



Gender disparity in prosecutions for TV Licence evasion

May 2023

EXECUTIVE SUMMARY

The BBC exists to serve all audiences with a mission to inform, educate and entertain. It is a uniquely universal public service broadcaster reaching nearly 100% of the UK's population every month.

The BBC is founded on the principle that everybody pays and everybody benefits. A TV Licence is paid for by households that consume live television content and BBC iPlayer.

For those that require a TV Licence, payments are collected by contractors who together operate as TV Licensing ("TVL"), on behalf of the BBC. TVL is responsible for operating payment schemes and communications with customers.

TVL's primary objective is to collect licence fee revenue in a way that is efficient, appropriate, and proportionate. TVL's incentives are based on this objective.

The vast majority of UK households are licensed, with around 25 million licences issued, around 91% of those that require a licence. 76% pay by Direct Debit which is frictionless, the remainder through other payment schemes. Evasion - using licensable services without being covered by a TV Licence - is relatively low.

Prosecution is very much a last resort. A case will proceed only if there is a realistic prospect that an offence can be proven beyond reasonable doubt, and a public interest test is met. Only a very small proportion of the population are prosecuted for evasion – around 0.18% of all people that need a licence and less than 2% of all evaders.

The numbers of prosecutions have fallen significantly in recent years - by around 66% in England and Wales from 128,000 people in 2017/18 to 44,000 in 2021/22. There have been even greater declines in Scotland (79%) and in Northern Ireland (84%).¹

Prosecutions of women have also fallen significantly - from 93,000 to 33,000 in England and Wales for instance - broadly in line with the overall declines. These rates of decline are far steeper than the broader decline in the total numbers of criminal prosecutions of women, which fell by 39% over this period.²

Despite these overall declines there remains a gender disparity in those prosecuted for TV Licence evasion. Around 75% of those convicted for TV Licence evasion are women. While the review has found many of the factors that contribute to the disparity are outside the BBC's control, the BBC remains very concerned about the difference in prosecution numbers between men and women. We are committed to doing more, especially to support those in financial difficulty, and we expect the actions we take as a result of this review will reduce the risk of prosecution.

It is important to note these issues are not unique to the TV Licence. Some of the issues raised in this review reflect broader concerns about women and the criminal and civil

¹ 2017-18 to 2021-22 in England and Wales and Northern Ireland. Figures for Scotland are for out-of-court disposals, data from 2017-18 to 2020-21.

²

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1119965/statistics-on-women-and-the-criminal-justice-system-2021-.pdf

justice system. In 2021, just under half (47%) of all prosecutions for female defendants were for summary motoring offences, and there are several offences where more women are prosecuted than men, including truancy and benefit fraud. As the Government recently highlighted women in contact with the criminal justice system are among the most vulnerable in society. There are also longstanding concerns about the disproportionate impact on women of other money-related matters such as non-payment of Council Tax and more broadly there remain concerns about the disproportionate impacts of financial hardship and debt on women.

TV Licence enforcement has been looked at before. In 2015 a review for the Government by David Perry KC found no evidence of any discriminatory practices on the part of TVL but asked the BBC to look into the issue further.

Subsequently a BBC review and action plan was published in 2017. The review found no evidence of direct discrimination and concluded that the factors contributing to this disparity were driven by circumstances outside TVL's control. The BBC's review focused on actions aimed at reducing the disparity.

Five years later we conducted this review to look again and see whether further action could be taken to reduce the disparity.³ This review has included detailed data analysis and research. We have engaged with a range of stakeholders who have expressed views and concerns about the current system and suggested ways we could change it.

The BBC appointed Baroness Lola Young of Hornsey as an independent adviser. The role of the adviser has been to provide an impartial and objective review and challenge of the process and to provide feedback on or development of insights and/or mitigations.

Baroness Young was involved at each stage of the review process including reviewing this report and supporting evidence. Baroness Young has provided her independent views which can be found after this summary. In her review she draws out that:

“The robustness of the evidence gathering for the review, and its rigorous analysis has been a critical factor in enabling the BBC to identify key actions. Once implemented, the Action Plan has the potential to mitigate gender disparity significantly in terms of prosecutions, and to lead to fewer people overall being prosecuted. Such a result would be of benefit to everyone.”

This review's findings on the causes of the disparity do not paint a significantly different picture from the work that was done five years ago. Though in those five years the total number of prosecutions has fallen significantly and TVL has continued to improve its processes to support licence fee payers. For example, the Simple Payment Plan was launched in 2020⁴ and provides a more flexible scheme for people struggling financially.

This review has found that:

³ The full terms of reference can be found at Annex A and here

<https://www.bbc.co.uk/mediacentre/documents/review-of-gender-disparity-in-prosecutions-for-tv-licence-fee-evasion.pdf>

⁴ Having been trialled from 2018.

- There is no evidence of direct discrimination by TVL.
- Gender is not a factor in the way TVL approaches collecting and enforcing the licence fee. TVL does not collect gender information⁵ and does not use gender information in its decision making.
- Societal factors, that are outside of TVL’s control, remain the significant factors in explaining the gender disparity. These factors include:
 - household composition, where around 62% of single households are female led than male led, and all other things being equal you might expect about 10% points more women than men to be prosecuted;
 - behavioural factors, where women are more likely to be at home, answer the door (61%) and take charge of household bills;
 - financial factors, where women on average have lower incomes than men, make up 60% of employees on low pay and 73% of part-time workers and are more likely to be in financial difficulties than men.

While TVL cannot alter these societal factors, it can do more to mitigate the impacts these factors have on enforcement outcomes and reduce the risk of prosecution.

The key output from this review is a 10 point Action Plan. These actions will mean there will be more support for those facing financial hardship and better processes when TVL engages with unlicensed households, including: changes to communications, how visits are allocated, how payments can be made to reduce the likelihood of prosecution and how people can be enabled to flag up issues that are relevant to final decisions around their case.

Most of the actions have been developed as a direct result of suggestions made to this review by organisations with experience dealing with debt issues, women in financial hardship or women in the justice system. The BBC would like to thank the 11 organisations who engaged with this review.

The Government recently published a Female Offender Strategy Delivery Plan⁶, which came out after the main work on our review had concluded. Specifically the Government plans to work with TVL to explore options to signpost women to get more support. This is already covered in our Action Plan.

The BBC wants to do everything it can to address the disparity and we recognise the public’s ongoing interest in this matter. As there is no direct relationship between TVL’s actions and the prosecution of women, the changes are universal and will help everyone – but should help women more than men - and are likely to mean fewer prosecutions, as the review sets out. The BBC will now:

- Ensure the Action Plan is implemented as a matter of priority and report on progress annually.

⁵ Other than when a Record of Interview is taken during a visit.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1132790/female-offender-strategy-delivery-plan-2022-25.pdf

- Ensure any further relevant information is taken into account, for example when the ONS releases full census data on household composition (expected in 2023).
- Maintain a close dialogue with groups representing women, debt/financial charities and other relevant stakeholders as this plan is implemented.

10 point Action Plan

TVL is implementing a 10 point Action Plan and will continue to work with other organisations and stakeholders as needed to make further improvements.

To support those in financial hardship, TVL will:

1. *Offer the Simple Payment Plan to all unlicensed households. As this requires Government regulations, the BBC will work with the Government to explore how this can be enabled.*
2. *Provide direct referrals to organisations that provide independent financial support and advice (where agreed with those individuals). TVL will work in partnership with specialist organisations to provide this service, initially piloting with StepChange, an independent debt support charity.*
3. *Where such a referral has been made, pause enforcement actions for a period of time (initially trialling a period of 2 months) to give space for people to make use of the support.*
4. *Increase training for Visiting Officers to ensure they have a deeper understanding of debt and financial hardship. TVL will develop the training, working with expert organisations.*

To help people stay licensed and reduce the risk of prosecution TVL will:

5. *Give customers every opportunity to buy a licence before any prosecution case is started by testing different approaches for how visiting officers engage on the doorstep.*
6. *Increase support for those in the prosecution process who - before their case goes to court - are making payments towards a licence, so the prosecution can be withdrawn.*
7. *Improve the process for customers to provide evidence that may be relevant for TVL to determine whether a case should proceed to prosecution, for example whether there is evidence to suggest it would not be in the public interest to pursue. This will include more opportunities for people to provide evidence about their personal and financial circumstances.*
8. *Consider how support for repeat evaders could focus on allowing opportunities to pay for a licence to remove the risk of prosecution.*
9. *Trial new ways of prioritising and allocating visits to assess their impact.*
10. *Improve communications with customers to ensure greater clarity, including around the prosecution process so people can understand the steps they need to take to pay and reduce the risk of prosecution.*

INTRODUCTION BY BARONESS YOUNG OF HORNSEY, INDEPENDENT ADVISER

The BBC engaged Baroness Young of Hornsey in May 2022 to act as an independent adviser to the review. The role of the adviser was to provide an impartial and objective review and challenge of the process and to provide feedback on or development of insights and/or mitigations. The primary function of the role was to help the BBC ensure that the principles set out below were observed at all times throughout the conduct of the review:

- That the Review investigates robustly the way that TV Licence fee evasion is identified, the circumstances in which and grounds on which the decision to prosecute is made, and the manner in which prosecutions are conducted.
- That parties whose interests are affected by the issues raised or who may have information or insights to offer to the Review are identified, and where appropriate consulted.
- That the Review's research and consultation is carried out in an inclusive manner, paying due regard to the need to make adjustments to ensure that a diverse range of voices can be heard.
- That all reasonable hypotheses relating to the causes of or remedies for the gender disparity are considered open-mindedly.
- That the Review reaches its conclusions only after a thorough, objective consideration of the available evidence and the issues relevant to the Terms of Reference, including factors relevant to the Public Sector Equality Duty.
- That the Review's report (which will be published) is expressed in clear, accessible language that explains the issues, describes the evidence, objectively evaluates possible ways to eliminate or reduce gender disparity, and sets out the reasoning leading to its conclusions.

The independent adviser was expected to comment and advise on any issues of process or substance relevant to the Review – either to confirm that the principles are being observed or to offer constructive criticism. The independent adviser was also asked to contribute to the design of, and participate fully in deliberations around reaching the Review's final conclusions.

