

# Respect at Work Corporate Policy – detailed requirements

You can read more about our [diversity and inclusion principles and practices](#).

We believe that the BBC's approach to diversity and inclusion applies to everyone working at the BBC; and therefore all workers including employees, consultants, temporary workers, agency staff, and other third parties working on behalf of the BBC and in BBC buildings will be treated by the BBC in accordance with these detailed requirements.

## Definition

### What is diversity?

For us, diversity means all the ways we differ and it includes everyone. It includes our visible differences such as gender, race and visible disabilities. But it also includes our non-visible differences such as sexual orientation, gender identity, social class, ethnicity, heritage, religion, unseen disabilities, different perspectives and thought processes, education, family status and age. Diversity also includes the nations and regions, where our audiences and employees live and work.

### What is inclusion?

To the BBC, inclusion means valuing and celebrating differences and encouraging a workplace and culture where all can thrive. This means individuals are supported, respected, engaged, have a voice, and are able to develop skills and talents in line with BBC values.

### What is equality?

At the BBC, equality means providing for equality of opportunity through a fair and consistent approach to the application of rules, policies and procedures.

### What is equity?

At the BBC, equity means providing individuals with the tools, resources and support they need to succeed.

### What is accessibility?

Accessibility at the BBC means the accessibility of all of our products and services as well as our ways of working, this includes: broadcast output; digital products and services; buildings (such as offices or studios); internal technology; provision and publication of information; and HR and business practices.

## Principles

The BBC is committed to diversity, inclusion and equality of opportunity in the workplace. We want each and every person working at or with the BBC to feel respected and able to give their best, enabling us to be a truly creative broadcaster. Our audiences, our people and our suppliers expect it. Our mission demands it. The more diverse our content and workforce are, the better we can reflect our audience.

This is why we are looking at the workforce diversity of the entire supply chain – from our support staff, to commissioning, production, through to the sourcing of talent, on-air portrayal and goods and services.

We celebrate diversity and require an environment free from unlawful discrimination, harassment, bullying and victimisation, which promotes dignity and respect for all, and where individual differences and the contributions of all employees are recognised and valued, and any behaviour that breaches this is tackled. The BBC is committed to diversity and inclusion in all aspects of recruitment and employment and will not tolerate unlawful discrimination or harassment in any form.

We want to support talent and create an inclusive BBC where individuals can progress. In 2021 we published the BBC Workforce Diversity & Inclusion Strategy 2021-2023 which outlined the commitments over this period. More information can be found via the [BBC Workforce Diversity & Inclusion website](#).

## Resourcing and Recruitment

The BBC believes in providing equality of opportunity, fairness and respect for all in our employment, whether temporary, part-time or full-time. The BBC strives to develop and implement recruitment and selection processes that are open and fair and that enable the selection of the best talent.

Diversity is monitored at all stages of recruitment (application, shortlist, interview and offer) and reported on to assess the impact of our recruitment processes on diversity. Our Resourcing and Talent team are trained in diverse recruitment best practice. We have also launched a network of Interview Champions - once trained, the Champions will be invited to join selection panels to ensure fair and equitable practices are positively promoted throughout the process.

Roles of three months' or longer duration will be advertised as widely as possible in the circumstances to encourage a diverse range of applicants. Subject Matter Experts will be consulted on the appropriate use of assessments, challenging their use and ensuring they do not exclude certain groups.

For jobs in bands E and F we will ensure there is a BAME candidate on the shortlist.

In advance of interviews, all BBC hiring managers and employees with recruitment responsibilities are required to complete the BBC's training, Unconscious Bias. Interviews should be conducted by at least two people; never by a single interviewer. Recruitment panels must always have as diverse a mix of levels of seniority, gender and background as possible.

Wherever possible, interviews should be arranged flexibly, with sensitivities around reasonable adjustments for people with disabilities, and those with family commitments as well as cultural norms. Access & Disability Services can provide comprehensive disability related support to disabled staff and interviewees. This includes guidance on reasonable adjustments for interviews and assignments, communication support for Deaf or hard of hearing candidates, note-takers, and recommendations for assistive technology.

### Learning and Development

The BBC encourages the identification of opportunities for training and development to encourage staff to develop their full potential, so their talents and resources can be fully utilised. We believe employees should have access to the relevant learning and development linked to achieving business and personal development objectives identified. We ensure our leadership programmes have a diverse mix of participants, aligned to our targets. The BBC is committed to ensuring employees are aware of their responsibility for promoting diversity and inclusion at work. Training for everyone on diversity is available via the Academy: Unconscious Bias, Disability Confident, Inclusive Culture, Word 2010 Creating Accessible Documents and Accessibility for Web Developers. Other diversity training may be relevant depending on the role.

### Gender Identity

The BBC supports employees identifying as transgender, non-binary and/or gender-fluid including those who wish to take, or have taken, steps to present themselves in a gender different to the gender assigned at birth, and those who do not identify as male or female or identify with a fixed gender.

The BBC recognises the importance of using an individual's pronoun; purposefully, persistently and intentionally. The BBC does not operate an official dress code; employees must dress appropriately and safely for their role regardless of the gender they identify with.

The BBC is committed to supporting employees who transition, including providing for paid time off for medical appointments, treatments and surgical procedures in line with our Managing Health and Attendance policy. An individual action plan will be discussed and agreed with the employee, including the approach to time off for reasons relating to the transition (whether medical or other). Such time off should be taken outside working hours; where it is not possible the BBC will allow for a reasonable period of authorised and paid absence. The individual plan will also cover matters such as confidentiality and how the employee would like to be supported, for example how and when they want to

speak to colleagues, and the date from which their gender will be changed on BBC records.

Our Manager Advice team will provide practical advice and support throughout the process to better equip managers who may have a colleague in the team changing their gender expression. We have resources on Gateway for colleagues and Team Leaders.

### Accessibility

The BBC is committed to making our products, services and work environments accessible to everyone by removing barriers and facilitating inclusion wherever possible. The BBC designs its products and services in a way that, as far as reasonably practicable, provides disabled people with equivalent access and experience to that enjoyed by non-disabled people; accessibility is an upfront consideration of all new products and services. Where possible we will offer meaningful choice, additional features and alternatives in BBC digital products to users with specific disability requirements.

The BBC ensures that, so far as possible, the environmental design and enhancements of buildings and external event spaces provide an accessible environment to both staff and visitors with cognitive, physical or sensory disabilities.

The BBC wants to share knowledge and best practice in accessibility and this can be done through the work of the Diversity and Inclusion team and by an Accessibility Champion at board level. Further information on the BBC's approach to accessibility is set out in the [BBC's Accessibility Statement](#).

### BBC Offices

Where possible, the BBC will provide spaces such as 'Wellbeing, nursing, pregnancy and Maternity' across our sites. We will also provide gender-neutral toilets where practical to do so.

### Monitoring

The BBC has targets for gender, disability, ethnicity, socio-economic diversity and LGBTQ+ which aim to build a workforce that reflects the diversity of the UK. These targets are monitored annually; the data collected is used to take action to address any issues of identified underrepresentation.

Equality impact assessments are completed for all reorganisations and redundancy and where particular groups may be adversely impacted by a proposal, mitigating action will be considered.

The BBC regularly reviews all policies, procedures and practices to ensure they comply with any legislative changes and good practice.

### Purchasing of goods and services

The BBC encourages contractors and suppliers of goods and services to comply with this policy and to have their own diversity guidelines in place (or equivalent), which should include training for their employees covering all protected characteristics. Where relevant, accessibility should be a core requirement in any procurement of services and products.

We include provision in our questionnaire to suppliers at the pre-contract stage and the expectation to align to BBC policies on Diversity and the other Corporate and Social Responsibilities we have in place if they wish to supply to the BBC.

Diversity and inclusion should be considered in review meetings with contractors and suppliers.

Discrimination, victimisation and harassment

We take allegations of unlawful discrimination, victimisation or harassment seriously and are committed to listening to staff and taking action where appropriate. It is unlawful to discriminate because of an individual's age; gender reassignment; being married or in a civil partnership; being pregnant or on maternity leave; disability; race including colour, nationality, ethnic or national origin; religion, belief or lack of religion/belief; sex; or sexual orientation.

If you have personally experienced or witnessed discrimination, victimisation or harassment, details on support can be found [here](#).

Staff Networks

The Diversity and Inclusion team specifically support the following employee networks:

- BBC Ability - for disabled employees
- BBC Enigma - neurodiversity staff network
- BBC Embrace - for Black and Asian staff
- BBC Pride - for lesbian, gay, bisexual and transgender employees
- BBC Raised – for under-represented employees from different social and economic backgrounds
- Women at the BBC – For all women at the BBC
- GWiN - Global Women in News (GWiN) is a networking and development group for women in

the BBC working in news, wherever they are based

- WiSTEM- for women in STEM (Science Technology Engineering and Mathematics) roles across

the BBC

- Young Talent Network- for staff under 35

Related Policies and Links

Read more about [what constitutes discrimination, harassment, including sexual harassment and bullying, and how to report concerns or raise a complaint or appeal using the bullying and harassment submission form](#)

The BBC is committed to having a working environment where everyone is treated with dignity and respect. Harassment, including sexual harassment and victimisation, are unlawful.

We do not tolerate bullying, harassment, including sexual harassment, and/or victimisation and we expect everyone working at or with the BBC (including freelancers, sub-contractors and agency workers), as well as third parties such as BBC visitors and guests, to behave respectfully towards others and never act in a way that could be regarded as bullying, harassment, including sexual harassment, and/or victimisation.

The aim of this policy is to help prevent the occurrence of bullying, harassment, including sexual harassment, and/or victimisation in the workplace, and to provide guidance on how to resolve complaints both informally and formally should such behaviour occur.

This policy can be used if you experience bullying, harassment, including sexual harassment, and/or victimisation either at work or work events (including social functions and business trips).

**Audience:** This policy applies to all employees and freelancers at the BBC, including BBC Studios Production Ltd.

### **Purpose and Scope**

The **BBC** is committed to having a working environment where everyone is treated with dignity and respect. We encourage everyone to raise concerns and do not tolerate bullying, harassment including sexual harassment, and/or victimisation. We expect everyone working at or with the BBC (including freelancers, sub-contractors and agency workers), We expect third parties, such as BBC visitors and guests, to behave respectfully towards others and never act in a way that could be regarded as bullying, harassment, including sexual harassment, and/or victimisation.

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This policy can be used if you experience bullying, harassment, including sexual harassment, and/or victimisation either at work or work events (including social functions and business trips).

Our commitment to protect you and others is important, and there may be occasions where we decide to act on your complaint independently; we will advise you if this

happens. We may also need to act (e.g. through a BBC-led investigation) when no formal complaint has been made but where it appears that there has been bullying / harassment including sexual harassment behaviour.

This Policy explains how you can informally or formally address issues with bullying, harassment, including sexual harassment and/or victimisation. However, we encourage you to resolve any problems informally in the first instance if appropriate.

If you make an informal or formal bullying, harassment, including sexual harassment, and/or victimisation complaint, you will be treated fairly, without victimisation or detriment. However, where vexatious or malicious complaints are made, they will be dealt with in line with the [BBC Disciplinary Policy](#).

In certain circumstances, we may decide that it is more appropriate for your complaint to be investigated and dealt with under the **BBC Grievance or Disciplinary Procedure**. If this is the case, the BBC will have a discussion with you around the reasons why. If you decide to progress a formal complaint through the BBC Bullying and Harassment Policy, you will not be able to raise a separate complaint about the same issue using the [BBC Grievance Policy](#).

Where discrimination, victimisation or bullying and/or harassment, including sexual harassment, have been identified, they will be dealt with through the [BBC Disciplinary Policy](#). Aggravating factors such as an [abuse of power](#) over a more junior colleague be taken into account in deciding what disciplinary action to take. Serious cases of discrimination, victimisation or bullying and/or harassment, including sexual harassment, are examples of gross misconduct, which are acts so serious as to justify summary dismissal without notice.

## Definitions

Everyone at the BBC has the right not to be subjected to bullying and/or harassment, including sexual harassment, at work or work in an intimidating working environment.

Bullying and/or harassment, including sexual harassment, can take place in a number of ways, either verbally or non-verbally, including face-to-face, behind your back, by telephone, email, text, social media or any other form of communication and it can also occur through the display or sharing of visual images.

### Bullying

There is no statutory definition of bullying; however, it can take the form of someone exercising power over another person through a negative act or acts that undermine the individual personally and/or professionally. The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

### Harassment



This policy adopts the definition of harassment as defined in law as unwanted conduct related to a relevant protected characteristic or of a sexual nature, and where the conduct has the purpose or effect of violating an individual's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

### Sexual Harassment

Sexual harassment occurs when a worker is subjected to unwanted conduct which is of a sexual nature. The conduct doesn't need to be sexually motivated, only sexual in nature. Unwanted essentially means the same as 'unwelcome' or 'uninvited'. There may be circumstances in which a course of conduct is not unwanted in the earlier stages, but at some point 'oversteps the mark' and becomes unwanted for example two colleagues are in a relationship which they have declared through a DOPI, however, they break up and one colleague is still making sexual advances towards the other.

### Victimisation

Victimisation is when someone treats you badly or subjects you to a detriment because you complain about discrimination or help someone who has been the victim of discrimination (or they think you have).

Bullying and/or harassment, including sexual harassment, are not necessarily always obvious or apparent to others, and may happen in the workplace without an employer's awareness. It can be between two individuals or it may involve groups of people. It might be obvious or it might be insidious. It may be persistent, there may be a pattern, or it may be an isolated incident. It can also occur in written communications, online/social media, by phone or through email, not just face-to-face.

### **Please note**

There are many actions and behaviours that do not amount to bullying and/or harassment.

