

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 April 2022

Public Authority: London Borough of Enfield
Address: Civic Centre
Silver Street
London
EN1 3XA

Decision (including any steps ordered)

1. The complainant submitted a request to the London Borough of Enfield (the Council) seeking information about its evaluation of a particular post. The Council provided the complainant with information falling within the scope of his request but redacted some information on the basis of section 40 (personal data) of FOIA.
2. In the complainant's view the Council is likely to hold more information falling within the scope of his request beyond that previously disclosed to him or withheld on the basis of section 40(2).
3. The Commissioner's decision is that on the balance of probabilities the Council does not hold any further information falling within the scope of this request beyond that disclosed to the complainant or withheld on the basis of section 40(2) of FOIA.

Request and response

4. Following a previous exchange of emails with the Council about a job evaluation of the Crisis Support Assistant role, the complainant submitted the following request on 14 October 2020:

'Under the Freedom of Information Act 2000, can I kindly request to see all the paperwork regarding this matter?'
5. The Council responded on 26 October 2020. It provided him with a copy of the 'London Councils GLPC [Greater London Provincial Council]' scheme used to carry out the evaluation. The Council explained that it had previously provided him with a copy of the panel score sheet of the evaluation and the job description for the role in question, however it provided these to him again for completeness.
6. The complainant contacted the Council on 27 April 2021 and asked it to conduct an internal review in relation to this response. In doing so he argued that:

'My position is that there should be documents available to show how the job was graded, by the two HR advisers and this should be presented to me accordingly.'
7. The Council informed him of the outcome of the review on 9 June 2021. The internal review concluded that further information should have been provided to him in response to his request, namely a number of emails, and these were provided to him at this stage. However, the Council explained that it had redacted the names and contact details of staff below senior management level on the basis of section 40(2) (third party personal data) of FOIA. The Council explained that it had also withheld some information on the basis of section 40(1) (first party personal data) as such information constituted the complainant's own personal data and that it was currently processing a subject access request from him in relation to such data.

Scope of the case

8. The complainant contacted the Commissioner on 11 November 2020 in order to complain about the Council's handling of his request. The Commissioner did not appear to have received the complainant's email and only became aware of it when the complainant contacted him again on 23 March 2021. At that stage the Commissioner advised the complainant to contact the Council and ask it to undertake an internal review of its response to his request.

9. Following the outcome of the internal review, the complainant confirmed to the Commissioner that he remained dissatisfied with the Council's handling of his request. He raised the following grounds of complaint:
- He argued that the Council is likely to hold further recorded information falling within the scope of his request that has not been provided to him.
 - He also raised concerns about whether it was appropriate for the HR adviser who was involved in the job evaluation process to respond to his FOI request.
10. The latter ground of complaint does not fall within the Commissioner's remit to consider in the context of a decision notice, but he has commented on it in the Other Matters section at the end of this notice.
11. The complainant did not seek to challenge the exemptions that had been applied to the information disclosed at the internal review stage.
12. Therefore, this notice simply considers whether the Council holds any further recorded information falling within the scope of his request.

Reasons for decision

Section 1 – Right of access to information

13. In cases such as this where there is some dispute as to whether further information falling within the scope of a request is held, the Commissioner, following the lead of a number of Information Tribunal decisions, applies the civil standard of the balance of probabilities.
14. In other words, in order to determine such complaints the Commissioner must decide whether on the balance of probabilities a public authority holds any further information which falls within the scope of the request.
15. In applying this test the Commissioner will consider the scope, quality, thoroughness and results of the searches, and/or other explanations offered as to why no further information is held.

The complainant's position

16. In his submissions to the Commissioner the complainant explained that:
- 'I think there may be one key document missing. What I have so far is a few figures on paper, followed by a score. Then a decision that the score for the job falls into the grade 4 range but which does not demonstrate the 'process' and 'transparency' of how this score was derived.'

He further explained that:

'What I am seeking is a particular document (or series of document, could even be notes) that reveal the transparency of how the job evaluation was calculated, as opposed to random numbers being put on the scoring sheet by those who have an interest in the outcome, to produce the result of a grade 4 position?'

The Council's position

17. In order to investigate this complaint the Commissioner asked the Council a number of questions about the steps it had taken to locate information falling within the scope of the request . The Commissioner has reproduced his questions below, as well as reproducing the Council's answers.

18. **Questions:** What searches have been carried out to locate information falling within the scope of the request and why would these searches have been likely to retrieve all relevant information?
Please describe thoroughly any searches of relevant paper/electronic records and include details of any staff consultations.

Response: The Council explained that the officer who provided the information and paperwork was the officer specifically responsible for ensuring this job evaluation procedure was carried out and had been in regular correspondence with the complainant on this matter. As a result the Council explained that the officer therefore searched personal emails and relevant 'case' files and correspondence, and the job evaluation folders including the specific folder created for the role of 'Crisis Support Assistant'.

All records are held electronically, therefore there are no paper records to be searched.

19. **Question:** If searches included electronic data, which search terms were used and please explain whether the search included information held locally on personal computers used by key officials (including laptop computers) and on networked resources and emails.

