



Review of Policies and Procedures:

Safeguarding Children

Bullying and Harassment

Speaking Up and Raising Concerns



November 2016

The measure of a good company

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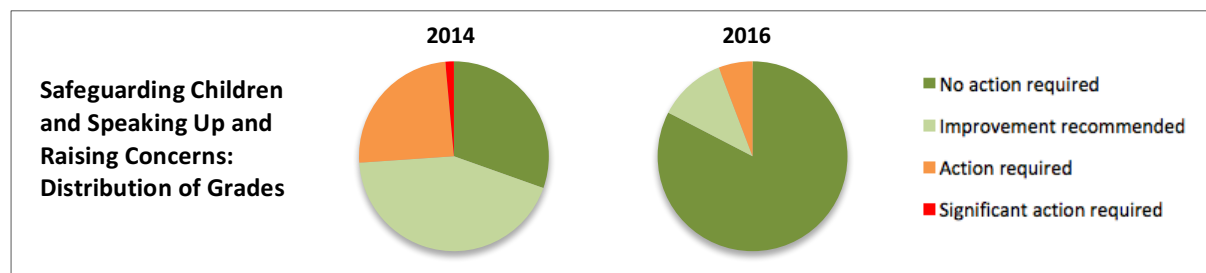
Executive Summary

This review was commissioned in response to the recommendation in The Dame Janet Smith Review (*DJSR*) that there should be an independent audit of the way that the BBC now operates.

This review follows one undertaken by GoodCorporation in 2014 and has been conducted under three themes: Safeguarding Children; Bullying and Harassment; Speaking Up and Raising Concerns. Bullying and Harassment has been added for the first time in this review at the request of the BBC.

GoodCorporation used a framework of 49 criteria with which to assess safeguarding children, 28 to assess speaking up and raising concerns and 26 criteria to assess bullying and harassment (*B&H*). These criteria formed the basis of questions asked in interviews of 88 staff with relevant functional or managerial responsibilities and 103 randomly selected employees and freelancers.

Compared to 2014 overall the BBC has made good progress in addressing areas identified as requiring attention. This is evidenced in the following illustration that compares the grading of comparable criteria in 2014 with 2016.



The BBC has made material strides in addressing child protection and safeguarding (*CP&S*) issues since 2014. It is also clear that the BBC is setting the standard for safeguarding children procedures in the industry. There are still areas for further improvement to ensure best practice is applied in all cases wherever a risk may surface.

In July 2016 the BBC launched a high-profile internal communication campaign on speaking up to better inform employees about policies and procedures available to solve workplace problems and to support raising concerns. This coincided with a re-launch of its whistleblowing (*WB*) policy and procedures. This has reinforced the Corporation's commitment to supporting the raising of concerns but a minority of the workforce remain sceptical and feel inhibited about raising concerns.

Evidence from interviews conducted for this review and from BBC staff surveys from 2010 onwards suggests that most employees think the BBC is a good place to work. In addition, evidence from these sources indicates there is increasing confidence in the BBC's commitment to addressing inappropriate workplace behaviour including *B&H*. There remains, however, a minority (albeit declining) who continue to express doubt about the desire or ability of management to address *B&H* issues. The incidence of formal *B&H* cases in the BBC is in the mid-range of other large organisations in the UK, according to the BBC's own commissioned research. This finding is supported by GoodCorporation's work in a range of other large companies.

The BBC should follow up the recommendations of this review and evaluate its policies and procedures again within 12-18 months, giving time for many of the new initiatives to settle and become fully effective. Other general and specific recommendations have been made so as to encourage a culture of continuous improvement in each of these areas.

Introduction

This review was commissioned in response to the recommendation in The Dame Janet Smith Review (*DJSR*) – which looked at the culture and practices of the BBC during the years that Jimmy Savile and Stuart Hall worked there – that there should be an independent audit of the way that the BBC now operates.

The DJSR report, published in February 2016, recommended that the BBC should commission an audit of policies and procedures that govern the protection of children and young people, of complaints and whistleblowing procedures and of the procedures for investigating complaints whether internal or external. In discussion with the BBC, it was further agreed that the review should consider the processes around bullying and harassment, in the context of the issues covered by the Dinah Rose Respect at Work Review (2013).

This review follows a previous independent review conducted by GoodCorporation in 2014-15. The earlier review was conducted in parallel with the DJSR and focused on safeguarding children and whistleblowing procedures. In a number of places this current review is therefore able to compare procedures in the BBC in 2014 and now in 2016, noting changes and improvements made during the period.

Scope of the review

This review has been conducted under three themes: Safeguarding Children; Bullying and Harassment; Speaking Up and Raising Concerns.

The following activities formed the basis of this review:

- The development of a review framework (appendix 1) setting out good practice for the three themes
- Management interviews with policy owners and managers whose particular functional responsibilities were of relevance - 88
- Face-to-face interviews with a representative sample of employees and freelancers to obtain feedback on child protection, bullying and harassment and speaking up in practice - 87 employees and 16 freelancers
- Interviews with independent producers - 7
- Interviews with other stakeholders, such as union representatives and representatives of third party service providers - 8
- Attendance at the Child Protection Steering Group, the Child Protection Advisors meeting and the Risk Management and Compliance Forum
- Site visits to Belfast, Bristol, Birmingham, Cardiff, Caversham, Elstree, Glasgow, Liverpool, London and Salford
- Visits to sets of CBBC and CBeebies programmes: Justin's House, The Worst Witch
- Visits to shows and events: The Infinite Monkey Cage, CBBC Live's Awesome Authors Weekend, BBC Radio 2 Live! Festival in a Day
- Review of central registers and extensive document and process review

The scope of this work covers the BBC and the BBC's commercial entities – BBC Worldwide and BBC Studioworks – and to a limited extent the BBC's charities: Media Action and Children in Need. It does not cover the content of broadcasts, nor their impact on the audience or wider public.