After taking part and challenging the process, Baroness Young has concluded that:

- 1. The review team has undertaken a thorough consideration of relevant material in order to develop a strategy to address the disproportionate numbers of women prosecuted for TV Licence evasion.*
- 2. The review process was robust and involved a range of internal, external, and independent stakeholders. Whenever extra material was requested, it was provided in a timely fashion, enabling the review to examine a variety of documents and research beyond the evidence initially available.*
- 3. The review found no obvious directly discriminatory policies and practices in the process and it's clear there's no intention to discriminate; nonetheless it is apparent there remains a significant disparity in the outcomes for women and for men when it comes to*

prosecutions for TV Licence evasion. It was our job to examine explanations for this, while keeping an open mind as to how the situation has come about, and what action the BBC might take.

- 4. The review scrutinised the main issues that had been picked up in past research noting what had been omitted, and what had changed in the intervening years. From this, the team developed several hypotheses in order to test them against evidence, and to identify the key factors leading to disparity. The earlier research had used baseline data from the 2011 census. At the time of this Review, the full set of 2021 census data was not available; however we were able to gather plenty of evidence from agencies, NGOs etc that tested the hypotheses the team had developed in this first phase of the inquiry.⁷*
- 5. The result is a mass of fresh evidence that has helped the team to unpick the problem, and which will prove very useful for any future review of the BBC's fee collecting processes. The Action Plan has been directly informed and shaped by this new material, and I am grateful to all those who submitted evidence and engaged in dialogue with the Review team.*
- 6. A robust consideration of, and discussion about the evidence concluded that there was likely no single source of the disproportionality. Women and men do not appear to be treated differently. However we look at it though, we are left with a lopsided outcome.*
- 7. The review team identified societal factors implicated in the disproportionate numbers of women prosecuted for TV Licence evasion: these factors are also often present alongside disparities in the criminal justice system, and health and other services. The BBC has neither the mandate, nor the capacity to address directly factors such as, for example, the high cost of living, carers' responsibilities, gendered households, and societal roles, all of which may contribute to unequal, gendered outcomes.*
- 8. To comply with the Public Sector Equality Duty, the BBC must consider how its decision-making, policies and processes impact on those with protected characteristics. Implementing and rigorously monitoring the action plan and independent impact assessment of the outcomes is vital in this regard.*
- 9. Looking ahead, some of the issues the BBC might want to consider further are as follows:*
 - 1. An independently conducted impact analysis of the Action Plan to be made publicly available in an accessible format, preferably at regular intervals.*
 - 2. Information of use to the development of the Action Plan might emerge from the 2021 census, especially with regard to the intersection of demographic details such as, for example, ethnicity, languages spoken, disability, income, household composition etc, and this might provide yet more insight into the issue of disparity of use to the BBC.*

⁷ Some 2021 census data was released by the ONS in March 2023, and we have updated the report to take account of this data, where appropriate.

3. *Scrutiny of the process of identifying licence fee evaders should also include other potential disparities among, for example, disabled people and racially minoritised communities.*
 4. *Although decriminalisation of the television licence fee was not in my Terms of Reference, the issue was raised by some stakeholders. My view is that these potentially unequal outcomes should be considered in any future review of the way the BBC is funded.*
10. *The robustness of the evidence gathering for the review, and its rigorous analysis has been a critical factor in enabling the BBC to identify key actions. Once implemented, the Action Plan has the potential to mitigate gender disparity significantly in terms of prosecutions, and to lead to fewer people overall being prosecuted. Such a result would be of benefit to everyone.*

PART 1: BACKGROUND TO THIS REVIEW

Approach and structure

This review has sought to understand why the majority of those prosecuted for TV Licence evasion are women and consider what, if anything, TV Licensing (“TVL”) can do about it. The full terms of reference are at Annex A.

The review has been undertaken by a BBC working group and has been informed by supporting evidence, research and data analysis we are publishing alongside this report. We have also engaged with 11 expert organisations who have expressed views about the current system and suggested improvements. Baroness Lola Young of Hornsey scrutinised the evidence and the Action Plan during the review process, and has made a number of key observations about the review.

The BBC has a statutory duty to observe the ‘Public Sector Equality Duty’ or ‘PSED’.⁸ Considerations related to the PSED have informed our approach. We have looked at how TVL’s processes impact people with any relevant protected characteristics and, in particular, the way they intersect with each other and with non-protected vulnerabilities such as financial hardship. The Action Plan has been subject to an Equality Impact Assessment to analyse the impact actions are likely to have on groups with protected characteristics. That assessment has been incorporated into the final decision-making regarding the Action Plan, and details of it are being published alongside this report.

About the BBC and the TV Licence

The BBC was founded in 1922 with a mission to inform, educate and entertain. It is used by around 90% of adults and 80% of young people in the UK every week. It provides trusted impartial news, drama, comedy, documentaries and other television, radio, and online services, and is a highly valued British public service.

The BBC is funded by the public via the TV Licence,⁹ a funding model designed to provide independence from Government and commercial pressures, and to allow the BBC to serve all audiences. This way of funding means the BBC is owned by the British people.

Households that watch or record live TV¹⁰ on the BBC or elsewhere or use BBC iPlayer, are required to hold a licence.¹¹

The level of the licence fee, and the circumstances in which one is required, are determined by the Government and approved by Parliament. The vast majority of

⁸ Equality Act 2010, s.149. Although this does not, as a matter of law, apply in Northern Ireland, and different legislation applies in the Channel islands and the Isle of Man, we have applied the same principles across all areas.

⁹ Supplemented by dividends from the BBC’s commercial arm.

¹⁰ Meaning watching TV programmes as they are being transmitted (so that everyone sees them at virtually the same time rather than on demand).

¹¹ Section 363 of the Communications Act 2003; Communications (Television Licensing) Regulations 2004 (in particular, regulation 9 – definition of a TV receiver).

households¹² in the UK hold a licence – there were 24.9 million licences in force in 2021/22, raising around £3.8 billion revenue.

The licence fee is the means of funding the BBC with the single most support. In 2022 more of the public chose the licence fee as their preferred way to fund the BBC than chose either advertising or subscription.¹³

Most of the services that require a household to be licensed (including all BBC TV services and BBC iPlayer) are delivered “unencrypted”. This means there is no way to stop non-payers from using these services, so there needs to be an effective way to deter evaders – one that is fair for those who pay as well as for those who don’t. The principles that underpin the licence fee include fairness and universality - everyone pays for the range of services so that the BBC can provide something for everyone to enjoy.¹⁴ This also ensures that the price is kept low and offers good value for audiences for the breadth of services they receive.

The focus of this review has been to find ways to improve the current system, which is in place at least until the end of 2027. We expect the Government will look at how the BBC is funded as part of any Charter Review process in due course.

The role of TV Licensing

The licence fee is collected¹⁵ by the BBC and its contractors, operating as TV Licensing (TVL).¹⁶ The BBC Board must ensure that arrangements for collecting the licence fee are “efficient, appropriate and proportionate”.¹⁷

TVL’s primary objective is to collect licence fee revenue where it is due. TVL’s incentives are based on this objective, and doing so in a way that is efficient, appropriate, and proportionate. And the overall objective is to collect payment rather than prosecute. Neither TVL as a whole, nor individual Visiting Officers (VOs), have any incentives to

¹² Business premises (including hotels and pubs etc) that have a TV for staff, guests or customers, and care homes with personal or shared TVs for residents also need to buy a TV Licence. However, this review is concerned with residential premises, so for brevity we will refer here only to “households” that require a licence.

¹³ Ipsos MORI, 1,027 UK adults 18+, October 2022.

¹⁴ See, for example, DCMS White Paper, 2016.

¹⁵ Collection of the licence fee is a statutory obligation of the BBC: Communications Act 2003, Part 4. The money is paid to the Government, which pays it (or if it so decides, part of it) back to the BBC to fund its public services.

¹⁶ TV Licensing is a trademark of the BBC and is used under licence by companies contracted by the BBC to operate the television licensing system. The companies are managed by the Licence Fee Unit, a department within the BBC. In this document, when we say TV Licensing we mean the Licence Fee Unit and TV Licensing companies.

¹⁷ BBC Royal Charter, article 20(7).

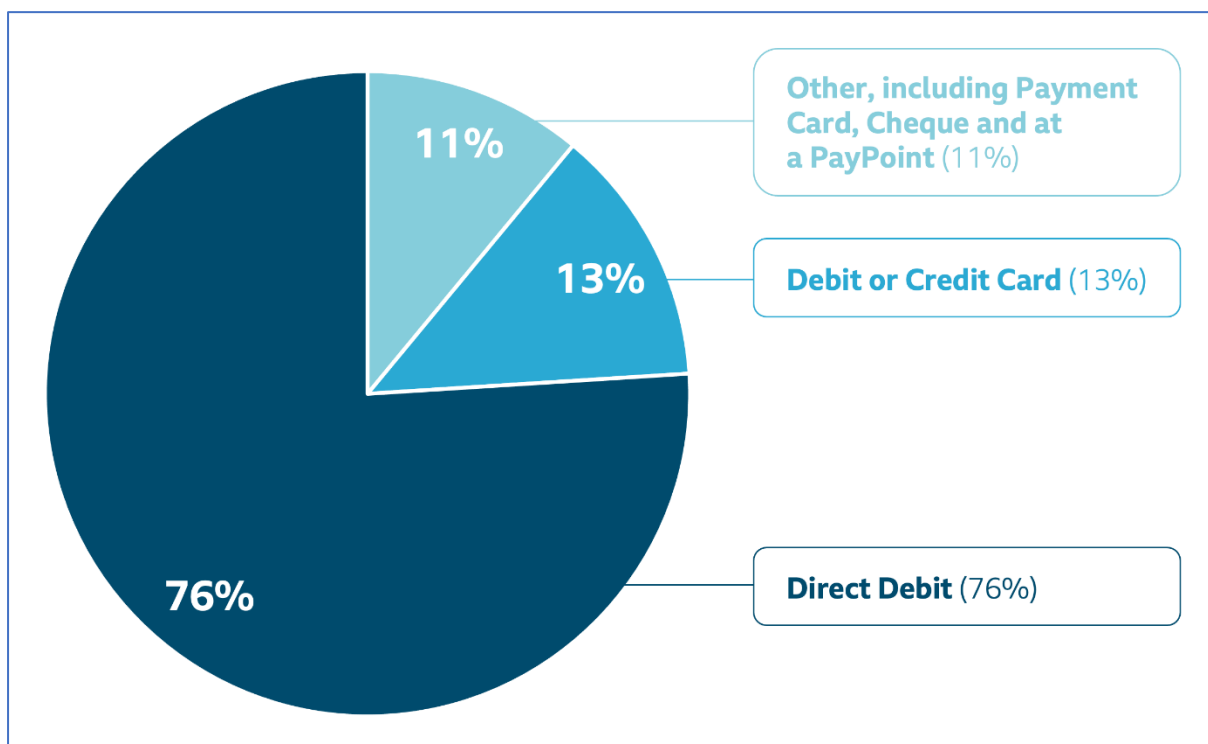
achieve a certain number of prosecutions or take a certain number of Records of Interview, for example.