For example:

- fair and reasonable criticism of your performance or behaviour
- a manager rejecting your personal request (such as a request for time off or for adjusted hours) because of a legitimate business need.
- constructive feedback
- not being invited to a meeting where you are not required
- being appropriately managed in accordance with any BBC policy, e.g. being placed on a performance procedure where your performance is not of an appropriate standard

Examples of unacceptable behaviours which could constitute bullying or harassment are:

- spreading malicious rumours, or insulting someone by word or behaviour maliciously copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- unjustified exclusion from work activities or victimisation
- communicating in a demeaning manner
- misuse of power or position such as deliberately undermining a competent worker by overloading and constant criticism.
- preventing individuals progressing by intentionally or unjustifiably blocking promotion or training opportunities.
- making threats or comments about job security without foundation

Examples of sexual harassment are:

- sexual comments, banter and/or jokes
- displaying sexually graphic pictures, posters or photographs
- suggestive looks, staring or leering
- propositions and sexual advances
- making promises in return for sexual favours
- sexual gestures
- intrusive questions about a person's private or sex life or a person discussing their own sex life
- sexual posts or contact on social media
- spreading sexual rumours about a person
- sending sexually explicit emails, voicemails or messages via text or social media
- unwelcome touching, hugging, massaging or kissing

## **Responsibilities**

You must comply with this policy. You are required to respect others regardless of their characteristics and you must not behave in ways which may cause offence, or which in any way could be considered to be harassment, including sexual harassment, bullying or victimisation. You have a responsibility to help ensure everyone you work with and those visiting the BBC are treated with dignity and respect.

Where you feel you can, you should actively discourage harassment, bullying or victimisation by making it clear you find such behaviour unacceptable. You should support colleagues who suffer any such treatment and who are considering making a

formal complaint. You should alert a manager to any incident of harassment, bullying or victimisation to enable the BBC to deal with the matter.

Team Leaders/ Managers have an obligation to tackle harassment, bullying and victimisation in the workplace.

### **How to raise a Bullying or Harassment concern**

BBC employees and freelancers (PAYE or gross paid) should refer to this policy to raise their concern. For freelancers, the same principles of fairness and objectivity will be applied. They should raise their concerns informally in the first instance. If a formal complaint is made by a freelancer, each of the four steps outlined in the formal employee process below will be followed. In some cases, modifications to each step may be made where this is practically required to ensure the raised concerns are considered and responded to in a timely fashion. For example, if the freelancer has taken work with another employer it may be more practical to undertake meetings or hearings remotely and/or undertake the four step process through written submissions or as a paper review.

Sub-contractors and agency workers should send any complaint to their employer, which will be dealt with in line with the BBC Intercompany Complaints Process. Visitors and guests are not covered by this policy but should contact [BBC Complaints](#).

BBC approach to dealing with Bullying or Harassment complaints: The Process

### **Informal Process**

Everyone working for the BBC can use the informal process. Where possible and appropriate, we encourage you to try to resolve problems informally, before using the formal process.

The informal process focuses on resolving disputes early on. Informal resolution can often help resolve matters more swiftly and help reduce the emotional impact on those involved. For example, mediation might resolve a matter within one day, whereas formal complaints may take weeks or sometimes months (based on their complexity).

There are several routes you can take to raise your complaint informally and/or get support. Freelancers can use all the informal routes and access codes to use services, as set out below;

- Talk to the person you feel aggrieved with to explain the situation and how it made you feel (where you feel comfortable to do this). You can call the Bullying and Harassment Helpline to help you prepare for having a conversation with the person (see point below). It can be helpful to describe the day, place, meeting or event that took place so the other person is clear about your concerns. You should use the opportunity to ask the person to change or stop their behaviour. It is important to remember that the other person may be unaware of their behaviour and/or the impact it has on you.

- Speak to your Manager or their Manager, or your Trade Union Representative (where applicable) who will provide support, advice and guidance to help you address your concerns.
- Contact the Care First Bullying and Harassment Support line available to all employees and freelancers, on 0800 014 7154 or +44 1452 623367 or online: <http://www.carefirst-lifestyle.co.uk>. Username: bbcmemployed. Password: line1234. Care First is a confidential external organisation that provides emotional support as well as practical advice, techniques and guidance to help you attempt to resolve bullying, harassment and/or victimisation matters. They can also assist and provide support to persons who have been accused of bullying, harassment and/or victimisation.
- Attend Mediation. Mediation is a voluntary process (for all parties) and involves individual and joint meetings to help identify the root cause of a problem. Mediation may be appropriate in your case but will depend on the particular circumstances. You and the other person have a choice about whether you want to participate. Mediation can be very successful if you and the other person are willing to participate fully in the process and genuinely want to resolve the issue between you. For further information you can visit the [Mediation Gateway Page](#), or alternatively, to request mediation please speak to your Manager or HR Business Partner. If you are unsure who your HR Business Partner is, please contact [BBC HR](#).

If after exploring the informal process, the informal routes have not been satisfactory, you may wish to raise a formal complaint.

## **Formal Process**

### **Step 1: Making your formal complaint**

Your complaint should be put in writing using the [Bullying and Harassment submission form](#), (which will be sent to Support at Work), as soon as possible after the incident occurred. If you require additional assistance in filling in the form, please contact your Trade Union Official, where applicable.

Please ensure you set out the full details of your complaint in the Bullying and Harassment submission form and submit any supporting documentation you wish to be considered. Please note, there may be a delay in dealing with your complaint while further information is sought if the allegations are not sufficiently clear. You should also state how you would like the matter resolved.

### **Step 2: Formal complaint review**

Once you have submitted your Bullying and Harassment submission form and any supporting documentation to Support at Work via BBC Launchpad, they will send you a written acknowledgement. Support at Work will then check that this policy is the most appropriate route for dealing with your complaint. If the alleged behaviours or actions

do not appear to have the potential to amount to bullying, harassment and/or victimisation, your case may be dealt with under [BBC Grievance Policy](#). You will be notified if this is the case with reasons ahead of your Grievance hearing.

If it is considered appropriate to deal with your complaint under this policy, the following individuals will be assigned to your complaint:

- **Hearing Manager (HM):** sole decision-maker. (The HM will be more senior than the person being complained about and assigned from outside of the division or if not possible, the sub-division of the person(s) to which your complaint is about. Where this is not possible in the event of a complaint about a Senior Leader banded employee, the Hearing Manager will be at least the same seniority as the person(s) being complained about.)
- **HR Case Manager (HRCM):** assigned to provide support, policy guidance and assist with investigating your case.
- **External Expert (EE):** may be used in complex cases; EE usage to be determined by the Head of Support at Work. The EE will act as a joint decision maker with the Hearing Manager.
- **HR Support Lead (HRSL):** to provide local divisional HR support to you and keep you updated as to the progress of your case and ensure that appropriate support mechanisms are in place.