The employees, freelancers and independent producers interviewed were selected independently by GoodCorporation from lists provided by the BBC. The reviewers would like to thank all participants.

Safeguarding Children

The BBC has made material strides in addressing child protection and safeguarding issues since 2014. It is also clear that the BBC is setting the standard for safeguarding children procedures in the industry. There are still areas for further improvement to ensure best practice is applied in all cases wherever a risk may surface.

This review looks at the safeguarding of children, which is taken to include all those under the age of 18.

Policy and governance

The BBC takes child protection and safeguarding (CP&S) very seriously and undertakes a large number of well-established activities to look after the children and young people with whom it interacts.

A comprehensive CP&S policy exists and procedures are clear. The CP&S policy is publicly available on the internet and was approved by the Board.

With respect to governance, overall management and direction, a number of activities are underway to strengthen child protection further. The key activity is the work currently being undertaken with the support of the NSPCC on a five-year strategy.

The CP&S function is now sitting under the Safety, Security and Resilience (SSR) function. This location is a good fit with the aims of the department. Following the move, the Chair of the Child Protection Steering Group has transferred to the Director of SSR. The Steering Group has been more focused of late on review of activities rather than on setting CP&S policy and providing strategic direction; the new Chair is now beginning to address this.

An increased amount of resource is being put into CP&S including two new members of staff and implementing the changes recommended by Dame Janet Smith. Interviewees consistently reported that CP&S is taken extremely seriously. A lot of actions are being undertaken to strengthen CP&S measures further; many are already best practice.

At a corporate level, there is sometimes a lack of clarity over ownership and accountability for CP&S matters as the remits of Editorial Policy (*Ed Pol*) and CP&S overlap. The demarcation between the two areas needs to be agreed and transcribed to ensure an effective working relationship between these two areas.

The lack of clarity concerning the respective responsibilities of Ed Pol and CP&S can affect who is consulted for advice and the flow of information. Some seek guidance from Ed Pol on child-related matters, and some seek guidance on the same matters from the network of Child Protection Advisers (CPAs). These two routes will reach different heads. Because of the parallel escalation routes, a single view of matters relating to CP&S may be compromised.

The role of CPA is not always recognised appropriately in an individual's duties or their performance goals and the quarterly CPA network meetings are not always as well attended as they should be. There is a wide variation in the CP&S knowledge and expertise amongst CPAs, including those with significant expertise but also those that do not feel qualified to advise but are happy to be a point of contact. The central CP&S team contains relatively little direct programme experience, although this has been improved by a recent appointment and their experience is complemented by senior CPAs who work closely with the central team.

At a corporate level, CP&S risk assessments currently consist of 'heat maps' – presented to the senior management team and the Executive Board – that are an aggregation of the assessment of CP&S risks by each division and department, including the Children's Department (*Children's*). CP&S and the Risk Department are also beginning to develop CP&S risk indicators which will standardise this process. The assessment of risk at the programme level is good and all live venue interactions with children have been documented. Additionally, a new Risk Management and Compliance Forum involving CP&S has been set up. There is also consideration at a senior level of forthcoming programmes that might have an element of risk to them, although the CP&S function is not directly involved in this. It is crucial that these different elements of risk assessment are brought together into a robust corporate view of the CP&S risk of the organisation as a whole. This can then inform the longer-term CP&S strategy.

Recommendations

A forthcoming update of the CP&S policy should explicitly clarify the respective roles of the CP&S function and Ed Pol and a protocol should be agreed addressing how they interact in practice so as to ensure effective coverage. This should include how CP&S is made aware of any potential CP&S risks that are known about in forthcoming programmes. To assist in making this protocol work, the central CP&S team members would benefit from further production training to provide additional context to their role.

The Terms of Reference of the Steering Group should be updated to reflect recent organisational changes and the group's role in CP&S strategy and direction. The Chair should take a robust approach to non-attendance, formal minutes, agendas and to strategic direction and action tracking.

The role of CPAs should be formalised so that it becomes an accepted part of the individual's duties rather than a 'no-time' role. The role description should be updated to set clear and reasonable expectations of the CPA. Line managers should recognise the role of CPAs and the importance of their attendance at CPA network meetings. Consideration should be given to distinguishing between CPAs who are qualified to advise and those whose role is to refer. CPAs should be required to complete a standardised induction training detailed enough to equip them for the role. There should also be a regular and formal review of the number of CPAs required over the whole of the BBC and within each department, and this number should then be respected.

The BBC should ensure that the CP&S strategy is underpinned by an assessment of where the organisation's main risks lie and an elaboration of priorities. It should be tailored to the BBC's risks and proportionate to the risks faced.

Culture and awareness

The BBC has a strong culture and good awareness of CP&S issues and the high importance attached to the welfare of children pervades the BBC. It is a passion in Children's and recognised even where children's issues are less frequently encountered. The genuine commitment, determination and energy that many people within the BBC put in to promoting the wellbeing of children is evident.