TVL activities therefore include:

- Informing the public about the need to purchase a TV Licence and providing advice to individuals and businesses about their licensing requirements.
- Administering licence fee payments, refunds, concessions and cancellations.
- Maintaining a database of licensed and unlicensed addresses.
- Contacting unlicensed households where licensable activity may be occurring, visiting those who do not respond, and as a last resort prosecuting¹⁸ people who are evading paying for their TV Licence.

TVL operates different payment schemes, which are set out in regulations¹⁹ and Figure 1 shows the ways people paid for their licences.

Figure 1: The majority of licences are paid for by Direct Debit



Source: TV Licensing data

Around 750,000 licences are issued free for those aged over 75 and receiving Pension Credit, paid for by the BBC from licence fee income. There is a discount scheme for people who are blind or severely sight impaired and a significantly reduced fee for those in designated accommodation for older or disabled people such as care homes and sheltered housing.

¹⁸ But see the explanation below of different Nations' systems. In Scotland, decisions to prosecute are taken by Procurators Fiscal.

¹⁹ The Communications (Television Licensing) Regulations 2004.

The majority of UK households will have a frictionless interaction with TVL. 76% have set up a TV Licence which they pay for by Direct Debit and which is renewed automatically each year.

But in a relatively small proportion of cases TVL has further contact with customers. This might for instance be where households have missed payments or where people are moving houses fairly frequently.

In some instances, people will be watching live TV or BBC iPlayer without a licence. This means they are committing an offence. In 2015, in a review carried out for the Government, David Perry KC found that, in the overall public interest, the current system of criminal enforcement should be maintained.²⁰

In these cases TVL will first contact households through writing, emails and texts. TVL will only send a Visiting Officer as the very last part of the process after several contacts and continued non-payment. No bailiffs are ever used by TVL.

A very small proportion end up being prosecuted for evasion – around 0.18% of all people who need a licence and less than 2% of all evaders.

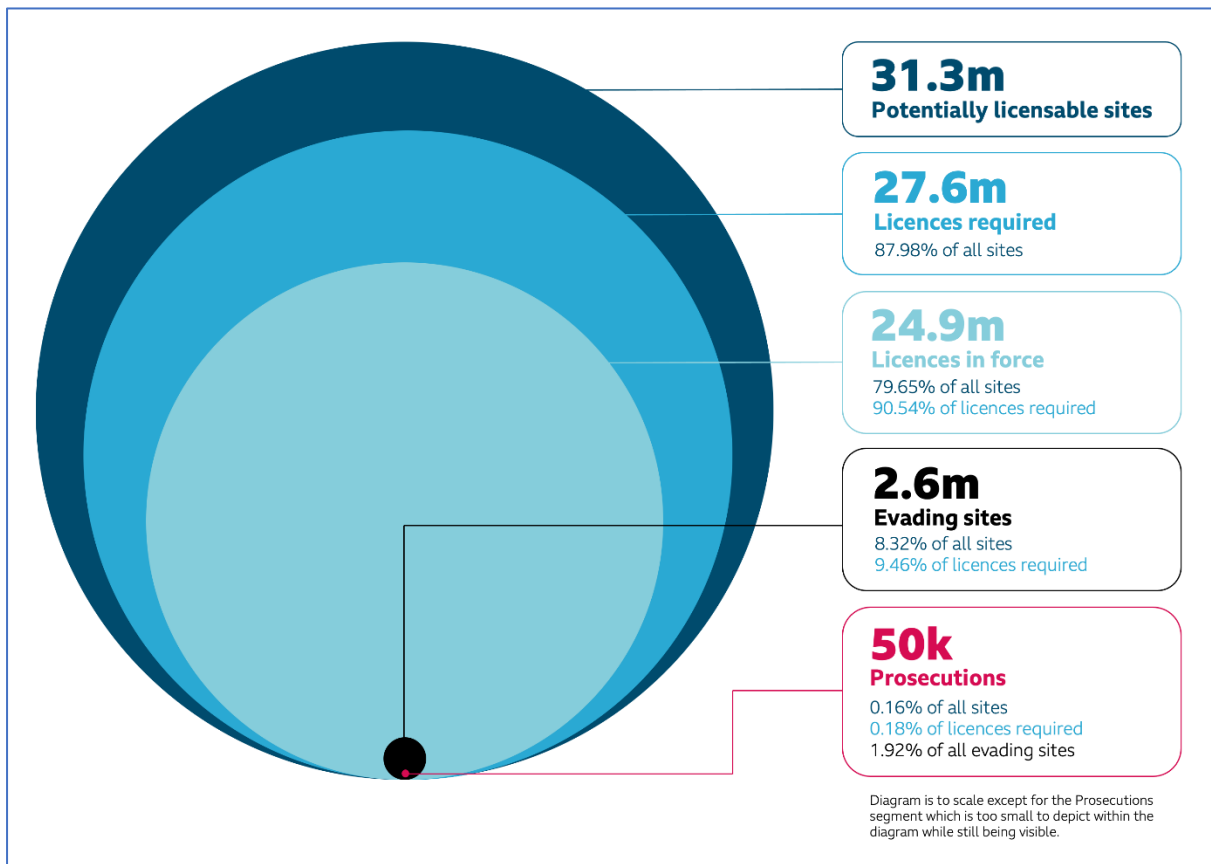
As shown in Figure 2, after all other methods to collect payment for a licence have failed, prosecution is used as a very last resort.

We estimate that around 9% of households are evading. The level of evasion is lower than countries with similar systems, such as Ireland, and is in line with the average rate across the European Union.²¹

²⁰ *TV Licence Fee Enforcement Review*, <https://www.gov.uk/government/publications/tv-licence-fee-enforcement-review>

²¹ European Broadcasting Union data.

Figure 2: TVL enforcement affects only a very small proportion of licensed and licensable properties

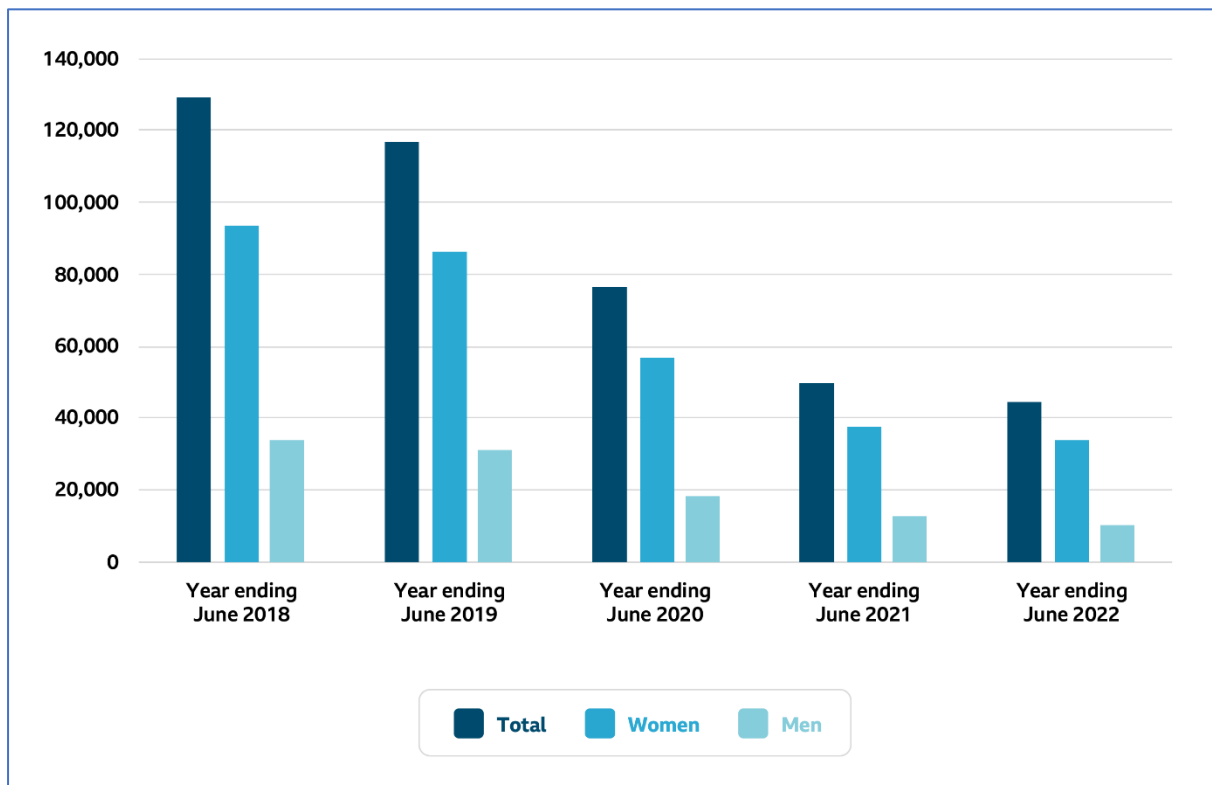


Source: TV Licensing data, estimates as of March 2022

Gender disparity

There has been a significant fall in the number of people prosecuted for TV Licence evasion in recent years. As shown in Figure 3, in England and Wales there were 66% fewer prosecutions in 2022 than 2018 and 64% fewer prosecutions of women over the same period.²² The total number of women prosecuted has fallen from around 93,000 to around 33,000. Despite the overall fall in prosecutions, the disparity between the numbers of men and women prosecuted each year has remained and 74% of convictions in the past 5 years were of women.

