



## **BBC Terms and Conditions Consultation**

### **An update from the BECTU Team**

Colleagues,

As you are aware, we are currently engaged in one of the biggest consultation exercises the union has ever been involved in. Our initial expectation on this was to allow this to document to launch, and to explain that this was a consultation period for us to just hear from you. However, it's clear that members want to hear more detail from us in explaining how we got here, and what BECTU thinks in response. Therefore, this update is intended to give you a bit more detail on that, reassure you that we've heard and understood some of your key concerns, but also and importantly – to correct a few of the myths that are emerging out there. We hope this is a helpful contribution and we look forward to continuing the debate. We see this proposal as having some real potential to it, there are things in the BBC we want to improve, the status quo is far from perfect. But of course the detail is crucial and we are absolutely clear that we are not there yet. This is a consultation process. Let's keep talking.

Best wishes,

Noel McClean – Assistant National Secretary

Sarah Ward – National Secretary

## **Is this really a joint proposal?**

BECTU has been involved, along with all the BBC unions in debating and discussing these issues with the BBC team for some time. Just as a reminder, last year's pay claim included demands from the joint unions for improvements on a range of issues including:

- Sick pay
- Minimum salary
- London weighting
- Salary progression

So these discussions, although taking a much broader and more complex direction than we at first anticipated – have given us the opportunity to make progress on key issues of concern for our members at the BBC. After several months of negotiations we now want to consult people on the position we have got to. But let's be absolutely clear, we're not saying these are final proposals, quite the opposite. We're saying this is where we are now, but over to you to tell us what you think can work, what needs improving or tweaking – and what is an absolute non-starter. That's the point of this consultation. That's why we've not been setting a line and saying what BECTU thinks - we wanted to hear from you – and you are the union.

## **Has this package been agreed by the Unions?**

No. Whilst we have negotiated the package, it is not the final offer and therefore cannot be agreed at this point.

We have agreed a timetable which allows for further negotiations once the consultation is completed. Your feedback during the consultation will help inform those negotiations. When we have the final offer we will consult our members via a ballot. But only then, and we have committed to members that we won't rush that ballot if all the information that people need isn't out there.

## **Will more detail be available?**

As you know, we have arranged a series of UK wide meetings for people to ask questions and raise points. In addition, The BBC will be putting more information on gateway and we have been encouraging members to attend, join in and share views and ideas.

We have also set up a dedicated mailbox [bbcconsultation@bectu.org.uk](mailto:bbcconsultation@bectu.org.uk) for BECTU members to raise questions or issues. This has already received several hundred messages from members and we are doing our best to reply personally and in detail to every member. We are also collating that feedback as it will inform the BECTU position in the next round of negotiations.

When we get to the final ballot everyone will have access to all the information they need to decide how to vote.

## **Is the consultation only for Union members?**

No – all staff are being consulted at this point. However, only Union members will be able to take part in the vote later in the summer. As important as expressing your view individually to the BBC, it is important to contribute and affect the negotiations yet to be undertaken. It would be very helpful if you could talk to colleagues who perhaps are not BECTU members and explain to them that they can best achieve this and have a final say, through the ballot, by joining the union. They can join BECTU online [www.bectu.org.uk](http://www.bectu.org.uk) or alternatively see one of our local reps.

## **Key areas of concern for BECTU and from members thus far:**

### **Redundancy :**

The redundancy agreement has been left untouched with one exception. Currently if a part time employee is made redundant and has previously had service at full time, the years at full time form part of the calculation. The proposal is to cease that arrangement and calculate redundancy pay on actual salary at the point of redundancy. The exception to this is protection for an employee who is made redundant within 12 months of reducing their hours.

The BBC have stated that the current arrangement may be unlawful or at least in breach of HMRC regulations. BECTU do not accept that. However, while we're not comfortable with this suggested change we also do not believe that the proposal would amount to unlawful discrimination – in fact it is standard practice in many organisations and is the basis for the statutory redundancy calculation.

Having said that, we do accept that it is a long standing benefit within the BBC and we very much agree with the feedback we are getting from members on this. It is therefore very likely to be an issue we raise again when we return to the negotiations table.

