
REVIEW OF GENDER DISPARITY IN PROSECUTIONS FOR TV LICENCE FEE EVASION

Introduction

The BBC is conducting a new review to better understand why there is a significant gender disparity in prosecutions for TV licence evasion. The terms of reference for this review are set out below.

Background

Ministry of Justice data shows that there continues to be a significant gender disparity in the prosecution of people for licence fee evasion, with more women than men being prosecuted.

In 2015 the Government's Perry review found that the BBC was not operating a discriminatory policy¹ but recommended that the BBC should look at the issue in more detail. Therefore in 2017, the BBC conducted an in-depth review and found that underlying societal factors drive this disparity.

A number of actions arising from the review were implemented but the position has not changed. Given nearly five years have now passed the BBC believes that it is right to review this issue again and see if there are other steps that can be taken to reduce the disparity.

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.

¹ The Review stated (paragraph 91) "it is relevant to note that the Review found no basis to conclude that TV Licensing intentionally targets women, or that its practices are directly or indirectly discriminatory."

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, and
- 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 this year. Following review by the Director General, a report including the findings and recommendations will be published as soon as practicable.