Figure 3: Convictions for TV Licence evasion, England and Wales

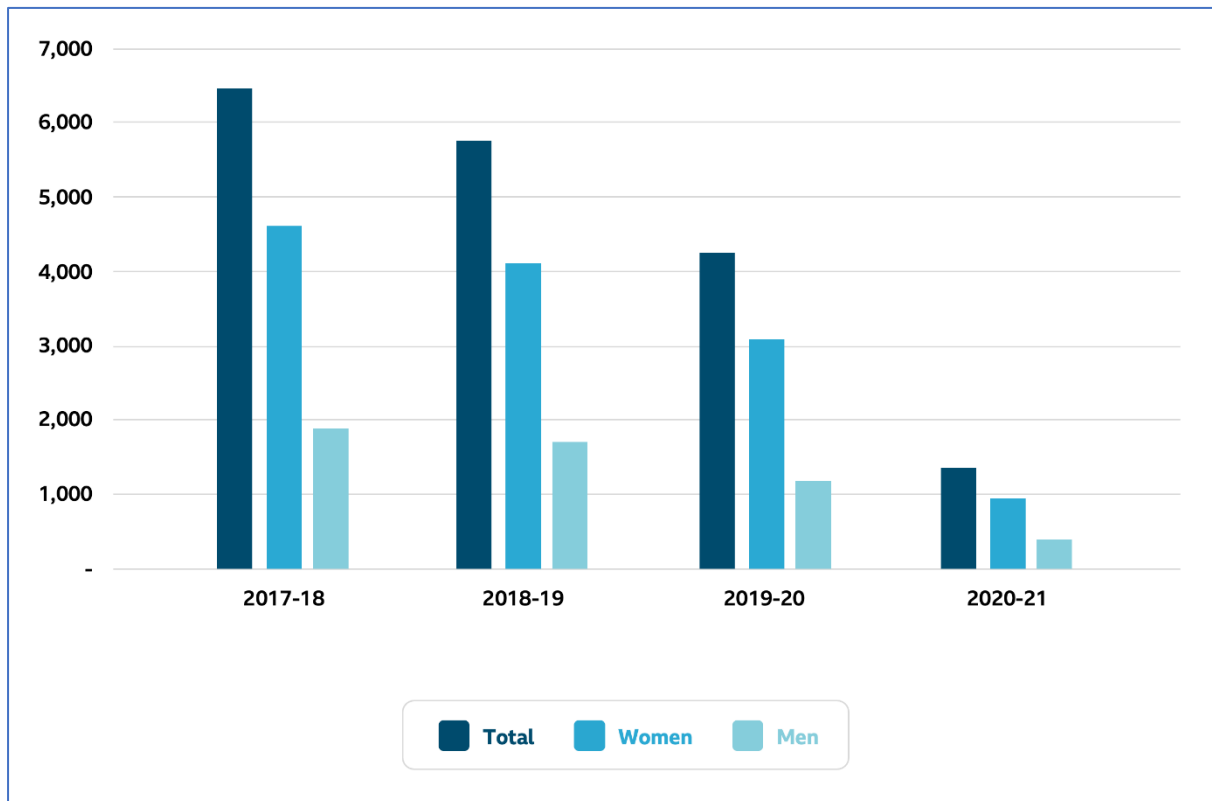


Source: Ministry of Justice data

²² Ministry of Justice figures, where 'year' means the prior 12 months ending June of that year.

Although there is a different system in Scotland (set out in Part 3), where out-of-court disposals can be offered by the Procurator Fiscal in lieu of prosecution, the broad trends are similar.²³ As shown in Figure 4, between 2017-18 and 2020-21 total out of court disposals fell by 79% (overall and for women), with women making up 72% of total disposals across those 4 years.²⁴

Figure 4: Out of court disposals, Scotland



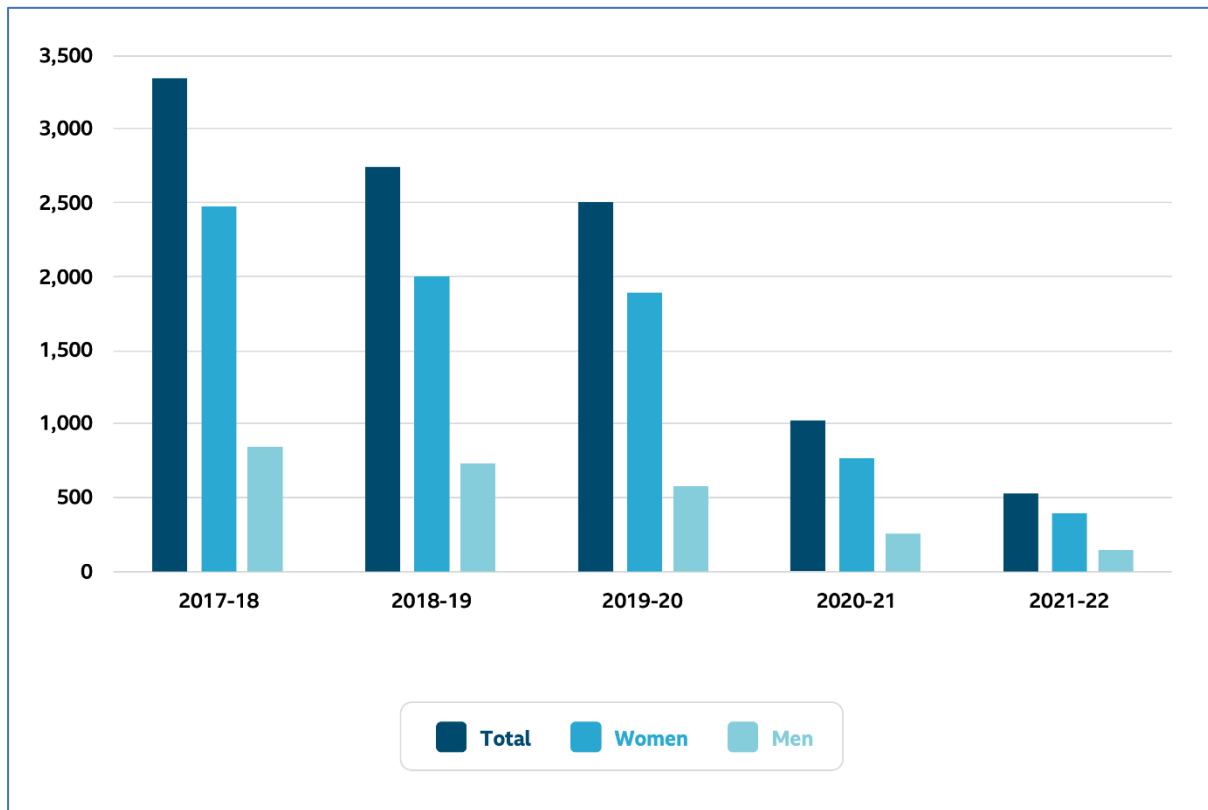
Source: Scottish Government data

²³ There were 2 convictions in 2020-21.

²⁴ Data for 2021-22 not yet published.

There is a similar picture in Northern Ireland, where total prosecutions, and for women, fell by 84% between 2017-18 and 2021-22 (Figure 5).

Figure 5: Convictions for TV Licence evasion, Northern Ireland



Source: TV Licensing data

An independent review conducted in 2015 by David Perry KC for the Government found no evidence that TVL was operating discriminatory practices but recommended that the issue be looked at in more detail. The BBC undertook an in-depth review in 2017 and found that underlying societal factors were mainly driving this disparity. Changes were made to TVL processes including, in 2020, launching the Simple Payment Plan (“SPP”) which provides a flexible payment plan for households in financial difficulties or liable to prosecution.²⁵ There are currently around 250,000 SPP licence holders.

So in all parts of the UK, while the number of prosecutions overall (and hence the number of prosecutions of women) has fallen substantially, the proportionate disparity remains. This has remained a matter of concern to the BBC and so we have undertaken this further review to see whether there are further improvements that could be made.

²⁵ The Simple Payment Plan was introduced on a trial basis in 2018 and was made permanent in 2020. The Plan is available only to new joiners if the household is without a licence and: has had an enforcement visit by TVL; or had a TV Licence cancelled for non-payment; or has sought advice from a not-for-profit debt counselling agency. It allows for the licence to be paid for in equal instalments across a 12 month period monthly or fortnightly. See Part 4 of Schedule 2 to the Communications (Television Licensing) Regulations 2004.

PART 2: THE SOCIETAL CONTEXT

The BBC's 2017 review found strong evidence that the majority of factors contributing to the gender disparity were driven by circumstances outside TV Licensing's control.

This review has found that societal factors remain highly relevant to the ongoing disparity, particularly:

- (1) Household composition.
- (2) Apparent behavioural differences between men and women.
- (3) Financial hardship and other vulnerabilities.

Household composition

While there is a roughly equal number of men and women within the UK population, there are significant differences in the composition of UK households.²⁶

While most households have more than one adult, around 41% of households have a single adult (either one person living alone or a lone parent with dependent children). Of these there are more single person female households than single person male households, and far more single mother households than single father households. More specifically:

- Around 62% of single adult households are female while less than 40% are male.
- Of the just under 3 million lone parent households in the UK, around 87% were lone mothers, with the remainder as lone fathers.

The licence fee is charged at a household rather than individual level. For the 41% of households that have a single adult, only that adult can be responsible for holding a TV Licence (if one is required). In around 62% of these households, that adult is a woman. This means there are significantly more households where the only person who can be responsible for holding a TV Licence is a woman than there are UK households where the only person who can be responsible is a man. If you assumed evasion was equally likely in all households then, all other things being equal you might expect about 10% points more women than men to be prosecuted. While, as we go on to explain, all other things are not equal, the fact it is more likely that a single adult household is "female led" than "male led" is an important starting point for understanding some of the disparity.

Behavioural factors

Putting household composition to one side, we have also gathered evidence that there are differences in behaviour between men and women that help to explain the disparity.

The first behavioural difference we explored is whether women are more likely to be present in a home than men. This is critical given that an in-person visit is the only way

²⁶ Some data on household composition and gender from the 2021 census was released by the ONS in March 2023.

TVL can identify if a licence is needed (and therefore assess whether evasion is taking place).

The evidence is clear: women are more likely to be at home than men, and this is true at all times tested, including weekday evenings, weekends and bank holidays. We found that women are more likely to be at home, in particular during normal weekday working hours. For example on Monday to Friday mornings, 60% of women were likely to be at home compared with 53% of men.²⁷

This data is supported by evidence from Visiting Officers who said they meet women as their first contact 61% of the time as compared with first contact with men at around 38%.²⁸

It is worth noting that Visiting Officers conduct visits across different periods of the day, including in the evening and at weekends. Around one-third of all visiting hours are during prime time (defined as 4-9pm, Monday to Friday or at weekends) as these are times when someone is most likely to be at home (whether male or female). To give an example, of the times tested both genders are most likely to be at home on Saturdays between 5pm and 9pm, but even here there is a small disparity – with 78% of women likely to be at home compared with 75% of men.²⁹

The second behavioural difference we have explored is whether there is a skew from men to women, or women to men, when it comes to paying household bills and responding to someone at the door. Though evidence in our 2017 review was inconclusive, this time we have found evidence of differences and can infer this has an impact on the disparity.