A large amount of information is easily accessible on the intranet site and a variety of training is available to employees and freelancers on working with children. There is the principal e-learning, which is widely required, as well as other e-learning on specific topics. There is also a half-day face-to-face training course.

The quality of the e-learning is exemplary. There was very positive feedback about the high quality of both the e-learning and the face-to-face training, especially where it was tailored to the specific needs of employees.

In the training of chaperones, the BBC has taken a proactive approach to an industry-wide problem that requires urgent attention, and the BBC recognises that more needs to be done. As the local authorities that are responsible for licensing chaperones do not have consistent requirements and standards, many chaperones do not receive training. The BBC is at the forefront of a nascent, industry-wide initiative to rectify this.

It is standard practice in the safeguarding sector for practitioners to have access to independent supervision, and this is not something currently made available to senior individuals in CP&S and in the CPA network.

Recommendations

In the absence of consistent levels of training of chaperones by local authorities, and until an industry-wide initiative is established, the BBC needs to continue, and where necessary extend, its efforts to ensure chaperones fully appreciate the standards expected of them when working with the BBC. A set of guidelines for chaperones already exists. These should be adapted to make them applicable to other areas of the BBC in addition to television production, and then rolled out. Chaperones should be considered as crew and be included in crew kick-off briefings.

The BBC should provide the Head of CP&S and other senior CP&S staff access to independent supervision as a sounding board and source of expert advice and guidance.

Screening

The system for screening employees has undergone great improvements in the past few months.

The requirement for DBS checks is determined by each production and requests are administered by a central point within the (recently insourced) HR Service Centre. This is enabling the creation of an internally held, pan-BBC database of the status of DBS checks. A planned improvement to the current system for DBS checking of freelancers will provide 'continuous updates' on DBS status.

Supporting artist screening is another area where much progress has been made. The BBC initiated a successful pan-industry programme to require supporting artist agencies to ensure 'basic disclosure' checks are run on the candidates they were putting forward for work. This is a commendable initiative.

Providing a safe environment

The BBC, and particularly CBBC, goes to extensive lengths to protect the children that it works with and is setting the bar for safeguarding in the industry.

The procedures for safeguarding children on set and at events are robust and risk assessments for individual series, productions or events are generally comprehensive. In each case identified during the review, thought had been given to how to protect the welfare of any children involved.

The rapid evolution of the online environment poses new challenges for safeguarding children. The BBC's responses to these challenges are frequently leading edge and there is a focus on emerging risks.

The efforts of the international bureaux, Worldwide and Media Action have been commendable in their attempts to apply the highest standards of CP&S within environments with very different risks for children. Difficulties can arise in some international bureaux, for instance, given policy restrictions on employees

bringing their children to work. The way in which such situations are addressed could be formalised, ensuring that children's welfare remains paramount.

Recommendations

In the online space, the BBC should ensure its CP&S efforts are regularly reviewed so that emerging risks continue to be identified and addressed.

Given the potential CP&S risks overseas, the BBC should continue to take concerted action, such as internal audits, to ensure appropriate mitigation. This should include creating a protocol to deal with childcare in the international bureaux.

Managing third parties

The BBC has put substantial effort into extending the coverage of its CP&S policy to third party suppliers and in general these processes are now working well. However, this is a challenging area, where care is needed to ensure complete compliance.

Much of the content shown by the BBC is produced by independent production companies (indies). While contractual liability rests with the indie, the BBC is ultimately accountable to the regulator for the programmes. Presently a discussion is held during the Editorial Specification process about how compliance risks will be mitigated. The 'green light' sign off of a commission requires consideration at a local level of how the production would operate and the policies and procedures that would govern it.

Indies can seek guidance and advice from the BBC. In Children's this is happening well, and there is excellent collaboration between Children's and the indies. Commissioning Editors and Executive Producers elsewhere need to receive regular updates about the advice available from their CPAs and the central CP&S function. This applies to in-house commissions too but is particularly important for indies, where the compliance environment is not under the BBC's control.

Audit rights broad enough to encompass CP&S policies and procedures have been introduced to contracts. As yet there has been no specific exercise of these audit rights to review whether suppliers such as indies conform to the BBC's CP&S expectations. Internal Audit has, however, covered indies in general, which would have covered safeguarding to an extent. There is a plan to conduct more audits on indies. There are provisions for imposing sanctions on indies if their safeguarding practices do not meet the standard required, though the BBC has not become aware of any circumstances warranting their use.

Recommendation

Commissioning editors and producers need to receive regular communication about the CP&S support and expertise available to themselves and to indies. They should also understand the editorial expertise available to them and which department should be consulted on which matters, in line with the protocol that this review recommends.

Dealing with concerns and incidents

In the instances encountered in which the BBC was alerted to a potential child protection issue, the speed of escalation and response, the seniority of the people involved and the seriousness with which it was taken have been exemplary.

The current system for incident recording could however be improved and the BBC is reviewing this. It is difficult to follow case progressions in the current system. In order to track all cases effectively the names of both the child and the alleged perpetrator need to be recorded in all circumstances.

Any incident would be investigated appropriately, in collaboration with the Investigations Service (*Investigations*) if necessary. One new recruit to the CP&S team also has investigations experience. On a handful of occasions, the BBC has, entirely appropriately, referred matters to the authorities.