We aim to deal with your complaint within 30 calendar days from the date you submit it (or 60 calendar days for complaints involving a number of witnesses and/or a lot of evidence). You will be contacted shortly after you submit your complaint by the HRCM to confirm the process. Where it is likely your case is not going to be completed within these timescales, you will be notified of this and the reason(s) why.

### Step 3: The formal hearing

You will be invited to a formal hearing to discuss your complaint with the Hearing Manager. We aim to offer you a date for the formal hearing at the earliest opportunity and within 10 calendar days of the fully completed submission form being received by the Support at Work team.

You will receive official notification in writing of the date, time and location of your formal hearing, and will be given five working days' notice of your requirement to attend to ensure you have sufficient time to prepare. We appreciate that freelancers may be working elsewhere, so in cases where we consider it appropriate to have a face to face meeting, we will work with you to agree a mutually agreeable time and date to discuss your complaint.

You have the right to be accompanied by a trade union representative or BBC colleague to support you through the process (not a practising lawyer or anyone directly involved in your case, e.g. a witness) at any formal hearing. You should inform your HR Case Manager in advance of the hearing of the name of the person accompanying you, so they

can check there is no conflict of interest. Where there is a conflict of interest the BBC reserve the right to require you to find a different supporter.

Where you have been invited to a formal hearing (either in Step 3 or an appeal hearing in Step 4 below) and you are not able to make the scheduled time and date, a rescheduled hearing will only be permitted under exceptional circumstances (these include business critical activities clashing with the hearing time, your sickness absence or a clash with any pre-booked annual leave you may have). If your companion cannot attend at the time specified, you may suggest an alternative time. In cases where two hearing dates have been arranged and you have not attended either, the Hearing Manager may decide to make a decision in your absence. Where you are unable to attend the hearing due to sickness, we may ask for Occupational Health input, with your consent, so we can establish whether you are able to attend a hearing. Where you are experiencing difficulties with the availability of your chosen companion and the hearing has already been rescheduled once, we will ask you to find an alternative companion if the second date is not suitable for them.

At the hearing the Hearing Manager will give you full opportunity to explain your complaint and may seek clarification on the documentation you submitted.

There may be a requirement to adjourn the hearing to allow for further investigation (for example so any witnesses can be spoken to). You will be informed if an adjournment is required and the estimated timescales.

Whilst we investigate your complaint we may put in place temporary measures to manage the situation; for example, we may arrange for you and/or the other person(s) involved to be temporarily redeployed, or we may decide to temporarily change the person you report to. In certain cases, we may decide that it is appropriate to suspend the other person(s) involved.

You will be entitled to reasonable paid time off to attend the formal hearing (and any re-convened hearing if adjourned). You should notify your Team Leader as soon as you know of the relevant date(s) so that adequate cover can be arranged during your absence.

After your complaint has been fully investigated and a conclusion has been reached, the Hearing Manager will communicate their decision to you in writing. The other person(s) involved will also be informed of the outcome in writing.

The formal process determines if there is 'a case to answer'. If the Hearing Manager decides there is a case to answer, the information provided in your complaint will be reviewed under the [BBC Disciplinary Policy](#) and the person you have made a complaint about (if they are an employee) will be invited to a disciplinary hearing under that policy, to discuss the matter. You may be invited to participate in this subsequent disciplinary process. For confidentiality reasons, we will be unable to inform you of the exact outcome of that process; however you will be advised when that process has come to an end.

*Disciplinary hearings arising from a bullying and/or harassment complaint will be heard by a separate hearing manager appointed from outside the management line to the employee's line management under the [BBC Disciplinary Policy](#).*

### **Fact Finding Investigations**

As part of any bullying and harassment investigation, a fact find will routinely take place. We understand that in certain cases particularly where a complaint relates to sexual harassment or some other form of inappropriate and/or sensitive behaviour, you may not feel comfortable in putting your formal complaint in writing (as outlined above) and that you may, for example, have decided to speak to a member of management or HR Business Partner about the matter instead.

Where this occurs, the BBC **may** decide to carry out an investigation regarding your complaint in the form of a "fact finding investigation". The fact finding investigation may involve a member of staff from the Investigations Service and/or the Support at Work Team meeting with you to consider how best to take your complaint forward. An Investigation Manager (from a different division, or where not possible sub-division) may also be appointed to investigate the allegations.

You will be entitled to be accompanied at any fact finding investigation meeting as you would be able to in Step 2 of the formal process outlined above, i.e. you could bring a recognised trade union representative or BBC colleague (not a practising lawyer) to the meeting with you.

The fact find investigation will seek to establish the nature of your complaint; who the complaint is about and any witnesses that may be relevant to speak to. It will also be used to determine what appropriate next steps the BBC should consider taking. If the allegations you raise are of a sufficiently serious nature, it may be that the BBC will need to consider taking appropriate steps such as those in accordance with the relevant BBC disciplinary policies (which may include suspending the alleged respondent to the allegations you raise).

For confidentiality reasons, we will be unable to inform you of the exact outcome of any fact finding investigation; however you will be advised when that process has come to an end. You may be required to participate in the disciplinary process, dependant on the case specifics, of which; full support will be provided to you.

Please note that this alternative fact finding process is to be used in exceptional circumstances only. Individuals will be encouraged to raise their complaints informally and formally as above.

### **Step 4: Your right to appeal**

If you wish to appeal the outcome of your complaint you must do so within 21 calendar days of the decision being provided to you in writing. You must clearly set out your grounds of appeal before we progress your appeal, ensuring you provide as much detail as possible and any supporting documentation when the appeal is lodged. Legitimate

grounds for appeal may, for example, include procedural errors, a failure to consider relevant evidence and/or a failure to address all allegations. Any further documentation should be received no later than two days before the hearing. This will enable the appointed appeal Hearing Manager to understand the points you wish to appeal and sufficiently prepare for the hearing.

You will be notified once your appeal has been accepted.

We aim to deal with your appeal within 90 calendar days from the date you submit your grounds for appeal.

The BBC aims to offer you a date for an appeal hearing at the earliest opportunity and within 10 calendar days of receiving your grounds for appeal.

Upon your appeal being accepted the following individuals will be assigned to your appeal:

- **Hearing Manager (HM)**

joint decision-maker (outside your division or if not possible, the sub-division);

- **External Expert (EE)**

joint decision-maker with casting vote if agreement cannot be reached;

- **HR Case Manager (HRCM)**

assigned to provide support, policy guidance and carry out any additional fact-finding and investigation; and

- **HR Support Lead (HRSL)**

to provide local divisional HR support and to keep you updated on progress of your case.

The Hearing Manager and External Expert will have had no prior involvement in your complaint.

As part of the appeal process we will need to share relevant documentation from your original complaint with the new Hearing Manager and the External Expert.

The Hearing Manager and External Expert will review and investigate your grounds of appeal. You will be invited to a formal appeal hearing to discuss your grounds of appeal and the same process will be followed for this formal (appeal) hearing as set out in Step 3 above.

After your appeal grounds have been fully investigated and a conclusion reached, the Hearing Manager and External Expert will make a decision as to whether your appeal is upheld or not upheld.