Firstly, we found that women *claim* they are less likely to answer the door in general than men *claim*. If they know it is a Visiting Officer then both genders claim they are about as equally likely to answer the door. However, this data is hypothetical as it is based on how people claim they will behave which does not necessarily reflect what they do in practice. In practice, data gathered from Visiting Officers, shows that a woman answered the door around 61% of the time.

This review has further found that women are much more likely to be deferred to by a man to deal with a Visiting Officer than the other way round. At Record of Interview stage 20% of women said that a man originally answered the door (and deferred the matter to a woman) compared with only 6% of men who said a woman originally answered the door (and deferred the matter to a man).³⁰

This is supported by evidence from Visiting Officers. While in the vast majority of cases the issue is handled by the person answering the door, in 10% of cases where a man answered the door they deferred the matter to a woman; but only in 3% of cases where a woman answered the door did they defer the matter to a man.³¹ The effect of this is that

²⁷ RAPP/Harris Interactive, Gender Disparity Review 2022 research report

²⁸ Ibid

²⁹ Ibid

³⁰ Ibid

³¹ Ibid

while Visiting Officers state that 85% of the times when a women answered the door they spoke to that women, only in 70% of cases when a man answered the door they spoke to that man.³²

As a result women are more likely to be interviewed by a Visiting Officer who will take a Record of Interview (ROI) which is an evidential requirement to prove that an offence has been committed.³³

We also found that while men claim to be more likely to be registered with TVL and be responsible for paying bills, women are in fact more likely to be registered for bills, for contact and the bill payer, even when a licence is in a man's name. For those at Record of Interview stage women are significantly more likely to claim they're the ones to pay the bills and be the contact for bills and admin.³⁴ Our evidence is supported by evidence found by others. A report by The Fawcett Society and Starling Bank found, for instance, that 56% of women make most of the daily decisions on household purchases compared with 15% of men and that 37% of women in couples are in charge of household budgeting compared with just 22% of men.³⁵

Financial hardship and other vulnerabilities

The final societal factor we consider relevant is financial hardship. In the UK there are more women than men living in less affluent households. In this review we have gathered evidence that:

- Women on average have a lower income than men (average income of £34k vs £37k).³⁶
- Women are more likely to be struggling financially than men (21% of women said they frequently or sometimes struggle to pay for necessities compared with 15% of men).³⁷
- Lone-parent families, which are predominantly headed by a woman, have the highest poverty rate of any family type. 39% of children in lone parent families live in poverty, compared with one in four of those in couple families.³⁸ The head of the household is more likely to be young and rely on a single income, part-time work or state benefits.
- We have some evidence that pressure from multiple creditors is higher among lone parents and that bills are paid in order of priority, with food and energy as the highest priorities.³⁹

³² Ibid

³³ Ibid

³⁴ Ibid

³⁵ <https://www.fawcettsociety.org.uk/Handlers/Download.ashx?IDMF=e5f92467-8e9f-4f16-81b2-ad2c24c838fb>

³⁶ RAPP/Harris Interactive, Gender Disparity Review 2022 research report

³⁷ Ibid

³⁸ https://www.jrf.org.uk/sites/default/files/jrf/uk_poverty_2023_-_the_essential_guide_to_understanding_poverty_in_the_uk_0_0.pdf

³⁹ Stakeholder research.

- Household deprivation is found disproportionately in some areas, especially in the North of England, the West Midlands and South Wales and large urban areas.⁴⁰
- Women make up 60% of employees on low pay and 73% of part-time workers, in part due to caring responsibilities.⁴¹

We recognise that these hardships are likely to be exacerbated when there are pressures on the cost of living. These hardships tend to be more prevalent among those prosecuted than the rest of the population. Evidence from stakeholders indicates that more women than men are facing financial challenges, especially if they're from ethnic minority communities or are single parents.

We have also found evidence that there has been an increase in demand for money and debt advice services in recent years. Evidence from one stakeholder which offers debt advice showed that over 60% of new clients were female. Research from the Money and Pensions Service describes a “financial emergency for women” and outlines how women’s financial wellbeing outcomes, amplified by low confidence and low engagement with advice and guidance, are significantly worse than men’s.⁴²

We have also found some other issues that are more likely to impact women than men, including a greater propensity to have long-term health conditions, suffer from mental health illnesses connected with debt, and be victims of abuse.

Overall, we consider there is evidence to suggest that financial hardship affects more women than it does men, and it is likely this contributes to the overall disparity.

Women and the justice system

This review has not sought to assess the experiences of women and the justice system as a whole. However we thought it was important to understand the particular issues faced by women in the justice system more broadly.

More detailed findings can be found in our supporting evidence. The points we think are important to note, and were made by several stakeholders and information we looked at, are:

- Women are more likely to commit non-violent offences and have less severe sentences (e.g. fines) than men.
- The justice system doesn’t always acknowledge the complex, underlying causes of women’s crime such as poverty, abuse and addiction, nor that experiences of the system differ depending on ethnicity.
- Little is done by the justice system itself to address the causes of their offending, which is left to charities and voluntary services.

⁴⁰ <https://ocsi.uk/2022/11/03/what-has-census-2021-revealed-about-levels-of-household-deprivation/>

⁴¹ <https://researchbriefings.files.parliament.uk/documents/SN06838/SN06838.pdf>

⁴² <https://moneyandpensionsservice.org.uk/wp-content/uploads/2020/03/Gender-and-Financial-Wellbeing-Challenge-Pack-UK-Strategy-for-Financial-Wellbeing.pdf>

- Summary motoring offences accounted for 95,000 prosecutions of women in 2021, around 47% of all female defendants. And there are several offences where more women are prosecuted than men, including truancy (67%) and benefit fraud (58%).⁴³
- There are also longstanding concerns about the disproportionate impact on women of other money-related matters such as non-payment of Council Tax.⁴⁴
- More broadly there is evidence of concern about the disproportionate impact of civil enforcement action (via bailiffs) on lone parent households, the vast majority of which are headed by women, and whom are far more likely to have fallen into arrears on their bills.⁴⁵

The Government has recently published a Female Offender Strategy Delivery Plan, which came out after the main work on our review had concluded.⁴⁶ The Government wants to work with non-police prosecutors to explore options for addressing the number of women prosecuted for offences such as truancy, TV Licence evasion and benefit fraud. Specifically the Government plans to work with TVL to explore options to signpost women to get more support which is what our Action Plan suggests and TVL will be implementing.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1119965/statistics-on-women-and-the-criminal-justice-system-2021-.pdf

⁴⁴ See, for example, <https://www.smf.co.uk/wp-content/uploads/2019/09/Council-Tax-Report.pdf>

⁴⁵ See, for example, https://consult.justice.gov.uk/digital-communications/transforming-bailiff-action/supporting_documents/transformingbailiffactioneia.pdf

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1132790/female-offender-strategy-delivery-plan-2022-25.pdf

PART 3: TV LICENSING'S PROCESSES FOR UNLICENSED HOUSEHOLDS

This part sets out TVL's processes for unlicensed households. These are operated without reference to gender, but do not operate in a vacuum; they exist within the societal context set out in Part 2. We go on to consider how this interaction may affect the gender disparity in Part 4.

Our approach to creating a data sample for this review

In conducting this review we thought it was important to create a sample data set that could help us look at TVL's processes and where we should focus our Action Plan.

TVL holds a database of UK addresses, both licensed and unlicensed. The database does not systematically capture gender information (e.g. male/female⁴⁷) and gender information is not used in TVL's decision-making.

The database does contain some information, using the given "title" (i.e. Mr, Mrs, Ms etc) where there is or was a licence holder and we have used this to indicate gender. It is not a perfect sample. We have created it only to aid our understanding of the issue, and it is not data TVL uses in its operations, nor should it be taken as definitive.

Our sample was all addresses that were eligible for a visit between February and April 2019. The sample was around 977,000 cases, large enough to be representative. Gender was indicated by recorded title in just over 60% of addresses in this sample. This approach has some limitations in that it covers only:

- Those titles (e.g. Mr, Mrs, Miss, Ms) which indicate gender, rather than gender-neutral (e.g. Dr, Reverend).
- The potential gender of the licence holder, or last recorded licence holder, and does not contain any information regarding other people living at that address.⁴⁸
- Addresses which have held a licence in the year prior to the sample period.

This approach allows us to consider the sample of cases from the start to the end of their progress. Its necessary limitations mean we cannot say with certainty where in the process the disparity might be developing. But it does, nevertheless, provide some useful and indicative insights that have informed our findings and Action Plan.

Contacting households

TVL's primary objective is to ensure that households who use services that require a TV Licence buy one and pay for it, and the vast majority of households do so. TVL's incentives are based on this objective.

TVL will make multiple attempts to contact an unlicensed address before considering making a visit. TVL will also contact households at risk of becoming unlicensed due to missed payments. Other households may confirm they do not need a licence because

⁴⁷ Other than when a Record of Interview is taken during a visit.

⁴⁸ There might be cases where someone else in the household pays for the licence but is not named on it, or where the fact that someone else in the household is vulnerable is recorded by TVL to inform visiting strategies for example.

they do not use licensable services. The following analysis concerns the relatively small number of households that need a licence but do not have one and do not respond to multiple TVL communications.

Addresses eligible for a visit

Anyone found to be watching or recording live TV or using BBC iPlayer without a licence is committing an offence and can be prosecuted. The visit (and any interview under caution) is the way TVL can gather evidence that a licence is needed and that evasion is taking place.⁴⁹

Our sample at this stage covered 977,000 cases as potentially eligible for a visit and which indicates around 53% could be female. We have found several stages in the process where the disparity increases from the previous stage. The most marked increases are linked directly to who answers the door and provides a Record of Interview, as we go on to explain.

Prioritising addresses for a visit

Where TVL holds information indicating that it would not be appropriate to visit an address, that address is excluded. The remaining properties are eligible for a visit and are 'rated' against a range of factors to determine which take priority. Gender is not a factor in the rating.