A good initiative was set up to handle disclosures of historic abuse, and by and large this worked well. A temporary working group brought together senior professionals from various departments to address concerns. Its good intent, however, was hampered by a spreadsheet-based monitoring system that proved time consuming and difficult to maintain. While the working group was temporary, the protocol for handling any disclosures of historic abuse that may arise in the future is well known to the parties involved.

Recommendation

The BBC should complete its current review of how best to improve the CP&S incident recording system, including consideration of whether the Perspective system used by Investigations offers improved functionality.

Monitoring and review

Overall the monitoring and review of CP&S issues is taken seriously.

The move of CP&S from HR to SSR is intended to heighten the profile and improve the effectiveness of CP&S. It is too soon to form a judgement on how effective such changes will be but the initial signs are encouraging.

Monitoring and review of the CP&S measures in place has been conducted through a variety of means including internal audits and this review.

At senior levels, the Executive Board and the new Risk Management and Compliance Forum receive concise information on CP&S quarterly and a supporting pack is available on request. The first Annual Report has recently been submitted to the Executive Board.

Speaking Up and Raising Concerns

In July 2016 the BBC launched a high-profile internal communication campaign on speaking up to better inform employees about policies and procedures available to solve workplace problems and to support raising concerns. This coincided with a re-launch of its whistleblowing (WB) policy and procedures. This has reinforced the Corporation's commitment to supporting the raising of concerns but a minority of the workforce remain sceptical and feel inhibited about raising concerns.

In this review, speaking up refers to raising matters of a serious nature that concern breaches of the law, serious misconduct, health and safety (H&S), financial or other malpractice or wrongdoing that affects others. It does not refer to complaints about content broadcast or complaints related to an employee's personal HR situation.

Leadership

The recent re-launch of the WB policy and associated communications campaign demonstrate clear senior level leadership on whistleblowing and raising concerns.

Senior management gives a high priority to ensuring that appropriate channels for raising concerns are in place, and that bona fide concerns raised are treated seriously and are subject to due process.

Many employees confirmed their management would be open to hearing concerns and some had been actively encouraged to raise concerns. However, around one fifth of interviewees said that they had not felt encouraged to raise concerns and a small number felt actively discouraged.

One area of leadership that could be developed is around consultation. Managers frequently reported that the senior leadership of the organisation could listen more.

Recommendation

The BBC should ensure that executives regularly demonstrate that they will listen to serious concerns by making themselves personally available, for example by proactively seeking face-to-face feedback and views from staff.

Culture and awareness

Awareness of the WB system and alternative means of speaking up has greatly increased since GoodCorporation's last review in 2014 and the recent speaking up campaign has reinforced this. Nevertheless, the WB system was known to only around two thirds of the sample of employees interviewed, and only to a small minority of the freelancers that were interviewed.

A small minority of interviewees reported that they would not speak up even if they were aware of an issue, for fear of repercussions or being marked a troublemaker. Freelancers are disproportionately represented in this group.

Freelancers were considerably less aware of the options for raising concerns and generally indicated that they would not risk speaking up, even if they did know of the options available to do so. There is no communication with third party suppliers about the WB policy or the channels through which serious concerns can be raised.

A related matter is the low awareness of WB amongst line management, and specifically of what might constitute a protected disclosure and the special status that making a protected disclosure confers on the whistleblower.

Manager Advice (MA) is the BBC's HR support available to the BBC's managers. WB is not within the scope of MA and Investigations receives few referrals from MA.

Recommendations

The BBC should continue to promote and regularly reinforce the WB policy, the meaning of protected disclosure and contact points. It should also ensure that the WB line is promoted to those freelancers, indies and suppliers that are working in the BBC or in BBC-commissioned productions. The BBC should also verify whether the MA advisers are aware of the WB line and are able to advise on when referrals should be made.

The BBC needs to consider what factors might be inhibiting people from feeling that they can speak up, and in particular, needs to develop ways to encourage freelancers to feel comfortable speaking up.

WB should be included in management training, to ensure that line managers have some awareness of the issues, including protected disclosure.

It would also be beneficial to ensure that anonymised case studies or data are easily available to illustrate that where situations have been raised, appropriate action has been taken and whistleblowers appropriately protected.

Whistleblowing policy and management

The BBC's WB policy is clear and comprehensive.

A means of contacting a non-executive director has been added to allow for concerns to be escalated if needed. The WB policy is easily available on the intranet site and website and clearly sets out how and by whom concerns will be handled and investigated. It also explains how to access independent advice and support.

There is some concern within the BBC management that there are too many channels for speaking up. An attempt to address the potential for confusion has been the speak up campaign and the creation of a flow chart designed to identify the best place to go with a concern. Serious concerns are always likely to surface through a variety of routes, and the priority should be the effective handling and tracking of such matters rather than a rationalisation of the communications channels at this stage.

At present, the primary routes for concerns to surface are through the WB channels and Investigations, through CP&S and through HR. Effective collaboration between these departments, particularly HR and Investigations, could be greatly enhanced by addressing the different understandings of their respective remits. A particular sticking point seems to be around confidentiality and who 'needs to know'; the admirable desire to protect confidentiality sometimes trumps the sharing of information required for the appropriate expertise to be brought to bear on the issue. This issue needs to be addressed to ensure appropriate expertise is deployed to the management of cases.