If your appeal is upheld, and there is therefore deemed to be a 'case to answer', the information provided in your complaint (and any additional information provided in your appeal) will be reviewed by the Support at Work team under the BBC Disciplinary Policy



and the person you have made a complaint about (if they are an employee) will be invited to a disciplinary hearing under that policy, to discuss the matter. For confidentiality reasons, we will be unable to inform you of the outcome of that process; however you will be advised when that process has come to an end.

If your appeal is not upheld, there is no further right of appeal.

### **Confidentiality and Data Disclosure**

Confidentiality is an important part of the application of this policy and we will respect and maintain your confidentiality where possible. We will also remind anyone involved in your complaint about their responsibilities to maintain confidentiality.

There may be instances where information you have submitted and/or which we have collated in relation to your complaint under this policy may need to be disclosed:

- to other parties as part of any further stage or BBC process that we consider appropriate to undertake; and
- in accordance with the BBC's legal or reporting obligations.

By submitting information during any step of the processes outlined in this policy, you agree to the disclosure of such information for the above purposes.

### **Criminal Investigations**

Where the allegations in your complaint or appeal involve a potential criminal matter, the police may need to be contacted and an internal review will be undertaken to determine when any BBC internal processes can commence.

### **What support and guidance is available?**

We have internal and external support services available to everyone working for the BBC; visit these support pages on [Gateway](#) or the [Freelancer portal](#).

Support is also available from Support at Work Case Managers if you have been accused of bullying, harassment or victimisation, if you are cited as a witness in the complaint or if you have witnessed bullying or harassment.

### **Data Protection Regulation**

Our People Privacy Notice describes how we collect and use personal information about you during and after your working relationship with us, in accordance with the General Data Protection Regulation 2016/679 (GDPR). If you require further details as to how your personal data is processed, we ask that you refer to this document, which is incorporated into this notice by reference.

Additional information about how we use your personal information and how long we keep it for can be found in the Data Protection Handbook and our Corporate Retention Schedule.

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You can read more [about accessibility](#).

The BBC is committed to being inclusive and accessible to disabled people. Disabled people are a diverse group with differing requirements, some of which aren't always apparent. This policy statement relates to anyone who is disabled be they our staff or audiences.

Accessibility for our staff (including temporary, contract and freelance staff) will ensure that we attract and retain the most talented people to contribute to the creativity of the BBC.

For our disabled audiences accessibility can be central to receiving a quality service and therefore it is essential that all our services take this into account.

The BBC Access Policy is about making our services accessible to disabled people, removing barriers and facilitating inclusion. Accessibility can relate to: buildings (such as the workplace or studios); internal technology; digital services; provision and publication of information; and organisational practices – the way we do things in relation to staff and audiences. Accessibility will also be central to the way we contract with third parties or procure goods and services.

The BBC will consider ways to make sure that disabled people can use our services at a standard *as close as possible*\* to that usually offered to non-disabled people. This means:

- We will build in accessibility from the start when developing new products and services and make reasonable adjustments for disabled people to facilitate access.
- Address existing systems, technology and facilities that do not currently meet these accessibility standards in accordance with relevant guidelines for that area, links to which are below.

This policy statement is an overarching approach to making the BBC inclusive for disabled people. For more detailed guidance in specific areas please refer to the

following policies, each of which are under review in light of this policy statement and will be reviewed bi- annually thereafter:

- [Access to BBC Services for People with Disabilities](#) – Detailed policy on the accessibility of BBC services for disabled audiences.
- [Production Handbook](#) – Detailed guidance on the considerations to accessibility needed in productions.
- [Access services at the BBC](#)
- [Policy on internal access technology](#).
- [Equal Opportunities and Diversity Statement](#).

\*‘Possible’ in this context is defined as what is ‘reasonable’, as defined by the Equality Act 2010.

Accessibility is an integral part of our Diversity Strategy, with the specific objective of building in accessibility from the start. All staff are responsible for delivering accessibility in their day- to-day roles. All divisions also have an accessibility lead who is responsible for their division meeting the requirements of this Policy Statement. The BBC Diversity and Inclusion team and their [website](#) can provide further advice and guidance on how to put this policy into practice.

You can read more about [how to declare personal relationships and manage potential conflicts of interest](#).

The BBC operates complex and diverse workplaces. They feature professional relationships in which some parties are more powerful than others (for example because of their management or supervisory status, because of informal influence they have over other colleagues and/or because of fame and status). The BBC recognises that staff who work together may hold or form personal friendships and, in some cases, close personal relationships. While it does not wish to unnecessarily interfere with these personal relationships, it is necessary for the BBC to ensure staff behave in an appropriate and professional manner in keeping with the **BBC Code of Conduct**; do not abuse positions of power (consciously or subconsciously); and that personal relationships do not create perceived or actual conflicts of interest.

This policy should be read in conjunction with the **Declaration of Personal Interest (DOPI) Policy**. This policy does not seek to repeat or replace the provisions within the **DOPI Policy**; rather provide additional clarity on the specific issue of relationships at work.

Further advice and guidance for managers managing personal relationships at work is available via **Manager Advice**.

**Audience:** This policy applies to all BBC employees, workers, freelancers and contractors.

### **Personal Relationships**

Personal relationships are generally not a matter for the BBC to intervene in. The BBC does, however, have a legitimate need to ensure personal relationships do not result in actual or perceived conflicts of interest and, that where personal relationships do exist; professional behaviours are maintained whilst in the workplace as per the **BBC Code of Conduct**.

It is important staff recognise that when in a position of conflicted interests they may not be aware or able to control subconscious bias in decisions they make. For this reason, they must declare (as per the **Declaration of Personal Interest's Policy**) any relationships which may be a perceived or actual conflict of interest.

The **Declaration of Personal Interest Policy** outlines the process for dealing with declarations; in short, the line manager will consider whether the declared interest(s) result in any actual or perceived conflicts of interest. Where they do

not, the manager will confirm this to the staff member and make a record. Where they do, the manager will consider mitigations, confirm these to the staff member and make a record.

### **When might a perceived/actual conflict of interest arise from a personal relationship?**

Although not an exhaustive list, the below examples provide guidance:

- A relationship in which the involved individuals are at differing levels of seniority within the organisation. Particularly when within the chain of line management and/or when one of the individuals has significant control or influence over decisions which affect the other.
- Where individuals are assigned financial authority in BBC systems (e.g. for raising or approving purchase orders), and a personal relation also has related access/authority within the same system (i.e. where one individual would submit and one would approve a transaction).
- A relationship in which the individuals work in opposing parts of the commission/tender process.
- A personal relationship between an applicant and recruitment decision maker.
- A relationship which is likely to be seen to offer an advantage to an individual or disadvantage to another staff member – for example because the fame and/or status of one individual provides them informal power or influence over decisions which affect the other.