The rating takes account of any previous visit history and changes when TVL receives further information. A key factor is the likelihood that a household will buy a licence if visited, based on historical data. This is consistent with TVL's aim to optimise use of its resources for making licence sales. This means, for example, an address where a licence has recently been cancelled for non-payment will typically receive a higher rating than addresses that are long-term unlicensed.

Our sample at this stage covered 819,000 cases and indicates around 54% could be female, a small increase from the prior stage.

Allocating addresses to be visited

Each day TVL allocates visits to Visiting Officers (VOs). Gender is not a factor in allocation. The 'primary allocation' creates a cluster of visits based on the highest rating. This is supplemented by other addresses with lower ratings in the same geographical area. Around two-thirds of allocated visits are 'primary'.

TVL conducts more visits in urban areas than in rural ones where addresses are more dispersed. TVL has developed this approach to allocating addresses to make collection and enforcement of the licence fee as efficient (in terms of ensuring addresses are properly licensed) and cost-effective as possible because visiting is resource intensive.

⁴⁹ But where access is denied other steps may be taken to get evidence of unlicensed use, and TVL may use that to apply for a search warrant under s.366 of the Communications Act 2003.

Our sample at this stage covered 298,000 cases and indicates around 59% could be female, an increase from the prior stage of 5% points.

VOs are expected to complete at least 80% of their allocated visits. Around one-third of visiting time is during “prime time”, between 4-9pm Monday to Friday and at weekends.

Of the 298,000 cases in this part of the sample, 260,000 sites were visited. The main reason for the difference between allocated and attempted visits is that each day’s allocation is designed to be slightly more sites than the VO might reasonably be expected to visit – to make sure the VO can complete their contracted hours.

The sample indicates there could be a very small increase in the proportion of women visited compared with the proportion allocated. With rounding, that proportion is still 59%, and we have found no evidence VOs use any known title information to visit particular households. VOs are incentivised to sell a TV Licence to a household where one is due. VOs do not enter premises without people’s permission.⁵⁰ TVL does not use bailiffs.

The enforcement visit and interviewing under caution

If someone answers the door and the VO is able to speak to an appropriate person (who must be over 18 and be resident at the address) they will first establish whether the customer has a TV and whether they have a licence. Depending on the answers, the VO may caution them and conduct an interview.⁵¹

The interview is based on an electronic Record of Interview (ROI) form and asks questions about how the interviewee uses the TV and/or BBC iPlayer and informs the assessment of whether there is sufficient evidence of TV Licence evasion. As part of the interview the VO will also ask if there are personal circumstances that TVL should be made aware of that could be taken into account when the case is evaluated. All information provided is recorded on the ROI form which the interviewee will be asked to review and sign as an accurate record. Interviewees will be asked if they wish to have a copy of the ROI which will be provided by email or post if requested. All interviewees are provided with a copy of the TV Licensing Prosecution Code.⁵²

After the interview, a VO will offer to sell the interviewee a TV Licence.

If nobody answers the door, or there is no appropriate person available, the VO will leave a card. This can result in the occupant buying a licence, or they may be visited again.

⁵⁰ Unless a search warrant has been obtained.

⁵¹ The caution and the interview will be conducted having regard to Code of Practice C under the Police and Criminal Evidence Act 1984, ss. 66 and 67.

⁵² This gives information on when a licence is needed, the prosecution process and alternatives, how TVL will make the decision on whether or not to prosecute, how to make TVL aware of personal circumstances to take into account and contact information for debt counselling services. The Prosecution Code is also available on the TVL website: <https://www.tvlicensing.co.uk/about/foi-policies-AB17>

Our sample at this stage covered 42,000 cases and indicates around 72% of those interviewed by a VO could be female, an increase of around 13 percentage points from the prior stage. We explore this further in light of the behavioural evidence we have found in Part 4.

Alternatives to prosecution

In total around 1.4 million household visits were made in 2021/22, resulting in 230,000 licence sales, a ratio of around 16%.

A relatively small proportion of visits result in a prosecution, as this is a last resort. In the vast majority of cases TVL will not pursue a prosecution if someone is a “first time offender” and buys a licence – a policy known as Post Interview Customer Support (PICS). PICS requires a licence to still be in place 12 weeks after the ROI and for 8 weeks’ worth of payments to have been made; if the threshold is not met TVL may decide to prosecute.

The PICS process is not made available to repeat offenders, of which there are more women than there are men (given the historic disparity). In 2021/22, 14.6% of female evaders interviewed had had a previous ROI in the last two years compared with 11% of male evaders interviewed.

Case evaluation and a decision whether to prosecute

Cases are evaluated by legal and specialist staff within TVL. In common with other prosecutors such as the CPS, two tests are applied.

- First, an evidential test which looks at whether there is sufficient admissible evidence that an offence has been committed to give a realistic prospect of a conviction.
- Second, a public interest test which considers whether proceeding is in the public interest, weighing up (non-exhaustive) factors such as previous evasion, whether a licence was purchased following interview, mental or physical ill health or other vulnerabilities including severe financial hardship. The relevant considerations are published in full in TVL’s Prosecution Policy.⁵³

If TVL decides to prosecute the way in which that person is prosecuted differs between the nations of the UK.⁵⁴ In England and Wales, prosecutions are conducted by TVL and tried in a magistrates’ court which can on conviction impose a fine of up to £1,000.⁵⁵ A similar system operates in Northern Ireland.

In Scotland TVL gathers evidence and makes a report to the Procurator Fiscal, who decides whether or not to bring a prosecution. Most Scottish cases are settled out of court with a “fiscal fine”.

⁵³ <https://www.tvlicensing.co.uk/about/foi-policies-AB17>

⁵⁴ And in the Channel Islands and the Isle of Man.

In all cases, the decision to prosecute (including a decision to make a report to the Procurator Fiscal) is made by TVL. A prosecution is progressed by TVL only if there is sufficient admissible evidence to give a realistic prospect of conviction, and a prosecution is in the public interest.

As well as the VO asking in the interview whether there are any personal circumstances that ought to be taken into account, additional information can be provided subsequently, right up to the court hearing, and may lead to TVL withdrawing the case. If a customer buys a licence in full (or has made payments towards a licence) then the case will normally be withdrawn.

Our sample at this stage covered 24,000 cases and indicates 75% of cases could be female, an increase on the previous stage of 3% points.

If someone is convicted they can be fined. The level of the fine is decided by a magistrate and takes into account the means of the offender and the circumstances of the case. The average fine in 2021-22 was £206 with around one-third of fines less than £100. There is no prison sentence or other means of punishment available beyond the fine in respect of TV Licence evasion. Magistrates can send people to prison for deliberately disobeying court orders to pay fines (often fines for multiple offences), but not for failure to pay a TV Licence. In the last few years no one has been sent to prison for failure to pay a fine imposed in respect of TV Licence evasion.⁵⁶

⁵⁶ Data from Ministry of Justice, applies to England and Wales in 2020 and 2021. See <https://questions-statements.parliament.uk/written-questions/detail/2022-10-17/63958>

PART 4: EVALUATING THE GENDER DISPARITY

We have looked at why there is a disparity and what, if anything, TVL can do about it.

We highlighted in Part 2 that there are societal factors that contribute to the disparity. In themselves these are outside TVL's control, but we need to look at whether the way TVL operates in the context of those factors causes or contributes to the disparity. In Part 5 we look at whether we can change the way TVL operates while still collecting the licence fee efficiently and effectively.

Why does anyone get prosecuted?

A person will be prosecuted only if the following circumstances exist:

- A. To receive a visit an address must be unlicensed.
- B. That address must then be allocated a visit.
- C. At a visit, an appropriate person must be present to answer the door and they, or another appropriate person, must agree to be interviewed.
- D. (Assuming a licence is required) that person must refuse to buy a licence, or buy one but then fail to make enough payments, or be a repeat offender who is not offered the opportunity to avoid prosecution by buying a licence.⁵⁷
- E. The evidential and public interest test must both be satisfied throughout the prosecution process.⁵⁸
- F. The final decision to convict and set a fine rests with the magistrates, not TVL or BBC.

Does TVL target women?

We have not found any evidence that TVL deliberately targets women or uses any other discriminatory practices. In this report we have noted that:

- Gender is not a factor in rating or allocating an address for a visit.
- We have found no evidence VOs select the addresses they visit based on gender or target addresses where a title indicates that a woman is the known (former) licence holder.
- Nor have we have found evidence that the factors that mitigate against prosecution are somehow unfavourable to women.

We think a relevant factor is that repeat offenders are not offered the PICS process (which is outlined in Part 4). There are good reasons to offer PICS only to first-time offenders – to preserve the deterrent effect and for fairness for all licence fee payers. However, given our data suggests that more women are repeat offenders than men this approach needs to be re-visited. TVL is trialling a change to this policy, as outlined in our Action Plan.

⁵⁷ i.e. even if they buy a licence they can still be prosecuted for evading up to that point in time.

⁵⁸ If TVL receives mitigating evidence before a case goes to court (or even literally at the door of the court) the case may be discontinued.

So why are more women prosecuted than men?

We have not found a simple and direct relationship between the disparity and the way in which TVL operates. We have concluded that the disparity is mainly attributable to three societal factors which, in the context of TVL's job of collecting the licence fee, together make it more likely that a woman will be prosecuted than a man:

- **Household composition**: household composition in the UK skews female - as there are more female (lone or lone adult) households than male households it follows that, all other things being equal, a corresponding disparity in prosecutions is expected.
- **Behavioural differences between men and women**: there is evidence that women are more likely to be at home when a VO calls (even at weekends and in the evening), and more likely to: (i) answer the door, (ii) engage with the VO (e.g. agree to be interviewed), (iii) be deferred to by a man (i.e. the man calls her to the door to speak to the VO), and (iv) be the bill payer. Given the set of circumstances outlined above which are steps leading to anyone being prosecuted, we consider these behavioural differences account for a substantial proportion of the disparity.
- **Financial hardship**: women overall, and lone parents in particular, are more likely to be in financial difficulties and while this is not the sole factor in evasion, difficulty making payments will lead some to become unlicensed and/or fail to make enough payments to avoid prosecution, and will also be a factor in repeat offending. We have also found that the process for prioritising addresses and allocating visits tend to place an emphasis on properties that have recently been licensed, and in urban areas. These factors could help indirectly to explain some of the disparity.

Understanding these societal factors, and how TVL's processes operate within this context, is critical to developing our 10 point Action Plan. While TVL cannot change these societal factors, and must continue to collect licence fee effectively, in Part 5 we examine ways to adjust TVL's approach, considering the needs to be cost-effective, proportionate and fair to all licence fee payers.

