

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 June 2018

Public Authority: British Broadcasting Corporation (BBC)
Address: Room BC2 A4 Broadcast Centre
White City
201 Wood Lane
London
W12 7TP

Decision (including any steps ordered)

1. The complainant requested information relating to the October 2017 BBC equal pay audit. The BBC has failed to respond to this request.
2. The Commissioner considers that the BBC breached section 10(1) FOIA in the handling of this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The BBC must provide the complainant with a response to this request in accordance with its obligations under FOIA.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 16 February 2018 the complainant wrote to the BBC and requested information in the following terms:

"I would like to request the following information under the provisions of the Freedom of Information Act. I would ask you to send your response by email. My questions relate to October 2017 BBC Equal Pay Audit Report.

Q1. For table 1-4 (Base salary – all individuals/Base salary plus allowances – all individuals/Base salary – 50+ individuals, minimum 10% representation of both genders/Base salary plus allowances – 50+ individuals, minimum 10% representation of both genders) for each row in each table please list the roles which make up the count of jobs.

Q2. For tables 1-4, how does the headcount divide between numbers of men and women for both the median and mean columns? Please provide this for each row of each table.

Q3. For tables 1-4 how many of the headcount is accounted for by part time staff, and how does this number break down between men and women? Please provide this for each row of each table.

Q4. For tables 1-4, please identify the roles which show a pay gap of 3% or greater to men. What is the headcount for these roles and how does it divide between men and women? Please replicate this for the roles which show a pay gap of 3% or greater to women.

Q5. For table 5 (which compares pay grade to headcount, base salary and base salary plus allowances) how do the median and mean figures break down between male and female employees? Please provide this for each row.

Q6. For table 6 (which details average length of male and female service in their roles) what is the average total length of service for male and female workers? Please provide this for each row.”

6. The BBC has failed to respond to this request.

Scope of the case

7. The complainant contacted the Commissioner on 16 April 2018 to complain about the way the request for information had been handled.

8. The Commissioner has considered whether the BBC has dealt with this request in accordance with its obligations under section 10(1) FOIA.

Reasons for decision

9. Section 10(1) provides that:

“Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

10. Section 1(1) provides that:

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

11. The request was made on 16 February 2018 and a response has not yet been provided. The Commissioner therefore finds that the BBC breached section 10(1) in failing to respond within 20 working days.

Right of appeal

12. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from: First-tier Tribunal (Information Rights)

GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

13. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
14. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Gemma Garvey
Senior Case Officer

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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF