

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 29 November 2022

**Public Authority:** The University Council  
**Address:** University College London  
Gower Street  
London WC1E 6BT

#### **Decision (including any steps ordered)**

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1. The complainant requested from University College London ("UCL") specific information in respect of racial bias in UCL's recruitment practices. UCL provided the information it held.
2. The Commissioner's decision is that, on the balance of probabilities, UCL has provided all the information it holds in recorded form in respect of this request.
3. The Commissioner requires no steps to be taken.

#### **Request and response**

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4. On 31 March 2022, the complainant made the following request for information:

"Research within the Faculty has shown racial bias against our colleagues within recruitment practices. We will use this opportunity of remote working to take a step back and design, develop, implement and evaluate standardised procedures to prevent biases and prejudices affecting recruitment and progression of staff and students within the Faculty. By September 2020 we will also identify a strategy to integrate longer-term recommendations to better support our staff and students."

This "opportunity of remote working" cited in June 2020 was during the first covid lockdown. Such restrictions have long since ended. Therefore

- 1) Please provide me with the cited "standardised procedures" that were "designed, developed, implemented and evaluated" during that period to "prevent biases and prejudices affecting recruitment of staff"
- 2) Please provide me with the cited strategy to "integrate longer-term recommendations to better support staff" that was intended to be identified by September 2020
- 3) According to FOI 020-580, this research commenced in 2020 and is not due to finish until 2025, yet the Dean of the Faculty of Brain sciences refers to it in the past tense. Please therefore provide me with
  - a) the research information that was provided to the Dean of the Faculty of Brain Sciences prior to June 2020 on which he based his June 2020 public statement "Research within the Faculty has shown racial bias against our colleagues within recruitment practices." and
  - b) the research information on which the standardised procedures and strategy to integrate longer-term recommendations mentioned in items 1 and 2 above was based.
5. On 29 April 2022, UCL responded to the complainant and provided various pieces of information and links to the complainant. In response to the request numbered 1), UCL replied as follows:

"An internal review of recruitment processes evaluated current procedures and practices. In response an online training module has been developed, online resources and information on fair recruitment practices have been shared, fair recruitment tools have been developed including standardised shortlisting mechanisms. At departmental-level, staff are trialling expanding name-blind recruitment to other staff groups, amongst other recruitment initiatives."
6. On 30 April 2022, the complainant responded as follows:

"My request no 1 did not ask for a list of the standardised procedures. It asked for the procedures. As usual, your staff have disingenuously sidestepped my request. I require the procedures."
7. On 18 May 2022 UCL provided its internal review response in which it upheld its original decision and stated that the information requested had been appropriately provided.

## Scope of the case

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8. The complainant contacted the Commissioner on 19 May 2022 to complain about the way their request for information had been handled.
9. The complainant is concerned that UCL has not addressed their request numbered 1) as it has not provided the complainant with a copy of the standardised procedures requested.
10. The Commissioner considers the scope of his investigation is to determine if UCL has correctly provided the information requested under section 1 of FOIA.

## Reasons for decision

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### Section 1 FOIA - determining whether information is held

11. Section 1(1) of the FOIA states:

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

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

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

If a public authority does not hold recorded information that falls within the scope of the request, the Commissioner cannot require the authority to take any further action.

12. In cases where there is a dispute as to the information held by a public authority, the Commissioner will use the civil standard of proof, i.e. the balance of probabilities. In order to determine such complaints, the Commissioner must decide whether, on the balance of probabilities, a public authority holds any information which falls within the scope of the request.
13. Accordingly, the investigation will consider the scope, quality, thoroughness and results of the searches, and/or other explanations offered by UCL as to why the information is not held.
14. The Commissioner will also consider any arguments put forward by the complainant as to why the information is likely to be held (as opposed to why it ought to be held).

15. Finally, the Commissioner will consider whether there are any further steps the public authority could be required to take if the complaint were upheld.

### **The complainant's position**

16. The complainant's argument is that UCL has not replied to their specific request:

"My request no 1 did not ask for a list of the standardised procedures. It asked for the procedures. As usual, your staff have disingenuously sidestepped my request. I require the procedures."

### **UCL's position**

17. Following the intervention of the Commissioner, in a further response dated 25 November 2022, UCL explained to the complainant:

"We apologise that our initial response to you was unclear. In this context, the 'standardised procedures' you refer to above were meant by UCL's Faculty of Brain Sciences (the 'Faculty') to mean initiatives that augment existing UCL policies, procedures and training (i.e. 'UCL's Recruitment and Selection Policy' and 'Fair and Inclusive Recruitment at UCL' training). These initiatives were designed to enhance the application of the recruitment policy, procedures and processes and reduce the possibility of bias. This work followed research to look at potential causes of bias in our current decentralised recruitment practices which has highlighted scope for improvement in some parts of the Faculty. Tools have been developed such as an additional online training module and presentations advising on best practice. This includes recommending that staff reduce the number of essential criteria on job adverts, advertise jobs on a wide variety of websites to attract diverse talent, and ensure gender representation on interview panels. This is an iterative process and the Faculty evaluation of this work is ongoing.

The Faculty of Brain Science follows UCL Recruitment and Selection Policies. The 'standardised procedures' do not refer to policies or protocols that deviate from standard UCL recruitment processes. Therefore, there is no 'copy' of the procedures, as they refer to a variety of different initiatives that are not intended to be produced in a policy-style document. The UCL Recruitment and Selection Policy is available publicly <https://www.ucl.ac.uk/human-resources/recruitment-and-selection-procedure>, as are details of the Fair Recruitment Specialist Scheme <https://www.ucl.ac.uk/equality-diversity-inclusion/equality-areas/race-equality/fair-recruitment-specialist-scheme>."

### **The Commissioner's view**

18. The Commissioner has carefully considered the points made by the complainant and UCL.
19. The Commissioner appreciates that the complainant believes that UCL is withholding a copy of "standardised procedures which have been designed, developed, implemented and evaluated to prevent biases and prejudices affecting recruitment of staff."
20. The Commissioner considers that in its initial response and internal review, UCL did not adequately explain that it did not have a set of standardised procedures of the type requested by the complainant. In fact, UCL did not explain this point clearly until its follow up response to the complainant dated 25 November 2022, which was prompted by the intervention of the Commissioner.
21. UCL has now clearly explained that it does not have a set of standardised procedures of the type requested by the complainant.
22. In conclusion, the Commissioner finds that, on the balance of probabilities, UCL does not hold a copy of the standardised procedures requested by the complainant.

### **Section 16 – advice and assistance**

23. Section 16(1) of FOIA states that:

"It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it."

24. The Commissioner acknowledges that UCL did not adequately explain to the complainant its position as regards the "standardised procedures" requested until the Commissioner intervened.

## Right of appeal

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

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963  
Fax: 0870 739 5836  
Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

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

**Signed .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**