

APPLICATION OF THE PUBLIC SECTOR EQUALITY DUTY BY THE BBC

CONSIDERATION OF EQUALITY ISSUES IN RELATION TO GENDER DISPARITY IN PROSECUTIONS FOR TV LICENCE FEE EVASION

A. General

1. A TV licence is paid for by households that consume live television content or BBC content in an efficient, appropriate and proportionate way. The vast majority of households are licensed, with around 25 million licences currently issued. Non-payment is a criminal offence, punishable with a fine, although prosecution is very much a last resort. TVL has in place a number of measures aimed at supporting people to pay. Prosecutions have fallen substantially in recent years, from around 128,000 in 2017/18 to 44,000 in 2021/22, a decrease of 66%.
2. Only a small proportion of households have regular contact with TVL, and fewer still encounter the enforcement process. TVL offers different ways to pay - 76% pay by direct debit which is frictionless, the remainder through other payment schemes. Evasion (i.e. using licensable services without being covered by a TV licence) is relatively low. A very small proportion of these sites end up being prosecuted for evasion - around 0.18% of all sites and less than 2% of all evaders.
3. Around three-quarters of those convicted are women. This disparity is the subject of the Gender Disparity Review (GDR 4) to which this assessment relates.
4. Decisions based on the review are for the BBC to ensure the BBC delivers its mission and public purposes for everyone, and also to secure that arrangements for collecting the licence fee are

protected characteristic and persons who do not share it;²and

(c) foster good relations between persons who share a relevant protected

characteristic and persons who do not share it;²and

and what we have assessed to be the key impact that they are likely to have on different groups with protected characteristics.

17. As the aim of this review is to alleviate a disadvantage experienced disproportionately by women (i.e. the likelihood of prosecution) we have sought options that benefit women in that respect, taking full account of what we have learned about the causes for the disparity, the experience of women and the effects of intersectionality. At the same time the PSED requires that we ensure that, in doing so, we do not inadvertently create unjustifiable disadvantages for men, and for men or women with other protected characteristics.

18. Our work has highlighted some general principles that should guide TVL 04 Tf 1 :96dct in

Gender

20. By supporting people in financial hardship, we expect to benefit all groups (with and without protected characteristics), but particularly women because women are more likely to experience financial hardship.⁴

21. Furthermore, evidence indicates that financial hardship of women can be compounded for individuals with other protected characteristics, most notably race, marital status (in the case of single mothers), disability and age (e.g. both pensioners and younger workers). As such, we consider that any actions that aim to directly support those in financial hardship will benefit women, people living with disabilities, those from ethnically and linguistically diverse backgrounds and single parents.

Disability

22. Disability can be a factor leading to financial hardship. People with disabilities:
may be unable to work
if they work, may be in lower-paid or part-time work
may have non-optional costs related to their disability, including costs of care, medication and equipment, and energy bills

6.

(b) The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

35. The system that inadvertently prosecutes women disproportionately.

36. The GDR and its outcomes are aimed at achieving this objective. As noted above, the purpose of this review has been to understand an identified gender imbalance in TVL prosecutions. For reasons given here and in the GDR report, we expect the actions we have devised will mean people are better supported to remain licensed and to avoid prosecution, especially where they are in financial hardship. While the impact on gender disparity is unclear, we expect it would reduce the number of both women and men being prosecuted.

(c) The need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it

37. We recognised a risk that, if measures are taken as a result of this review that seem to shift the focus of enforcement towards men, and/ or could be perceived as treating men and women differently, this could have a negative effect on perceptions of fairness as between men and women. In fact, none of the proposed actions are specifically aimed at women, or aimed at women to the detriment of men. As we have explained in the main report, there is no direct relationship between the gender disparity of prosecutions, which is why the changes are designed to help everyone. We are therefore satisfied that our actions are consistent with this objective.