### **What is the difference between Pay Bands and Salary Ranges?**

The proposal is all employees will move to job specific salary ranges. These ranges will sit within the pay band you are mapped to. Anyone whose pay falls below their (A to G) pay band will be immediately moved up to the minimum. Anybody whose salary falls below, or sits low within, the minimum for their salary range will be entitled to 1.5% increments over and above the annual pay award until they reach the minimum.

There really is the potential for this to be an improved system than the long broad bands that the BBC currently uses, because they should be more consistently applied, and relevant to the role you do. We have come across a huge amount of inconsistent practices in the BBC where allowances are paid to top up salaries, or historic anomalies sit side by side. This proposal has the potential to provide rationale behind salary levels and fairness of application – if we can get it right and we won't know that until we have seen the details. It's early days, but that's why we engaged in this debate in the first place.

### **When will we see our target salary ranges?**

We have been pushing the BBC to produce this in a format where everyone can see where they would sit in terms of salary ranges and therefore know exactly what the deal means to them. We are expecting that information to be available towards the middle of July.

We have told the BBC that this information is so crucial in understanding the deal that there is no possibility of us commencing a vote until people have seen and understood it.

### **Isn't doing away with growth in job increments a detriment?**

The data supplied by the BBC suggests that around 800 employees benefit from "growth in job" uplifts annually. The proposed arrangements would deliver an increase to around 3500 employees annually. In addition, anyone due a growth in job increment within the next 12 months will get it.

### **UPA is important to me – why is it being frozen?**

We want our members to have more control and more predictability about their working lives. That's why we're interested in having this debate with the BBC at all. We know and we completely understand how important UPA is in a financial sense, and we always knew this would be one of the most controversial parts of the proposal. But it really is important to understand that those of us representing members – this isn't just about an allowance - it's about the working lives of members. So we really do need a proper debate about scheduling, about rotas and how they are resourced, in order to explore whether we can organise this work in a slightly different way.

It's important to understand that the proposal to freeze UPA is a consequence of abolishing UPA conditions. Whilst the money is an important part of people's wages, many members have (justifiably) raised concerns about UPA conditions cutting across their home and personal life. Once the BBC started looking at improving scheduling and giving people more certainty around their life outside work, they argued that the payment associated with unpredictability be examined too.

During the initial negotiations we discussed the importance of getting this bit right. Those discussions included a consensus on a sensible deployment plan and ensuring that local arrangements which work for all parties can still remain.

Getting the working hours bit right is going to be crucial to this debate.

### **Why can't UPA just be consolidated into my pay?**

Initially the negotiations team thought that, and argued it too. We couldn't get the BBC team to accept this during the initial discussions, but there is also this consideration:

Anyone below the minimum salary ranges qualifies for 1.5% pay increments year on year. Were we to inflate those people's pay by UPA they could go over the minimum and lose

that entitlement. The effect this year could see you get 1% on up to 20% of your salary but lose 1.5% on your entire salary. Not a good deal.

Going forward we want to see everyone on at least the market rate for the job they do. If UPA is part of your consolidated salary you would be paying for your own pay rise.

There is no easy answer to this one but we do believe the current proposal is potentially fair, if the scheduling proposal can be correctly shaped.

If you can get that right, and if the need for UPA does diminish, then freezing the payment as a legacy payment (which can then never be taken away from you) may seem like a fair way of dealing with that (then) historic allowance. We should note that the BBC has been keen to remove UPA for several years, and this is a constant source of tension between us. Turning UPA into a legacy payment removes that threat once and for all, and although it doesn't grow with inflation it is at least yours and cannot be taken away.

### **Will I have to work 30 minutes per day free?**

No. We have challenged the BBC's communications on this point and we think this is one of those issues that has emerged during the consultation, which is a bit of a red herring.

During the negotiations it was discussed in the context of occasionally going slightly over your finishing time in order to complete a task in hand. You wouldn't put the phone down at 5.00pm just because that was the time you finished. You would finish the conversation and if that took you to a few minutes after 5 o'clock then that wouldn't necessarily be booked as TOIL or overtime. It would not be expected to happen every day and it is certainly not deducting 30 minutes from every overtime shift.