It is not generally necessary to declare a personal relationship between two individuals who have little or no professional contact and where that relationship is unlikely to create an actual or perceived conflict of interest. Wherever staff are unsure, however, they should declare and discuss the relationship with their manager to protect themselves from later allegations of failing to declare an interest and/or of abusing a position of power, either of which may be a disciplinary matter.

Relationships within the chain of line management/where one individual has significant influence over decisions affecting the other

It is recognised that personal relationships can and do develop in these situations. They are not prohibited, but individuals must never be in authority, either directly or indirectly over colleagues with whom they are in a personal relationship without the relationship having been declared and suitable mitigations put in place.

It is vital that staff declare such a relationship at the earliest opportunity in order for suitable mitigations to be put in place and to protect themselves from later allegations of failing to declare the interest and/or of abusing a position of power, either of which may be a disciplinary matter. In most instances the strongest onus is on the more senior individual (or individual with greater influence) to recognise the need to declare the relationship and do so.

### **What are suitable mitigations where a personal relationship is declared?**

Each case should be considered based on the specific facts and circumstances. The key consideration should be how to mitigate risk of perceived or actual bias, conscious or subconscious. Every attempt should be made to take into account the wishes of the individuals concerned with regard to mitigations. In some situations, however, management may enforce a change in order to mitigate a risk. Where an employee disagrees with mitigating actions the procedure set out in the [Declaration of Personal Interests Policy](#) will be followed.

- A change in line management or reporting lines;
- Removal of an individual from decision making processes such as, for example, expense approvals or recruitment decisions;
- A change of role or team;
- A change to shift pattern or working hours;

### **Respecting confidentiality**

Where personal relationships are declared, managers must manage the situation sensitively and confidentially; in particular they should be mindful that some staff may not wish to make their declared relationship public. Managers must not share details of declared relationships with any colleagues other than those who need to be made aware to help manage risks and mitigations.

### **Respecting boundaries between professional and personal settings**

Where a personal relationship exists between two staff members, they must respect the boundaries between personal and professional settings. They must continue to behave in a professional manner whilst at work or representing the BBC, in keeping with the [BBC Code of Conduct](#). Equally, personal conflict in a relationship should not be brought into the workplace.

Read more about what [constitutes abuse of power and how to report concerns](#).

## **Abuse of Power**

**This section applies to all BBC staff, freelancers and agents acting on behalf of the BBC. It applies to anyone in a position of power. This includes line managers, leaders, on-air colleagues, and anyone in a position to influence others.**

### **Introduction**

Working for the BBC gives you a position of influence. It is a global beacon of independent news and distinctive content. Being associated with or working for the BBC may give you a public platform, followers on social media, a fan base, or influence in public life.

The BBC brand is a trusted national institution. Being a part of the BBC, or working on behalf of the BBC, means that trust extends to you too.

Our audience, colleagues and the general public expect high standards of conduct in all of us, making prevention of abuse of power a corporate imperative.

### **Examples of Abuse of Power**

Examples may include using your role, position or association with the BBC and / or using the public facing profile or 'celebrity status' acquired via your work for the BBC to:

- Offer access to BBC careers or connections in exchange for personal favours
- Gain access to information or areas not related to your work
- Gain the trust of others and misuse power to instigate personal relationships
- Harass, bully or make unreasonable demands of others
- Sexually harass, discriminate and / or intimidate others
- Groom others (inside or outside the BBC) with the intention of personal favours, relationships or to harm to others
- Using BBC funds for personal gain
- Encouraging colleagues to bend or break the rules of the workplace
- Fail to understand or recognise the need for clear personal and professional boundaries in your work
- Behave in such a way that undermines the trust and confident placed in you by the BBC
- Influence others to make a decision in your favour

*Please note this list is not exhaustive*

The BBC has a duty of care to protect anyone who meets a representative of the organisation from harm or abuse, regardless of age, disability, gender reassignment, race, religion or belief, sex or sexual orientation, an obligation we take very seriously.

### **Your responsibility...**

- **However, you are associated with the BBC, whether an employee, freelancer, contractor, contributor, independent company, on-screen or on-air, you represent the BBC.**
- **Through this engagement you must not misuse or abuse the power, influence or status you have attained as a result of your association with the BBC.**

### **Where to report abuse of power concerns?**

If you're concerned that someone working for or on behalf of the BBC is behaving in a way that suggests an abuse of their position of trust and / or authority, there are many ways to report concerns.

To raise a concern, speak to your team leader first. If you have a concern relating to your line manager you should raise this with their line manager or [HR](#). Where this isn't possible, or the situation is particularly serious, you'll need to submit a [formal grievance](#) or a [Bullying and Harassment complaint](#) which will be considered by the Support at Work team. If you are unsure or worried about reporting please reach out for advice and support through [Support at Work](#).

Concerns relating to safeguarding (for children and adults at risk) can be reported via [Safeguarding](#). Where a concern relates to serious misconduct by someone in a senior position or where you feel previous attempts to report have been dismissed, you can contact the [BBC's whistleblowing service](#).

### **Example risk assessment**



	<b>Suggested actions</b>	
<b>Have you seen any of the following...</b>	<ul style="list-style-type: none"> <li>• Signs or evidence of potential grooming</li> <li>• Inappropriate favours, favourable treatment or unexplained gifts</li> <li>• Rumours or evidence of a potential relationship involving an imbalance of power</li> <li>• Coercive behaviour</li> <li>• Evidence of using BBC profile for personal gain</li> </ul>	<ul style="list-style-type: none"> <li>• Discuss with your line manager</li> <li>• Refer to Abuse of Power guidelines on Gateway</li> <li>• Report your concerns</li> </ul>
	<ul style="list-style-type: none"> <li>• Sharing advice and guidance to colleagues to help everyone grow and thrive at work</li> <li>• Participating in the community of the BBC, being collegiate and supportive</li> <li>• Treating everyone as an equal no matter what they do or where they sit in the structure</li> <li>• Are you allowing poor behaviours because they are a manager, on-air star / senior leader etc?</li> <li>• Do you know where your biggest risks are?</li> <li>• Are you treating everyone equally or do some people get special treatment?</li> </ul>	<ul style="list-style-type: none"> <li>• Listen! Invite feedback from everyone</li> <li>• Champion civility and respect</li> <li>• Help everyone feel like a part of the wider BBC</li> <li>• Have the courage to challenge poor behaviours, don't be a bystander</li> <li>• Check the resources on Gateway</li> <li>• Ask for feedback from others</li> </ul>
<b>Is everyone using their power for the greater good...</b>		
<b>Preventing abuse of power</b>	<ul style="list-style-type: none"> <li>• Have you briefed those you work with, your teams and partners on Abuse of Power? Does everyone</li> </ul>	<ul style="list-style-type: none"> <li>• Brief your teams, partners and</li> </ul>

know and understand the risks and expectations?

suppliers on this topic

You can read more about how to raise a grievance, the formal grievance process and how to raise an appeal.

### **Note**

In accordance with the Welsh Language Standards you have the right to make a complaint in Welsh, and respond to a complaint or allegation(s) made about you in Welsh.

