time salary}}{\text{final part-time hours}} = \text{Adjusted final substantive salary}$$

Where average hours =

$$\frac{(\text{years X full-time hours}) + (\text{years X part-time hours})}{\text{Total years of service}}$$

### Notes:

Average hours are calculated as follows: multiply the duration (in years) of the full-time arrangement by 35, i.e. full-time weekly hours. Then, for each subsequent part-time arrangement, multiply the duration of that arrangement by the part-time weekly hours. Aggregate these amounts and divide by the total years of service.

For the purpose of this calculation full-time hours should be taken as 35 per week, unless there are exceptional reasons for varying the figure.



Meal breaks are not paid under part-time conditions of service.

Average hours are calculated only over the continuous length of service used for the redundancy calculation.

## **7. Statutory Redundancy Payment**

For the avoidance of doubt, any redundancy payment under BBC policy is inclusive of any statutory redundancy entitlement.

## **8. Re-employment of Redundant Employees**

No individual can be re-hired into the BBC:

- On an employment contract (fixed-term or continuing) for 12 months following a redundancy/compromise agreement settlement;
- In any other temporary capacity (e.g. freelance, casual) of a genuinely short-term nature and unforeseen at the point of departure, for 3 months following a redundancy/compromise agreement.

Exceptions may be agreed by the Divisional Director, the Divisional Finance Director and either the HR Director or Head of HR.