



Information Policy & Compliance  
[bbc.co.uk/foi](http://bbc.co.uk/foi)

04 July 2011

### Freedom of Information Request - RF120110639

Thank you for your request under the Freedom of Information Act 2000 (the Act) received on 13 May 2011, seeking the following information:

1.
  - a. The number of staff currently in receipt of Unpredictability Allowance.
  - b. The total annual cost to the BBC of these payments.
  - c. The value of the maximum and minimum annual payment made under the allowance.
  - d. Any guidelines, rules or regulations relating to how staff are assessed for whether they are entitled to the allowance.
  - e. Any analysis, review or report commissioned or carried out by the BBC in the past 12 months relating to Unpredictability Allowance.
  
2. The same questions as 1. a, b, c, d, and e, but regarding Protected Continuing Allowances.

#### Question 1 - a, b & c

The table below shows the number of BBC Staff receiving Flexibility / Unpredictability Allowance, the Annual cost of this to the BBC and the minimum and maximum amounts received annually.

<b>Number of Staff in receipt of Flexibility / Unpredictability Allowance</b>	8,323
<b>Total Cost to BBC</b>	£32,485,225
<b>Minimum Annual Amount</b>	£1,385
<b>Maximum Annual Amount</b>	£9,516

N.B. Flexibility Allowance replaced Unpredictability Allowance in January 2008

#### Question 1 - d



The attached document outlines the policies and eligibility criteria for staff who receive Flexibility and Unpredictability Allowance.

### **Question 1 - e**

The information you have requested is due to be published in the near future. Under section 22 of the Freedom of Information Act, information is exempt if the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not).

As section 22 is a qualified exemption, I am required under s 2(2) of the Act to assess whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information ahead of the planned schedule.

In favour of release we considered that there is generally a public interest in increasing the accountability and transparency of publicly-funded organisations. However, we do not consider that there is a particular public interest in the early release of this information. The factors in favour of disclosing this information in line with the planned schedule include:

- The information needs to be collated, double-checked and presented in an accurate and consistent format for ease of reference. There is a public interest in ensuring efficient use of BBC resources and in the general public receiving the correct information, presented in a consistent way
- The information you have requested is subject to final audit and releasing the information early may undermine the integrity of the reporting process

I am therefore satisfied, in terms of section 2 of the Act, that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information ahead of schedule.

### **Question 2 - a, b & c**

The table below shows the number of BBC Staff receiving a Protected Continuing Allowance, the Annual cost of this to the BBC and the minimum and maximum amounts received annually.

<b>Number of Staff in receipt of PCA</b>	29
<b>Total Cost to BBC</b>	£18,426
<b>Minimum Annual Amount</b>	£307
<b>Maximum Annual Amount</b>	£2,052

### **Question 2 - d & e**

## **Protected Continuing Allowances**

Under *Pay in the 90s*, the BBC ceased to pay shift allowances for patterns of duty which involved unsocial hours (weekends, early mornings, etc), but which operated according to fixed rotas. The only work patterns to attract continuing allowances were those that met one of two definitions of unpredictable working. Staff who lost pay as a result had the cash amount of the loss preserved to them on a personal basis as a Protected Continuing Allowance (PCA), for as long as they stayed in their current job. An individual's PCA would then increase in line with general pay reviews.

The BBC will continue to pay PCA to staff who currently qualify for it. The payment will be made on the same basis as before, i.e. increased in line with general pay reviews and held on a personal basis while the individual remains in the current job.

## **Question 2 - e**

There has been no review of PCA in the past 12 months; therefore I can confirm there is no information held in relation to this part of your request.

I hope this response satisfies your request.

## **Appeal Rights**

If you are not satisfied with this response, you have the right to an internal review by a BBC senior manager. Please contact us at the following address: BBC Freedom of Information, Room 2252, White City, 201 Wood Lane, London W12 7TS, explaining what you would like us to review and including your reference number.

If you are not satisfied with the internal review, you can appeal to the Information Commissioner, whose contact details are:

Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire  
SK9 5AF

Telephone: 01625 545 700

Website: <http://www.ico.gov.uk/>

Yours sincerely

Rachel Currie  
BBC People



## Guide to Flexibility and Unpredictability Allowances

### Overview

In line with many other organisations that operate on a 24 hour / 7 day a week basis, the BBC expects employees to work flexibly. This is reflected and incorporated in the salary offered.

For the majority of BBC employees, standard definitions on working time and working patterns contained within the Agreed Statement C1a3 Corporate Conditions of Service apply. These provisions do not apply to the following categories of employees engaged on:

- Fully inclusive salaries, also known as 'buy-out' salaries.  
These employees are on 'S', 'F', 'P' Conditions of Service and have individual arrangements for working patterns;  
  
or
- Senior Manager contracts.

Flexibility and Unpredictability payments are made to those employees whose working time does not follow a fixed pattern and, which is scheduled in line with programme needs, requiring short notice changes to the pattern of work.

The continuing allowance is paid to staff where, for more than half the working year, their pattern of duty is in accordance with the descriptions of the working pattern statement for Unpredictability Allowance 1 or 2 or Flexibility Allowance, as appropriate.

**Flexibility Allowance** applies to eligible employees from 1st January 2008.

**Unpredictability Allowance (UPA 1 and UPA 2)** applies to employees who were in receipt of UPA 1 or UPA 2, *prior to 1st January 2008*.