A further attempt to ensure effective handling of concerns is the planned quarterly review meeting that will bring together the various departments that receive concerns to review protocols and case handling.

Recommendations

The BBC should finalise and communicate a clear protocol about the types of cases each department will handle and who needs to know what, so as to address issues appropriately whilst ensuring appropriate confidentiality.

For the WB policy itself, and all policies, the BBC could usefully mark the policy with the policy owner and the last and next revision date.

Investigations

WB matters are subject to professional investigations by the BBC and these investigations are generally managed extremely well.

The Investigations department is typically staffed by former police and investigations are run along police lines conducted confidentially, thoroughly and impartially.

Proper records are maintained for all cases and investigations, although there is no end-to-end reporting on cases, as information stored on systems in use by other departments is not consistently shared. The separate systems in use operate effectively where there is good collaboration between teams, but the fact that records are held separately detracts from being able to obtain an overview of the whole picture.

Recommendations

The BBC should examine ways to develop a repository of all 'speak-up' cases so that the overall picture is more readily visible and to ensure that all cases are captured in a consistent, systematic way.

Monitoring and independent oversight

There is effective monitoring of cases that are received by Investigations or the WB policy owner. Independent oversight exists and indeed whistleblowers have the option to access the Senior Independent Director which adds further credibility to WB procedures.

The BBC's published annual report includes information on WB cases. Information on WB cases is submitted to the Executive Audit Committee (EAC) on a quarterly basis.

Bullying and Harassment

Bullying and harassment (B&H) was not covered when GoodCorporation undertook its review in 2014 but was addressed in the Dinah Rose Review on Respect at Work (2013). Evidence from the interviews undertaken as part of this GoodCorporation review and from BBC staff surveys from 2010 onwards suggests that most think the BBC is a good place to work. In addition, evidence from these sources indicates there is increasing confidence in the BBC's commitment to addressing inappropriate workplace behaviour including B&H. There remains, however, a minority (albeit declining) who continue to express doubt about the desire or ability of management to address B&H issues. The incidence of formal B&H cases in the BBC is in the mid-range of other large organisations in the UK, according to the BBC's own commissioned research. This finding is supported by GoodCorporation's work in a range of other large companies.

One of the important contextual issues at the BBC is the widely differing opinions about what constitutes B&H. These opinions are also influenced by the current change management programmes, cost cutting and increased levels of workplace stress that often accompany such processes. An important minority of interviewees perceive as bullying what others might perceive as robust management or the single-minded pursuit of a creative goal.

Policy and governance

A clear written policy and an additional guide exist which state that all forms of B&H are unacceptable. These are supported by procedures for dealing with formal B&H grievances when they are raised.

The standard for acceptable workplace behaviour is being defined in the work currently underway on a BBC code of behaviour. An effective code, one that is well communicated and adopted in practice, should play an important role in addressing any atmosphere of B&H. In addition, the initiatives on improving management capabilities are welcome and should maintain an explicit focus on improving the ability of managers to address B&H matters.

Recommendations

The definitions of what does and does not constitute B&H should be reviewed, communicated and reinforced. The forthcoming code of behaviour will provide an opportunity to review and update the B&H policy.

Leadership

There were mixed messages from the interview programme about whether management takes a clear stance on B&H.

The majority of employees felt that management took a clear stance on bullying. These findings were broadly consistent with those from the 2010, 2012, 2014 and 2015 staff surveys which, in addition, indicated that there was increasing confidence in the Corporation's willingness to address B&H.

Some scepticism was expressed by a minority of interviewees about whether the acceptable behaviour policy is enforced with either senior management or talent. Senior management expresses a firm commitment to apply the B&H policy to talent and management as well as to staff and there are high-profile cases where this has indeed occurred which have been noted and appreciated by employees.

Recommendation

The BBC needs to ensure that its management devises further ways of demonstrating its seriousness in addressing B&H so as to maintain its improving credibility on the issue.

Culture

Overall the BBC's culture in relation to B&H is improving but work is needed to consolidate the changes in culture that are starting to be recognised by employees in the BBC.

The BBC is driven by the production and broadcast of programmes. It is a creative organisation offering stimulating working environments that are very varied in nature but where there is often creative tension, tight deadlines and pressure on financial and human resources. It has a common set of 'BBC Values' and is codifying a common set of acceptable behaviours. The implementation of an anti-B&H policy in such a diverse yet creatively driven environment presents a range of challenges.

In the employee interviews, the majority were happy and satisfied with their place of work. Those that were less happy were often vociferous in voicing their dissatisfaction. These interviews did not reveal widespread evidence of the 'culture of fear' referred to in the Rose Review (87% said there was no atmosphere of intimidation). The picture emerging, particularly from the lower levels of the organisation, was indeed quite the contrary with employees reporting an open door culture, open communication and a relatively flat and accessible management structure.

This picture did not appear so distinctly amongst the more senior managers interviewed, who were much more likely to report a culture which was by and large open and collaborative, but in which one needed to be mindful of the need to protect one's position and of a low appetite for bad news.

Freelancers also felt that they were not in a strong position to complain, with a number reporting a culture of 'keeping your head down'. They reported that their job situation would keep them from speaking their mind or raising a complaint formally. While freelancers generally reported enjoying the work they undertake for the BBC, they were strongly divided on the existence of a positive and collaborative work atmosphere. It was also clear from interviews that many feel structurally isolated.