As there is no direct relationship between TVL's actions and the prosecution of women, the changes are designed to help everyone – but should help women more than men – and are likely to mean fewer prosecutions. The BBC will report openly and transparently on TVL's progress implementing these actions and their outcomes. TVL will maintain a close dialogue with groups representing women, debt/financial charities and other relevant stakeholders as this plan is implemented.

PART 5: THE BBC'S 10 POINT ACTION PLAN

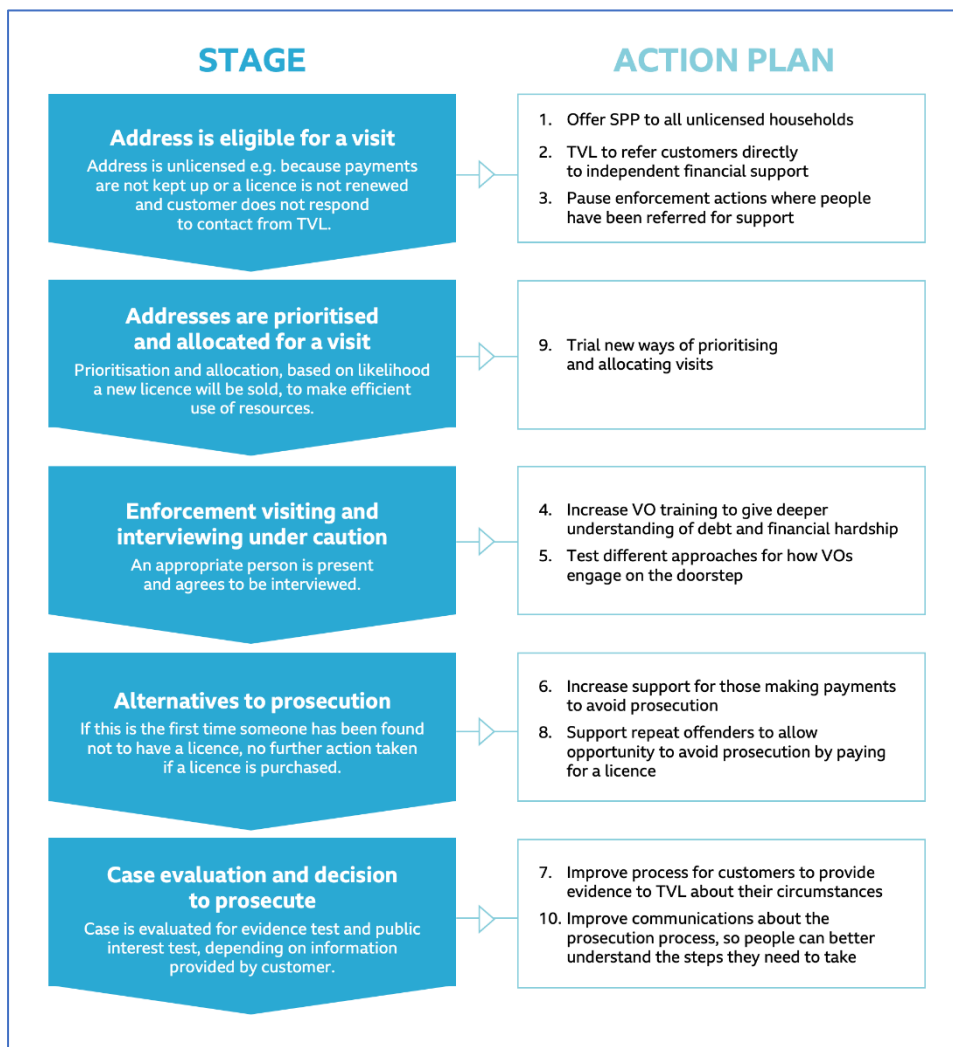
TVL is implementing a 10 point Action Plan and will continue to work with other organisations and stakeholders as needed to make further improvements. Most of the actions have been developed as a direct result of suggestions made to this review by organisations with experience dealing with women in financial hardship or with debt issues or women in the justice system.

The Action Plan focuses on doing more to:

- support people in financial hardship and debt; and
- help people stay licensed and avoid prosecution.

We think it is helpful to map the Action Plan against the parts of the process outlined into Part 3, as per Figure 6, below.

Figure 6: TVL's processes and Action Plan



To support those in financial hardship, TVL will:

1. *Offer the Simple Payment Plan to all unlicensed households. As this requires Government regulations, the BBC will work with the Government to explore how this can be enabled.*

The Simple Payment Plan was introduced after our 2017 review as a new way to pay for the TV Licence. More than 70% of SPP licences are held by women. The SPP helps support people in financial hardship by enabling them to pay in smaller instalments. It also enables people to spread the cost if they have to miss a payment. Eligibility though is currently limited by regulations⁵⁹ and we will work with the Government to explore how the SPP can be offered to all unlicensed households.

2. *Provide direct referrals to organisations that provide independent financial support and advice (where agreed with those individuals). TVL will work in partnership with specialist organisations to provide this service, initially piloting with StepChange, an independent debt support charity.*

TVL has agreed a new partnership with StepChange, a charity which provides debt advice, to provide a facility whereby any household reporting, or appearing to be in, financial hardship is proactively referred to the charity for further support.

This service will therefore provide assistance, if the individual agrees, and outline the options available for households in managing their entire household budget, not just their TV Licence. It will also encourage early engagement with support services including, for some people, before they have missed any payments or gone into debt. TVL aims to pilot this new service in the first quarter of 2023/24.

3. *Where such a referral has been made, pause enforcement actions for a period of time (initially trialling a period of 2 months) to give space for people to make use of the support.*

TVL will trial this provision alongside Action 2.

4. *Increase training for Visiting Officers to ensure they have a deeper understanding of debt and financial hardship. TVL will develop the training working with expert organisations.*

TVL already provides extensive training to Visiting Officers on how to recognise vulnerabilities. TVL will enhance their training programme to include recognition of debt vulnerabilities and financial hardship. TVL will, as they have with other aspects of their training programme, develop the training using best practice guidance from stakeholder organisations with specific expertise to ensure VOs have a deeper understanding of debt and financial hardship.

⁵⁹ Specifically, someone has to be unlicensed and: directly referred to TVL by debt charities, have received a visit from TV Licensing, or had a previous licence cancelled because of missed instalment payments.

To help people stay licensed and reduce the risk of prosecution TVL will:

- 5. Give customers every opportunity to buy a licence before any prosecution case is started by testing different approaches for how visiting officers engage on the doorstep.*

A visit to a household follows only after other channels have been exhausted. Currently if there is evasion found when TVL visits an address then TVL will start the prosecution process which may then be dropped if a licence is bought (or for other reasons). TVL will evaluate the effect of only starting a prosecution process, and taking a Record of Interview, if the customer decides not to buy a licence. The impact on gender disparity is unclear although we expect it would reduce the number of both women and men being prosecuted. Accordingly TVL will trial this approach starting in the second quarter of 2023/24 to gather the necessary data to assess the impact on effectiveness and overall value for money.

- 6. Increase support for those in the prosecution process who - before their case goes to court - are making payments towards a licence, so the prosecution can be withdrawn.*

TVL will launch a pilot scheme to increase communication with those at risk of prosecution and who have been offered PICS (which offers first time offenders the chance to sign up to a payment plan instead of being prosecuted) to encourage them to maintain their payments and support them in reaching the threshold for their case to be dropped. This will also offer more opportunities for people to present evidence of any factors that mitigate against prosecution. This pilot is underway, with a rollout in 2023/24.

TVL will also pilot offering more time and flexibility to become licensed instead of being prosecuted. While not targeted at women specifically, because there are more women at this stage than men this should help proportionally more women.

- 7. Improve the process for customers to provide evidence that may be relevant for TVL to determine whether a case should proceed to prosecution, for example whether there is evidence to suggest it would not be in the public interest to pursue. This will include more opportunities for people to provide evidence about their personal and financial circumstances.*

As well as providing more opportunities for people to present evidence of any factors that mitigate against prosecution, TVL will provide straightforward and simple guidance to people on how the public interest test is assessed and what information TVL needs to make the assessment. This will allow people to more clearly identify whether their circumstances should be shared with TVL and what to share. The guidance will be provided directly to people involved in the prosecution process and also included on the TVL website. TVL will implement this in the first quarter of 2023/24.

- 8. Consider how support for repeat evaders could focus on allowing opportunities to pay for a licence to remove the risk of prosecution.*

TVL will trial offering PICS (see above) to repeat offenders as well as people who have had an ROI for the first time. We are hopeful that offering this additional opportunity will encourage more people to become licensed and thereby avoid prosecution.

While not targeted at women specifically, our data indicates there are more repeat offenders who are women, so this should help more women than men. This trial is underway and will gather the necessary data to assess impact and value for money.

9. Trial new ways of prioritising and allocating visits to assess their impact.

TVL will trial the use of title of the licence fee holder as a specific criterion within the visit allocation, so that there is a 50:50 male to female split. We will also trial allocating visits based solely on a geographic area instead of the current prioritisation approach.

Each of these measures might have significant impacts on the efficiency and effectiveness of TVL enforcement and the impact on gender disparity is unknown. Accordingly, TVL will trial these changes in the period starting in the first quarter of 2023/24 in order to gather the necessary data to assess their impact.

10. Improve communications with customers to ensure greater clarity, including around the prosecution process so people can understand the steps they need to take to pay and reduce the risk of prosecution.

Our aim is to help support people. We are improving TVL communications to make them simpler and easier to read, recognising the average reading age of people in the UK is 9 years old. TVL will also extend the range of languages provided in communications including more support for people with accessibility impairments. TVL will also provide more information online.

We expect these changes to benefit everyone. The changes will be implemented starting in the first quarter of 2023/24.

ANNEX A: TERMS OF REFERENCE

1. Scope

The Review's terms of reference are:

- (a) to seek to understand what is driving the disparity today, by identifying the societal factors that drive it;
- (b) assessing the role of TV Licensing and understanding the factors which impact on customers' ability to make appropriate licensing arrangements;
- (c) to consider how TV Licensing conducts investigations into unlicensed households; the circumstances in which the decision to prosecute is made; and the grounds considered when pursuing individual prosecutions; and
- (d) to seek to understand whether TV Licensing could better support customers before enforcement measures are considered.

The BBC is committed to taking further actions where it is possible, appropriate and proportionate. The findings of this review will be published.