Response: The Council explained that the searches carried out were as detailed above. The search terms included keywords, ie 'the name of complainant' and 'Crisis Support Assistant'.

20. **Question:** Was any recorded information ever held relevant to the scope of the complainant's request but deleted/destroyed?

Response: No.

21. **Questions:** If recorded information was held but is no longer held, when did the Council cease to retain this information?
Does the Council have a record of the document's destruction?

Response: Not applicable.

22. **Question:** Is there a business purpose for which the requested/'missing' information should be held? If so, what is this purpose?

Response: The Council explained that it does not hold 'a key document' of the nature described by the complainant in his submissions to the Commissioner.

The Council explained that the business purpose in question is covered by the GLPC job evaluation 'panel' score sheet. This document is retained for business purposes and has already been provided to the complainant. The Council explained that each evaluated job description across the Council has a panel score sheet, which is kept on file to record agreed job evaluation scores and rationale, and for benchmarking purposes to ensure quality and consistency across the Council in job evaluation of posts.

23. **Question:** Please provide any further submissions the Council wishes to make to support its view that it does not hold any further recorded information falling within the scope of this request.

Response: The Council suggested that the complainant appeared to have an incorrect assumption in relation to how its job evaluation process functions by seeking an additional 'key document' that he considered to be missing from those previously provided to him.

The Council explained to the Commissioner that the key documents are the 'GLPC Job Evaluation Scheme' used by the Council to evaluate roles, and the GLPC job evaluation panel score sheet, both of which have been disclosed. The Council explained that the panel score sheet document not only provides the factor scores assessed against the job evaluation scheme but includes space for an explanation as to why the factor score was awarded. When relevant, these comments are shown in the 'remarks' column.

The Council also explained that the evaluators who undertook this evaluation are experienced and trained in the application of the scheme. The guidance on how to assess the appropriate factor score is contained within the GLPC job evaluation scheme and evaluators must refer to that scheme when reviewing the job description. The Council noted that only trained staff can evaluate.

In relation to the paperwork that has been disclosed, the Council noted that the GLPC panel sheet provided for the role of Crisis Support Assistant includes the separate scores of each officer (evaluator 1 and 2 scores) and then a column named 'panel' which shows the agreed outcome between the evaluators on the final factor scores. The Council noted that the evaluators have also included comments/rationale in the 'Remarks' column.

Finally, the Council explained that the job evaluation process is 'paperless' and therefore the outcome of this panel meeting, and rationale for scores was recorded electronically on the panel sheet provided.

The Commissioner's position

24. Having considered the Council's submissions set out above, the Commissioner is satisfied that on the balance of probabilities the Council does not hold any further recorded information falling within the scope of the complainant's request.
25. He has reached this conclusion for a number of reasons. Firstly, in his view the searches conducted by the Council are sufficiently focused and thorough to ensure that all information that it held relevant to the request has been located. In particular, the Commissioner notes that the officer who was responsible for conducting the job evaluation exercise was involved in searching for relevant information. In the Commissioner's opinion it is more likely that an individual with knowledge of a specific matter, in this case the job evaluation exercise, is going to be well placed to be able to locate any (and all) relevant information.
26. Secondly, the Commissioner has taken into account the Council's explanation of how the job evaluation process is conducted and recorded. In light of this explanation in the Commissioner's view there is no reason to suggest that the Council would hold a further 'key document' that it has not previously located and provided to complainant. The Commissioner appreciates that the complainant considers it likely that there is a document which explains the rationale behind the scores that have been given as part of the job evaluation process. However, the Council has explained that the purpose of the panel score is to capture the rationale of the evaluation process. Furthermore, the Commissioner notes that the panel score sheet does include some information in the 'remarks' column to explain the information given to certain criteria. Whilst remarks have not been made for all criteria, and the remarks are admittedly brief, taking into account how the process operates, the Commissioner considers it reasonable to conclude that any information generated as part of the process to explain *why* scores were given would be recorded (as some information

indeed is) on the panel score sheet. In other words, the Commissioner can see no reason why the Council would have generated additional information as part of this process in relation how the score was reached.

Other matters

27. The complainant also raised with the Commissioner whether it was appropriate that the officer involved in the job evaluation should place herself in the role of the 'FOI Officer' when initially responding to the request and in the complainant's view apparently deny him certain documents which she did do, ie the further information which he considered it likely that the Council would hold.
28. It is outside of the Commissioner's remit to specify that public authorities must ensure that FOI officers respond to FOI requests. However, in the Commissioner's experience it is often the case that officers in a particular business or policy area will initially respond to such requests.
29. The Code of Practice issued under section 45 of FOIA sets what is considered to be best practice for public authorities when handling FOI requests. In relation to the handling of internal reviews the Code explains that where possible, the internal review should be undertaken by someone other than the person who undertook the original decision.¹ The Commissioner notes that this was the case in relation to the Council's handling of this request.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/744071/CoP_FOI_Code_of_Practice_-_Minor_Amendments_20180926_.pdf See paragraph 5.9

Right of appeal

30. 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
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

31. 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.
32. 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

Jonathan Slee
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