As stated we have challenged the BBC on their understanding of this too. They have confirmed that if you do authorised overtime, it is paid. There is no half hour free OT. We recognise the wording needs to be tightened on this to reassure members, and to ensure that this 30 minute window is not open to abuse. Genuinely we don't think that's the proposal from the BBC and we think we can clear that one up pretty quickly.

### **Why are there no PDO's?**

Under the new rota proposal, two weeks out rotas become locked and days in/out of work can only be changed with the agreement of the employee. Effectively at that point every day not scheduled as a work day becomes a PDO – unless the employee agrees otherwise.

However, we do understand the need for some people to occasionally have more notice than that. Again, we have had a high level of feedback on this point which we completely understand. We have confirmed with the BBC that we can work on a proposal to allow requests for days off to be made in advance of rotas being produced.

### **Why is +/- 3 hours considered insignificant change to a start or finish time?**

We're not sure it is and this is another area members have been consistent in feeding back on. 3 hours could have a significant impact on caring responsibilities or social arrangements. We have had many comments on this and we would want to address this with the BBC.

### **How do I know if I am a fixed/shift/variable worker?**

First of all we do not accept any suggestion that variable workers will not get access to overtime if TOIL cannot be taken. The expectation is that whilst fixed workers – typically Mon-Fri attendances (eg admin, legal HR) – will have more scope to make use of TOIL, We entered discussions on the basis that every BBC employee would, for the first time, have some control over their hours and appropriate compensation for working hours in excess of their contract. We did have some discussion during our earlier meetings about all employees being able to convert TOIL that wasn't able to be taken into OT and we need to explore that further.

Secondly, we agree there is insufficient information on the definitions of those categories at the moment. We are pushing the BBC for clarity on this. Again, it's an important piece of information you need to help inform your vote.

### **How beneficial are some of the proposed changes?**

Obviously there are some key areas of concern for members in these proposals, and we hear that. But there are also some positives we want to capture to. We are not yet at the ballot stage, so this is not about persuading you of anything, we simply want to underline that by using this process of joint working, we have managed to secure some key improvements for current and future BECTU members.

Contractual Benefit	Current	Proposed
Sick pay entitlement	8 weeks full pay for each sickness. Maximum 26 weeks in 24 months	18 weeks full pay plus 9 weeks half pay in any 12 month period
Shared parental leave	39 weeks at Statutory Shared Parental Leave Pay (currently £140.98 per week)	18 weeks at full pay
Paternity Pay	2 weeks at statutory paternity pay (currently £140.98 per week)	2 weeks at full pay
BBC Minimum Salary	£15,687	£18,750
London Weighting	£4560 for employees earning less than £35k. £3951 for employees earning over £35k	£4560 for all London based employees

## **What is the pay offer?**

The current offer on pay is a two year deal - 1% increase from August 2017 and 1.75% (or the 2018 licence fee increase if higher) from August 2018. Under the agreement with the government the licence fee is set by whatever the CPI figure is in September. CPI is currently 2.9%. We have had some really useful feedback from members on this.

## **In conclusion**

We hope that gives members a bit of a flavour of the feedback we're getting, and flags some of the issues it's already clear we need to work on during the next set of negotiations.

This isn't a finished piece of work, we know that. Some members have indicated their opposition and to that we have just been reminding people that we're not asking anyone to vote either for or against at this stage. It's still a consultation and we are not done yet. We have also given a very clear commitment that without the full detail on pay ranges and how they affect individuals, we will not start our ballot.

So, we want you all to keep talking and debating this. Please do think not just about being for or against, but what could work and what absolutely will not. Let us know if you have ideas that can improve these proposals. We want to go back into negotiations with a new energy from our members having engaged with this, and to do our best to shape the final proposal so that it genuinely is fit for purpose and able to work on an operational level – and to the benefit of BECTU members.

It's a long road ahead, but there is some potential there. We know that by working together we have an opportunity to really improve the working lives of our members. That is absolutely the aim of this union. We look forward to continuing that dialogue, and hearing your views.