Where a Flexibility or Unpredictability Allowance applies this is not consolidated into base pay, otherwise known as substantive pay. This means that it is excluded from substantive pay, which is used, for example, in the calculation for pension, BBC maternity / paternity / adoption leave pay, redundancy or other severance payments.



## Guide to Flexibility and Unpredictability Allowances

### Flexibility Allowance

Flexibility Allowance replaced Unpredictability Allowances (UPA1 and UPA 2) for:

- all new employees that joined on or after 1st January 2008; and
  - existing employees currently not in receipt of UPA, appointed to roles which prior to 1st January 2008 would have attracted UPA 1 or UPA 2;
- or
- new roles defined as attracting a Flexibility Allowance.

For employees on Days Conditions of Service, the current Flexibility Allowance is £2,518 per annum.

For employees on Hours Conditions of Service, the current Flexibility Allowance is 10% of basic salary \*\*.

The actual anticipated flexibility required will be specified by the line manager, as varied from time to time, and will not exceed the requirements set out below.

The actual working pattern will be consistent with standard local arrangements. The requirement for flexibility and hence the entitlement to this additional payment will be reviewed periodically. This payment will cease if an individual does not continue to work flexibly in accordance with the working pattern statement.

Flexibility Allowance is made where it is anticipated that the nature of the role requires considerable flexibility. The days and / or hours required to work will, for the most part, vary according to the needs of the job and / or will be subject to short / no notice changes. Appendix A of the Corporate Conditions of Service does not apply.

The BBC aims to give everyone as much notice as operationally possible when planned work times or days need to change and, where schedules apply, the employee will usually be notified of, or be able to determine, any expected days or hours at least seven days in advance. This is not guaranteed and may be subject to change.

The employee is required to work 20 days / 160 hours over a four week accounting period. As a result, the employee can expect to receive eight days off during that period. Of these the employee can expect a minimum of four to be nominated as 'protected days off'. Where operationally possible these will be scheduled in pairs or with other off-duty days but this is not guaranteed.



## Guide to Flexibility and Unpredictability Allowances

### **Unpredictability Allowance Level 1 (UPA 1)**

For employees on Days Conditions of Service, UPA 1 is £2,518 per annum. For employees on Hours Conditions of Service terms, UPA 1 is 10% of \*\* salary.

The 'days' or 'hours' of basic duty do not follow a fixed pattern: either or both may vary in response to the operational needs of the BBC. Wherever possible, as much prior notice will be given where changes are needed to accommodate these operational needs.

Employees will usually be notified of, or be able to determine, their expected periods of duty at least fourteen days in advance, unless locally agreed otherwise.

Eight protected off-duty days will be nominated in each four week accounting period (pro rata for other accounting periods). As far as is practically possible, employees will be given four pairs of consecutive days off in each four week accounting period. Two consecutive protected days off should normally be provided in each 14-day period in order that employees will not be required to work more than twelve consecutive days without a break.

### **Unpredictability Allowance Level 2 (UPA 2)**

For employees on Days Conditions of Service, UPA 2 is £5,036 per annum. For employees on Hours Conditions of Service, UPA2 is 20% of basic salary \*\*.

Neither the days nor the hours of work can be inferred from any predictable pattern as these are tied to operational needs. On a regular basis it is necessary for employees to be flexible and responsive to unpredictable circumstances. In addition, pre-determined duties will be liable to subsequent change with little prior notice which may even involve hours being changed on the day.

Employees will usually be notified of, or be able to determine, their expected periods of duty at least seven days in advance, unless locally agreed otherwise.

Four protected off-duty days will be nominated in each four week accounting period (pro rata for other accounting periods). These days will be scheduled, wherever possible in pairs or with other off duty days.



## Guide to Flexibility and Unpredictability Allowances

### Overview of Eligibility

Individual appointed	Non UPA role	Current UPA 1 role	Current UPA 2 role	New Position with Flexibility Working Pattern and Allowance
<b>New BBC Joiner on or after 1st January 2008</b>	No UPA Allowance	Flexibility Allowance*	Flexibility Allowance*	Flexibility Allowance*
<b>Existing Employee with no UPA</b>	No UPA Allowance	Flexibility Allowance*	Flexibility Allowance*	Flexibility Allowance*
<b>UPA 1 Recipient</b>	No UPA Allowance	UPA 1 is paid (no change)	UPA 2 is paid	Flexibility Allowance*
<b>UPA 2 Recipient</b>	No UPA Allowance	UPA 1 is paid	UPA 2 is paid (no change)	Flexibility Allowance*
<b>UPA 1 Redeployed</b>	UPA 1 paid for <b>6 months only</b> , after which no UPA is paid	UPA 1 is paid (no change)	UPA 2 is paid	Flexibility Allowance*
<b>UPA 2 Redeployed</b>	UPA 2 paid for <b>6 months only</b> , after which no UPA is paid	UPA 2 paid for 6 months after which UPA 1 is paid	UPA 2 is paid (no change)	UPA 2 paid for 6 months after which the Flexibility Allowance is paid

\* In all cases where a Flexibility Allowance is made the employee must be required and actually work flexibly in accordance with the Flexible Working Pattern Statement.

\*\* Basic Salary excludes London Weighting.