Mental health issues arise in the BBC as in all large organisations. Given the link between B&H, stress and mental health, the BBC's focus on mental health and wellbeing is welcome. The BBC's work on mental health issues is good but more still can be done.

Recommendations

Building confidence that the BBC's policy on acceptable behaviour applies consistently across the Corporation is important and will, it is hoped, be addressed as part of the code of behaviour process. Greater communication that appropriate actions have been taken in response to cases of B&H, including high profile cases, would help build such confidence further. Up-to-date training on acceptable behaviours would help this, particularly if the BBC can use its story telling skills to create case studies (based on actual cases but fictionalised), so as to help staff and management identify and address B&H issues.

The BBC could take further steps to support mental health and wellbeing. This could include increasing awareness of the training courses available and building mental health preventative and therapy measures into both manager and H&S training. A particular focus on preventative work, both with respect to B&H and

to workplace stress in general, would be beneficial. This may involve having a senior-level mental health champion, in addition to the planned mental health leads, as well as increased collaboration between HR and the H&S team.

The BBC should continue its efforts to find ways to address the specific concerns identified here amongst the freelance population, including making them more aware of the routes to raise B&H concerns and providing a means of highlighting team-wide problems anonymously.

Dealing with allegations and incidents

Overall, employees reported feeling that B&H would be taken seriously and dealt with, particularly by line management. On the other hand, freelancers had fewer means of reporting B&H concerns and they were less aware of what means they did have and less inclined to report anything.

The informal process

A wide variety of support is available to individuals without the need to approach HR. Options include counselling, mentoring, coaching and a dedicated B&H advice line. Often line management, trusted colleagues or unions would be consulted, although just under half of respondents (43%) reported that they would not approach HR about a B&H problem (giving reasons such as the perceived remoteness of HR).

Employees are encouraged, in the first instance, to approach their line managers and there were examples of excellent early and pre-emptive interventions by line management to address issues. There were also cases of management not addressing issues effectively and so the initiatives with regards to 'soft' skills management training (such as personal resilience, how to be a good manager and how to have difficult conversations) are welcome.

Commendably, the BBC offers a mediation service which can be used prior to escalating a matter to a formal grievance process. Recognising that this could be used more, a relaunch is planned.

Recommendations

The BBC should continue to raise awareness of B&H support options. Fifteen-minute training sessions have been piloted to raise awareness with HR and line managers and these have received a positive reaction.

Given the number of benefits that can derive from using alternative resolution processes (such as speed and greater satisfaction with outcome), the BBC should increase the focus on such alternative processes, such as mediation, and more effectively communicate their existence.

The formal process

The processes for handling formal B&H reports are generally thorough. Case managers can call witnesses and conduct investigations. Complaints appear to be treated sensitively and in confidence. However, the hearing process could be made more efficient for all concerned.

While it is clearly important to ensure that there are as few obstacles as possible preventing those feeling bullied from complaining, this must be balanced against the needs of the respondent. Case management at present is very complainant-focused, and respondents may wait several months before a decision is issued not to uphold a grievance. A more disciplined approach towards the calendar-management of hearings, in line

with the Acas guidance, to prevent complainants from rearranging on multiple occasions, would enable the BBC to meet its targets and would be beneficial for respondents, complainants and hearing managers alike.

With each outcome, recommendations are made to the individuals concerned and their line managers. Responsibility for following up on these recommendations is assigned. In some cases, in addition to recommendations for individuals, more general recommendations are made. There is, however, no consistent system for recording these more general recommendations.

Where individuals are unwilling to raise a specific B&H grievance against a colleague, the dedicated B&H team will consider undertaking an investigation at the request of the department manager. Fact-finding missions may also be undertaken if a number of complaints originate from the same area. A recent 'fact-find' interviewed over 100 members of staff. The willingness to do manager-instigated investigations, fact-finds and stress at work reviews is impressive.

There were also cases of complex B&H allegations arising as a result of cultural and departmental-specific issues: one particular department accounts for a disproportionate number of formal B&H cases recorded. The BBC has recognised this issue and is taking significant steps to address it. Such cases present challenges requiring specific experience of how the B&H policy may be interpreted, received and implemented in such environments.

Recommendations

The BBC should review the hearing process to define the procedure such that: cases are not allowed to run on for extended periods; the nature of the B&H incident is described clearly and succinctly; witnesses are consistently consulted where available; there are sufficient grounds to justify an appeal and there is a means for the organisation as well as individuals concerned to get effective feedback and learning points.

The BBC should ensure that its readiness to conduct manager-instigated investigations is communicated and demonstrated to the employee and freelance populations, alongside the other communication work recommended above, to encourage others with genuine concerns to come forward.

The performance of the B&H policy and procedures in cases involving complex claims and counter-claims in departments with distinctive working cultures needs to be reviewed in the light of cases that have surfaced. The review should be undertaken by management or HR professionals with specific experience of such working cultures. As a result of that review, guidelines should be developed about how best to deal with such complex claims. The BBC should then ensure that the policy is applied fairly, firmly and consistently.

Monitoring and review

Overall there are considerable efforts to monitor and review B&H in the BBC.

The Board receives data on cases once a quarter. However, this data is generated by the central case management service (Manager Advice) which does not cover international cases and does not necessarily cover freelancer cases.

Recommendation

Board data should explicitly split out freelancers and international cases to ensure that data on these cases receive the same level of scrutiny. Once more work has been undertaken on trends and localised hotspots, this information and planned remedial actions should be included in board briefings.