### **Definition**

Grievances can be problems or concerns which an employee raises with management, at any point during the course of their employment, regarding their working conditions or their professional relationships with colleagues.

Where an employee wishes to raise any allegation of bullying or harassment this will be conducted under the procedure set out in the [BBC Anti Bullying and Harassment Policy](#).

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### **Principles**

- Employees and managers should make every effort to resolve issues without recourse to the formal grievance procedure. Complaints should be raised with your manager. If the complaint is against your manager then it should be raised with the next level of management

- The purpose of the grievance policy is to resolve individual issues and it cannot be used for dealing with collective matters raised by recognised trade unions.
- Grievances are heard at the level of management above the one at which the action complained of was taken, provided the manager hearing the grievance was not involved in the action complained of.
- Where a grievance is pending against the possible implementation of a decision, that decision will be implemented on the due date, without prejudice to such adjustments as might be necessary as a result of the grievance hearing.
- Employees raising a grievance should be able to do so without fear of victimisation.
- All those involved in a grievance have a duty to act honestly and without malice to anyone else. Individuals raising complaints maliciously may be subject to disciplinary action.
- All cases should be dealt with in a non-discriminatory and consistent way
- BBC management will provide a written outcome of an individual's grievance as soon as is practicable and within 90 days from the date of notification of the grievance unless there are exceptional circumstances. All parties will endeavour to resolve matters as soon as is reasonably practicable.
- The procedure set out in the grievance policy should be followed rigorously.
- All those involved in a grievance procedure will respect the confidentiality and privacy of others. Whilst efforts will be made to protect the confidentiality of others, if further procedures are invoked, for example an appeal procedure, statements may be dis-closable and parties will be advised of such disclosure. Where appropriate, information may be withheld in certain circumstances, for example to protect witnesses.
- At any formal meeting employees have the right to be accompanied by an accredited trade union representative or a BBC colleague (other than a practicing lawyer), and the employee will be advised of that right prior to the meeting.

## **Procedure**

Employees and managers should make every effort to resolve issues without recourse to the formal grievance procedure. If the grievance remains unresolved then the following steps are taken:

## **Informal Process**

Where possible and appropriate, we encourage you to try to resolve problems informally, before using the formal process.

The informal process focuses on resolving disputes early on. Informal resolution can often help resolve matters more swiftly and help reduce the emotional

impact on those involved. For example, mediation might resolve a matter within one day, whereas formal complaints may take weeks or sometimes months (based on their complexity).

There are several routes you can take to raise your complaint informally and/or get support, as set out below;

- Talk to the person / people involved to explain the situation and how it made you feel or how it has impacted you (where you feel comfortable to do this). It can be helpful to describe the day, place, meeting or event that took place so the other person is clear about your concerns.
- Speak to your Manager or their Manager, or your Trade Union Representative (where applicable) who will provide support, advice and guidance to help you address your concerns.
- Attend Mediation. Mediation is a voluntary process (for all parties) and involves individual and joint meetings to help identify the root cause of a problem. Mediation may be appropriate in your case but will depend on the particular circumstances. You and the other person have a choice about whether you want to participate. Mediation can be very successful if you and the other person are willing to participate fully in the process and genuinely want to resolve the issue between you. For further information you can visit the [Mediation Gateway Page](#), or alternatively, to request mediation please speak to your Manager/Booker or HR Business Partner. If you are unsure who your HR Business Partner is, please contact [BBC HR](#).

If after exploring the informal process, the informal routes have not been satisfactory, you may wish to raise a formal complaint.

### **Step 1: Submitting the Grievance**

The employee must give their manager, or in the case of grievances against their manager, the next level of management, written notification of their grievance using the grievance [submission form](#) within 21 days of the action complained of. This time limit may be extended at the discretion of the BBC, when circumstances make it impracticable for written notification to be lodged within 21 days.

The manager will send the employee written acknowledgement the grievance and pass it to Manager Advice. Manager Advice will contact the manager to appoint a grievance hearing manager and advise the appointed grievance hearing manager throughout the grievance process.

## **Step 2: The Meeting**

A meeting is arranged to hear the employee's grievance and the employee and employer must take all reasonable steps to attend the meeting. In exceptional circumstances the employee may request that the meeting is postponed. The hearing manager will advise whether such a request should be granted.

The hearing manager will either take summary notes at the meeting or if applicable, arrange for a note taker to be present take summary notes of the meeting. A copy of the summary notes will be sent to the employee and their representative (if appropriate) for comment. Provided comments are received within a reasonable timeframe, as defined by the hearing manager, they will be held with the original notes from the meeting.

If appropriate, further meetings will take place to investigate the issues raised.

Following the meeting the hearing manager must inform the employee of their decision in writing, outlining the basis of the decision reached and any action that is involved.

## **Step 3: The right to Appeal**

If you wish to appeal the outcome of your complaint you must do so within 21 calendar days of the decision being provided to you in writing. You must clearly set out your grounds of appeal before we progress your appeal, ensuring you provide as much detail as possible and any supporting documentation when the appeal is lodged. Legitimate grounds for appeal may, for example, include procedural errors, a failure to consider relevant evidence and/or a failure to address all allegations. Any further documentation should be received no later than two days before the hearing. This will enable the appointed appeal Hearing Manager to understand the points you wish to appeal and sufficiently prepare for the hearing.

You can read more [about appeals](#).

### **Note**

In accordance with the Welsh Language Standards you have the right to make a complaint in Welsh, and respond to a complaint or allegation(s) made about you in Welsh.

### **Definition**

An appeal is a formal complaint made by an employee under the following circumstances:

- If they are dissatisfied with the outcome of their grievance procedure due to procedural errors, a failure to consider relevant evidence and/or a failure to address all allegations;
- If they are dissatisfied with the penalty imposed on them as a result of a disciplinary procedure;
- If they are dissatisfied with their penalty and/or warning of termination on the grounds of capability;
- If they wish to appeal against their dismissal including the terms of the dismissal;
- If they wish to appeal the outcome of their request for a career break; or
- If they are dissatisfied with the application of the procedure followed for any of the above.

Those employees who wish to appeal a decision to make their role redundant including, their selection for redundancy, may do so under the procedure set out in the [BBC Reorganisation and Redundancy Policy](#).

Employees who want to appeal a decision to refuse a request under the terms of the [BBC Flexible Working Policy](#) may do so under the appeals procedure set out in the policy.

For employees who are dismissed because they do not meet the required conditions of the employment offer within the first six months e.g. failure to provide a satisfactory reference, there is no right to appeal.