2. Approach

The review will aim to:

- Review the relevance / impact of the underlying societal factors identified in the last review;
- Identify whether there are other additional factors that are driving the disparity;
- Identify if there are other changes that can be made to TVL processes that could help to mitigate the disparity;
- Complete impact assessments of any mitigations that might be identified, taking into account the impact on the gender disparity and whether proportionate solutions can be found to reduce the disparity.

The Review will not consider:

- whether TV Licence fee evasion should be decriminalised;
- the Licence fee as the model for funding the BBC;
- Licence fee collections of over-75 year olds.

This will be an internal review and will be carried out by the BBC with input from an Independent Advisor. The role of the Advisor will be to provide an impartial and objective review and challenge of the process and to provide feedback on or development of insights and/or mitigations.

The Independent Advisor will have an interest and/ or expertise in:

- social justice, particularly amongst women;
- the application of public policy to produce better outcomes for groups facing disproportionate impacts of social injustice;

- the criminal justice system and/or academia.

The review will engage directly with a range of stakeholders to provide input on the impact of TVL enforcement. Whilst the review will not be a public consultation, stakeholders will be invited to contribute to group research or written submissions. The stakeholder groups which will be invited will be those who support: women in the criminal justice system; people facing financial difficulty; minority groups with protected characteristics; victims of domestic and sexual violence; and English as a second language. The review will also request data and insight from think tanks and government agencies.

3. Resources and Governance

The review will report to the BBC Director-General. It will be managed by a Steering Group chaired by Kerris Bright, Chief Customer Officer. A Working Group will be responsible for planning and completing work to achieve the review and will report to the Steering Group each month.

4. Reporting

The review will aim to conclude in 2022. Following review by the Director-General, a report including the findings and recommendations will be published as soon as practicable.

ANNEX B: GLOSSARY OF TERMS

PICS	Post Interview Customer Support
ROI	Record of Interview
SPP	Simple Payment Plan
TVL	TV Licensing
VO	Visiting Officer

ANNEX C: METHODOLOGY AND SUPPORTING EVIDENCE

The BBC is committed to openness and transparency and we are publishing supporting evidence for this review alongside this report. This Annex provides a guide to what we are publishing. The documents can be found [here](#).

Document	Description
Desk research	<ul style="list-style-type: none">• 3 reports which summarise the desk research undertaken for this review covering: money; women's experiences; criminal justice.
Equality Impact Assessment	<ul style="list-style-type: none">• Consideration of equality issues in relation to gender disparity in prosecutions for TV Licence fee evasion
Research	<ul style="list-style-type: none">• Evidence from research with samples of: the general population, Visiting Officers and those completing a Record of Interview.
Stakeholder summary	<ul style="list-style-type: none">• Anonymised summary of themes we discussed with stakeholders covering: money advice and debt; women's experiences in the home, society and justice system; equality and diversity; law, policy and justice issues.• Annex D.

ANNEX D: STAKEHOLDER SUMMARY

In autumn 2022 we met and interviewed a range of stakeholders to discuss the following themes that have informed our review:

- Money advice and debt;
- Women's experiences in the home, society and justice system;
- Equality and diversity;
- Law, policy and justice issues.

The discussions were held under the Chatham House rule⁶⁰ so what follows is an anonymised summary of the key issues discussed, and where relevant, the review's response to suggested changes.

Issues raised by stakeholders

Stakeholders raised three main themes.

Women are more likely to experience financial hardship and other vulnerabilities.

First, some stakeholders told us that more people than ever are in debt and financial hardship disadvantage, and this could affect their ability to pay for priority bills, including the TV Licence. Demand for debt and abuse support services had increased 'exponentially' this year with an increase in both call volumes and the severity of hardship reported, with women identified as bearing more disadvantages, more wider vulnerabilities and being in greatest need of help. The biggest issues identified were the increase in 'priority debts' (Council Tax, water and energy arrears) and demand for money advice. Different issues were identified for different groups, for example rent for those in urban areas, and travel costs and heating heat sources (oil) for those in rural areas.

The need for a consistent approach to identifying people's vulnerabilities.

Second, some stakeholders told us a consistent approach is needed to identify and consider people's vulnerabilities. We were advised that the need for this consideration was amplified when providing support to women. Because of the complex nature of the multiple pressures some women carry, stakeholders called for better identification and recognition of vulnerabilities by creditors. Vulnerabilities cited include mental health, those with severe sight impairment, those suffering from domestic and economic abuse, language barriers, and "overlooked" groups such as black and minority ethnic women and migrants. Stakeholders operating in the legal and criminal justice space suggested TV Licensing should consider taking a trauma informed approach – i.e. ways of supporting people that recognise specific needs as a result of past or ongoing trauma - when guiding women through the prosecution process.

⁶⁰ whereby "participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed".

Best practices for supporting people with debt issues and vulnerabilities.

Third, some stakeholders told us there are best practices for supporting people with debt issues and vulnerabilities. These include a pre-emptive single point of entry via appropriate channels to provide people with the support they need to manage their financial wellbeing; and the intervention should be provided by trusted, not-for-profit, and neutral support services as this is key to helping people manage debts. Furthermore, stakeholders advocated approaches that do not require vulnerable clients to evidence traumatic circumstances, and which provide “breathing space” to allow someone in problem-debt time to devise a sustainable plan for repayment.

Other issues raised by stakeholders.

Other issues raised by some stakeholders included advocating for decriminalisation of licence fee evasion, that the current system was disproportionate, the potential consequences of a criminal record and that wider Government policy such as Universal Credit and the two-child benefit cap was disadvantageous to women. These issues are out of scope of this review and this was acknowledged by stakeholders but some stated they wanted those points recorded.

Our response to changes suggested by stakeholders

Most of the actions in our 10 Point Action Plan have been developed as a direct result of suggestions made to this review by organisations with experience of dealing with women in financial hardship or with debt issues or women in the justice system.

Actions 1 to 4 are directed at helping those in financial hardship, which most stakeholders told us was something that particularly affects women. Actions 2 to 4 all use and build on best practice for supporting people with debt issues and vulnerabilities.

Action 5 to 10 are directed at helping people stay licensed and reduce the risk of prosecution.

We have also considered a range of other ideas which are summarised below, together with a brief summary of our consideration. Some of the suggestions TVL already does or will do, while others TVL will not be taking forward at this time.

A fund where people could apply for relief or payment of the TV Licence on their behalf.

The BBC does not have the legal basis under its Royal Charter to establish and fund such a scheme, which would ultimately need to be paid for by licence fee payers which raises questions about fairness for everyone, particularly those who do pay. We think the other proposals will be more effective, particularly our focus on supporting people to pay and pausing enforcement action.

Write-off debts where the cost of recovery outweighs the amount owed.

TVL does not seek to recover debts where a person was licensed for a period but did not pay and has had their licence cancelled, as it is not cost-effective. The decision to pursue or write off fines is a matter for the Courts.

Exempt from prosecution victims of domestic abuse, economic abuse and people with learning difficulties. Take women's vulnerabilities on trust/belief rather than asking for evidence.

TVL has to look at each case individually and these are all factors that TVL would take into account when considering whether to bring a prosecution in an individual case.

When considering whether to proceed with any prosecution TVL applies an evidential test and a public interest test. The latter is based on a non-exhaustive list of factors relevant to whether a prosecution is in the public interest or not. Severe financial hardship, domestic abuse, mental or physical ill health and other vulnerabilities are in the list of issues tending against a prosecution. When reviewing a case to decide whether to bring or continue a prosecution, TVL will look at all the relevant factors, for and against, and reach a balanced view.

However improvements can be made. As outlined in the Action Plan, in response to the information gathered during this review TVL will improve the way it explains to people what circumstances and factors might be relevant to determining public interest considerations. Improvements will also focus on how people can communicate any relevant information or evidence (if needed) to TVL to assist its decision making.

Specifically for those with learning difficulties, VOs will only undertake an ROI if someone is aged over 18, resident at that address and is competent to provide evidence.

TVL will enhance training for VOs to include recognition of financial hardship and vulnerabilities. TVL will follow best practice guidance from stakeholder organisations in developing such training.

Allowing third parties to submit 'subject access requests' to TVL to access case papers and phone-call records that TVL holds.

TVL already allows individuals to request access to their personal data held by TVL in accordance with the UK GDPR's Right of Access. TVL must process subject access requests made by a third-party on behalf of another individual if it is satisfied that the third-party is authorised to make the request.

Prosecuting a man in the household (if there is one) when he is the previous licence holder and/or pays the household bills, instead of a woman where that woman has given the Record of Interview.

Bringing a prosecution against a person in a household different from the person who provided a Record of Interview would be highly impractical and risks unintended consequences.

TVL will only prosecute people where there is a) sufficient evidence to ensure that there is a realistic prospect of conviction, and b) where the public interest test is met.

In respect of the evidential test, the law imposes a high evidential burden that TVL must meet in order to prove the offence was committed.⁶¹ To meet that standard, TVL currently relies primarily on evidence (i.e. facts and admissions) obtained in an ROI by a VO. Without an ROI admitting to the offence, TVL would need other evidence to build a case, which might, for example, require taking a statement from a woman about the way other people in her household consume licensable content (in this example the male named former licence holder). She may refuse; and also this may inadvertently place women at risk, or at other further disadvantage.

Provide appropriate payment plans for people facing multiple disadvantages.

TVL offers a range of payment plans that allow people to pay in instalments. The Simple Payment Plan is the most flexible payment scheme and its availability is currently limited by Government regulations. Action 1 is that the BBC will work with the Government to explore how SPP can be extended to all unlicensed households. Actions 2 and 3 are also important here, as they will increase the amount of support available to people in financial hardship and allow more space for people to make use of that support.

Improve the ROI form with specific questions on vulnerabilities rather than open-ended space – as people don't always recognise their vulnerabilities.

As outlined above review TVL is improving the ways people can communicate any relevant information, including vulnerabilities, and will improve training to recognise debt vulnerabilities and financial hardship. TVL regularly reviews and updates the ROI form, though we do not consider it appropriate for a VO at the door to ask too many questions about specific vulnerabilities that people might be uncomfortable answering at that time.

Access to free legal defence advice and support early in the process.

The BBC does not have the legal basis under its Royal Charter to pay for legal advice for people at risk of prosecution.

⁶¹ As licence fee evasion is a criminal offence, the threshold to be met is that it is 'beyond reasonable doubt' that the individual committed the offence.