Benchmarking

Overall the BBC has made good progress in addressing areas identified by the 2014 review as requiring attention. This is evidenced in the following illustrations comparing the grading of criteria in 2014 with 2016.



Appendix 1: Review Framework

Criteria for an Independent Review of the BBC



Bullying and Harassment

1. Policy and governance

- a) There is a clear written policy that all forms of bullying and harassment are unacceptable and there are procedures for dealing with bullying and harassment when it occurs.
- b) A nominated person is accountable for measures to reduce the incidence of bullying and harassment in the organisation.
- c) Adequate resources are devoted to implementing and monitoring the measures to counter bullying and harassment.

2. Leadership

- a) There is a clear management stance that bullying and harassment are unacceptable.
- b) The leadership team sets a clear example in their personal conduct.

3. Culture

- a) There is an open door culture and a spirit of open communication between managers and employees.
- b) The BBC communicates its bullying and harassment policies to its employees and freelancers.
- c) Case studies and data are communicated to illustrate that the BBC supports its position on bullying and harassment through use of the disciplinary process.
- d) 'Talent' is subject to the same standards of behaviour and policies as all members of staff.
- e) Training is provided, as appropriate, on: acceptable behaviour; how to manage people; difficult conversations; resilience to stress; cross-cultural working.
- f) Interpersonal behaviour is considered in performance appraisals.
- g) The discouragement of bullying and harassment is supported by measures to promote employee wellbeing.
- h) Bullying and harassment is considered as part of the approach to health, safety and wellbeing at work.

4. Dealing with allegations and incidents

- a) There is good awareness of how to report bullying and harassment and alternative channels are available.
- b) Bullying and harassment reports are treated in confidence.
- c) There is an effective and impartial process for investigating and handling all reports of bullying and harassment.
- d) A mediation service is available as an alternative means of dealing with problems of interpersonal relationships.
- e) Mental health and occupational health support and assistance are available to parties involved in bullying and harassment cases.
- f) Investigations of reported bullying and harassment are resolved through hearings conducted impartially and independently.
- g) There is a process for implementing remedial action following an investigation, both for the specific case and any broader implications.
- h) There is a fair and prompt disciplinary process and actions are taken to help perpetrators to modify their behaviour.
- i) Those reporting bullying and harassment do not suffer negative consequences.

5. Monitoring and review

- a) Measures to counter bullying and harassment are reviewed periodically.
- b) There is a review process to identify trends in bullying and harassment cases and remedial action is taken where needed.
- c) Data on cases, and a brief summary of cases and trends, is periodically reported to the Board.
- d) Staff surveys are used to monitor the prevalence of bullying and harassment and the BBC's progress in eradicating it, and staff feedback is taken into account in formulating response plans.

Safeguarding Children

1. Policy and governance

- a) There is an overall strategy and implementation plan for ensuring effective practices for safeguarding children.
- b) There is a written and clearly articulated policy on safeguarding children.
- c) The policy has been formally approved by the Board and is published.
- d) There is demonstrable top-level commitment to safeguarding children as well as clear ownership of the policy.
- e) Adequate resources are devoted to implementing and monitoring the policy and supporting processes.
- f) There is a process to assess regularly the BBC's safeguarding risks, covering all potential types of interactions with children, and to ensure appropriate mitigation measures are in place.

2. Culture and awareness

- a) The BBC communicates its safeguarding children policy to its employees and freelancers and obtains their commitment to abide by the key requirements contained therein.
- b) The BBC informs the parents or guardians of children with whom it interacts about its safeguarding children policy.
- c) BBC employees and freelancers who could come into contact with children as part of their role receive relevant training on safeguarding children.
- d) Chaperones, or anyone otherwise acting in loco parentis, are trained on the BBC's safeguarding children requirements.
- e) The BBC gives advice to children it comes into contact with on how to keep themselves safe and ensures that parents or carers are aware of such advice.
- f) There is a process to advise children of the behaviour expected of them when interacting with other children involved with the BBC and to ensure that parents or carers are aware of such advice.
- g) There is a designated senior manager able to give guidance and advice on safeguarding children to managers, employees, freelancers, independent programme makers and co-production partners.

3. Screening

- a) There is a process to identify and screen those employees and freelancers who could come into contact with children as part of their role, both on recruitment and periodically thereafter.
- b) There is a process to ensure that chaperones, whether contracted directly or indirectly, hold valid licences.

4. Providing a safe environment

- a) Plans for internal and external events consider and mitigate the risks to child welfare.
- b) There are processes to identify those children with whom the BBC interacts and to take account of any special or individual needs.
- c) The informed consent of a parent or guardian is obtained prior to participation by a child in any BBC activity.
- d) There is a process for obtaining an appropriate licence for a child to participate in a public performance.
- e) There is a process to ensure that at all times there is a chaperone with designated responsibility for the child's welfare and that it is clear to all who that person is.
- f) Appropriate facilities for children are available, with supervision arrangements clearly set out.
- g) Where the BBC has responsibility for children's transport, there is a process to ensure that children are transported safely.
- h) Where the BBC has responsibility for children's accommodation, the accommodation is risk assessed and supervision arrangements are clearly set out.
- i) The educational needs of child performers are met, through adequate tutoring and school liaison.
- j) Controls are in place to protect children using the internet and social media.
- k) Children's personal data and images are subject to a data protection policy, which is communicated internally.