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## **Principles**

- Employees raising an appeal should be able to do so without fear of victimisation.
- All those involved in an appeal have a duty to act honestly and without malice to anyone else. Individuals raising complaints maliciously may be subject to disciplinary action.
- Appeals are heard at the level of management above the one at which the decision was taken, provided the manager hearing the appeal was not involved in the original decision.
- Where the appeal is against a bullying & harassment grievance not upheld, (partially or fully) this will be heard by a hearing manager appointed from outside of the employee's division and an external expert (with a casting vote if agreement cannot be reached). An investigation lead will also be assigned to carry out any additional fact-finding.
- Where the employee's appeal relates to their disciplinary sanctions which resulted from a bullying & harassment disciplinary, this will be heard by a hearing manager appointed from outside of the employee's division. An investigation lead will also be assigned to carry out any additional fact-finding.
- Where the appeal is against a disciplinary or capability dismissal this will be heard at Head of Division level or by the nominated deputy. The employee and their representative will be advised of the manager hearing the appeal.
- All cases should be dealt with in a non-discriminatory and consistent way.
- BBC management will provide a written outcome of an individual's appeal as soon as is practicable and within 90 days from the date of notification of the appeal unless there are exceptional circumstances. All parties will endeavour to resolve matters as soon as is reasonably practicable.
- Employees who are on notice of dismissal will remain on the payroll until their appeal is decided or their notice expires, whichever is the later, see Procedure Step 2, for exceptions. However no employee will remain on the payroll after 90 days except where their notice is greater. All parties will endeavour to resolve matters as soon as is reasonably practicable.



- The procedure set out in the appeals policy should be followed rigorously.
- All those involved in an appeal procedure will respect the confidentiality and privacy of others. Whilst efforts will be made to protect the confidentiality of others, if further procedures are invoked, for example at an employment tribunal, any statements may be dis-closable and parties will be advised of such disclosure. Where appropriate, information may be withheld in certain circumstances, for example to protect witnesses.
- At any formal meeting employees have the right to be accompanied by an accredited trade union representative or a BBC colleague (other than a practicing lawyer) and the employee will be advised of that right prior to the meeting
- Where an employee appeal relates to a disciplinary sanction, the outcome of any appeal will not apply additional sanctions. If further evidence comes to light then the appeal should be adjourned and investigated accordingly

## **Procedure**

### **Step 1: Submitting the Appeal**

The employee must give the hearing manager who made the decision that they are appealing written notification of their appeal within 21 days of the decision they are appealing against. This time limit may be extended at the discretion of the BBC, when circumstances make it impracticable for written notification to be lodged within 21 days. The employee must clearly set out their grounds of appeal before it is progressed, ensuring it provides as much detail as possible and any supporting documentation when the appeal is lodged.

The manager will send the employee written acknowledgement the appeal and pass it to Manager Advice. Manager Advice will contact the manager to appoint an appeal hearing manager and advise the appointed appeal hearing manager throughout the appeal process.

### **Step 2: The Meeting**

A meeting is arranged to hear the employee's appeal and the employee and employer must take all reasonable steps to attend the meeting. Employees will be given no less than 3 working days' notice in writing of the date and time of their appeal meeting, unless a shorter time period is mutually agreed. In some circumstances the employee may request that the meeting is postponed. The hearing manager will advise whether such a request should be granted.

The hearing manager will either take summary notes at the meeting or if applicable, arrange for a note taker to be present take summary notes of the meeting. A copy of the summary notes will be sent to the employee and their representative (if appropriate) for comment. Provided comments are received

within a reasonable timeframe, as defined by the hearing manager, they will be held with the original notes from the meeting.

Following the meeting the hearing manager must inform the employee of their decision in writing, outlining the basis of the decision reached and any action that is involved.

Employees appealing against dismissal, other than

- summary dismissal which takes effect immediately, or
- a fixed term contract expiring on its due date,

remain on the payroll until their contractual notice has expired or until the internal appeal has been completed or abandoned, which will be no longer than 90 days. All other decisions against which an appeal is pending are implemented on the due date, without prejudice to such adjustments as will be necessary if the appeal succeeds.

The outcome of the appeal is final.

Read more about [Alcohol and Drugs procedure](#).

How the BBC will address constructively and sympathetically employee problems related to alcohol and substance dependency

How the BBC will take action if an employee's performance is impaired by the use of alcohol, drugs or other substances

The responsibility of all employees to report immediately any individual they have reasonable grounds to suspect is impaired by alcohol, drugs or other substances in the course of their work

For further help and support, check out the latest advice and information in the HR section of Gateway. If you lead a team, you can also use Manager Advice.

The BBC will address constructively and sympathetically employee problems related to alcohol and substance dependency.

However, employees must be in a fit state to carry out their work and the BBC will take action if their performance is impaired by the use of alcohol, drugs or other substances. This is particularly important where the work undertaken could cause harm to the employee or others, such as driving or operating equipment.

## Substance and Alcohol Abuse

If a manager or employee has reasonable grounds to suspect that an individual is impaired by the use of alcohol, drugs or other substances and/or could cause harm to themselves or others in the course of their work, they must act immediately, if necessary reporting them to a more senior manager, to prevent them carrying out that activity. Action may then be taken under the BBC Disciplinary Policy against the impaired individual.

Employees who, because of occasional excessive use of alcohol, drugs or other substances, behave in a manner contrary to normal standards of conduct will be dealt with under the BBC Disciplinary Policy. This will also apply to behaviour whilst the employee is off-duty where there is a concern or connection with the employee's job. The decision as to what course of action to follow is at the discretion of the BBC.

Managers should note that under current legislation it is an offence:

to possess, supply, offer to supply or produce controlled drugs without authorisation.  
to allow controlled drugs to be supplied, kept or used without authority on your premises.

If a manager suspects an employee of carrying out the above activities during the course of their duties, this will be treated as an allegation of gross misconduct and the police notified.

## Alcohol Dependency Procedure

The BBC will usually assist employees in accessing specialised help if the employee acknowledges that they have an alcohol dependency problem.

If a manager knows or suspects that an employee has problems which are related to alcohol dependency they will discuss their concerns with the employee. The employee may request that an accredited trade union representative or BBC colleague (other than a practising lawyer) be present at the meeting.

The manager may adjourn the meeting to allow a referral to the BBC Occupational Health Service for advice on accessing specialised help.

If the employee is diagnosed with an alcohol dependency problem or if the employee and the manager agree that the employee has such a problem, the manager will discuss a course of action which may include time-off from work to attend appropriate treatment.

This time-off will be treated as sickness absence and the manager has discretion to pay BBC Sick Pay, subject to the same procedure and limits in the BBC Health and Sickness Absence Policy. Further reviews regarding the course of action will be scheduled as appropriate.

Provided that the individual acknowledges the alcohol dependency problem, complies with advice from BBC Occupational Health Services and an agreed course of action, they will suffer no insecurity of employment because of the alcohol dependency, unless other factors have to be taken into account.

Where an employee is not diagnosed with an alcohol dependency problem, or does not acknowledge an alcohol dependency problem or fails to comply with a course of action, any issues of performance or conduct will be dealt with under the BBC Capability Policy or BBC Disciplinary Policy.

## Drug Dependency

Whilst recognising the legal constraints, there may be circumstances where it is appropriate to assist an employee with a drug dependency problem by following the same procedure as used in the cases of alcohol dependency.