5. Managing third parties

- a) The adequacy of independent programme makers' policies and standards on safeguarding children is checked prior to commissioning where there will be any interaction with children.
- b) The BBC places contractual requirements on relevant third parties to have responsible safeguarding measures in place.
- c) The BBC communicates its safeguarding children policy to its independent programme makers and co-production partners and obtains their commitment annually to abide by the key requirements or equivalent principles.
- d) Independent programme makers and other third parties who come into contact with children in the course of their work for the BBC are trained on the BBC's expectations in terms of safeguarding children.
- e) There is engagement with third parties (including independent programme makers, co-production partners, supporting artist agencies) to ensure screening is undertaken, as appropriate, on employees, contractors and agency staff.
- f) Contracts with relevant third parties contain the right to audit safeguarding practices and, where needed, this right is exercised.
- g) Sanctions are imposed on third parties in cases where required practices and behaviour are not followed.

6. Dealing with concerns and incidents

- a) There is guidance for adults (employees, freelancers, independent programme makers) on recognising and, where appropriate, challenging inappropriate behaviour towards children.
- b) All parties are made aware of how to raise concerns about the welfare of children involved in any of the BBC's activities.
- c) There is a confidential channel for raising concerns that is well communicated and available both internally and externally.

- d) There is a process for registering and tracking all incidents related to child wellbeing and safety and there is a gatekeeper who has overall responsibility for all safeguarding concerns and incidents.
- e) There is an impartial investigation process for dealing with all reports of concerns and incidents.
- f) There is a process for informing the relevant statutory authorities of any safeguarding concerns, where appropriate.
- g) There is a process for implementing remedial action following an investigation, both in terms of the specific case and its broader implications.
- h) There is a process for dealing with allegations and/or disclosures of historical abuse.
- i) Sanctions are imposed in cases where required safeguarding practices and behaviour are not followed.
- j) Should policies conflict, it is recognised that the welfare of the child takes precedence.

7. Monitoring and review

- a) There is a regular review of the efficacy of the measures in place relating to safeguarding children, including whether measures are being complied with in practice.
- b) The Board regularly considers the BBC's safeguarding children measures and the adequacy of resourcing.
- c) The Board receives regular data relating to safeguarding children and timely reports on incidents.
- d) The BBC abides by all applicable safeguarding children regulations and standards in any country in which it works.
- e) Advice on best practice is sought externally and exchanged with peer organisations.
- f) The views of parents, employees, chaperones and children are proactively sought to help review and strengthen policies and procedures.

Speaking Up and Raising Concerns

1. Leadership

- a) The top management of the BBC demonstrates a clear commitment to an open-door culture where stakeholders can raise concerns without fear.
- b) There are effective employee communication and consultation processes in place.
- c) Employees and other stakeholders are encouraged to raise any concerns openly with the BBC's management.

2. Culture and awareness

- a) The BBC's open-door approach and grievance policy are clearly communicated internally; the whistleblowing policy is communicated both internally and to third parties.
- b) There is regular and clear training for employees on speaking up.
- c) Line managers are trained on handling reports from their staff members and on safeguards for all those making reports.
- d) Line managers are encouraged to refer cases of material concern to the investigation service.

3. Grievance policy

- a) There is a clear written policy covering the raising and handling of employees' personal grievances.
- b) The grievance policy includes a clear process to ensure that all grievances are fairly assessed and managed.
- c) The grievance policy confirms that employees will not suffer detriment for having raised a legitimate grievance.

4. Whistleblowing policy and management

- a) There is a clear whistleblowing policy covering the raising, handling and investigation of serious concerns (dangers, risks, malpractice or wrongdoing that affects others).
- b) The whistleblowing policy identifies to whom concerns should be raised and how they should be raised.
- c) The whistleblowing policy sets out how and by whom concerns will be handled and investigated.

- d) The whistleblowing policy informs whistleblowers that they are entitled to independent advice and support and explains how to access it.
- e) The whistleblowing policy makes clear whether anonymous reporting is allowed and how it will be handled.

5. Investigations

- a) Investigations are carried out confidentially, thoroughly and impartially.
- b) Whistleblowers are given the opportunity to speak to investigators to explain their concerns.
- c) Proper records are maintained for all cases and investigations.
- d) Whistleblowers are kept informed as far as possible about the investigation process and its outcome.
- e) Where appropriate, remedial action is taken to prevent the issues highlighted from recurring.
- f) The whistleblower's identity is kept confidential if requested, unless disclosure is required by law.

6. Avoidance of detriment

- a) Those raising concerns, whether through formal channels or line management, are supported and do not suffer detriment.
- b) Any employee who subjects those raising concerns to detriment is subject to sanctions.
- c) Those raising concerns are encouraged to report any detriment suffered.

7. Monitoring and independent oversight

- a) The BBC conducts periodic audits of the effectiveness of its approach to receiving and handling concerns, grievances and whistleblowing cases.
- b) The BBC obtains feedback from employees on a periodic basis on the awareness and effectiveness of its open-door culture, grievance policy and whistleblowing policy.
- c) The BBC's published annual report includes information about the effectiveness of the whistleblowing policy.
- d) There is independent oversight and review by the Board (or equivalent body) of the BBC's approach to receiving and handling concerns, grievances and whistleblowing cases.