

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 May 2013

Public Authority: Department for Culture, Media and Sport
Address: 2-4 Cockspur Street
London
SW1Y 5DH

Decision (including any steps ordered)

1. The complainant has requested information about Department for Culture, Media and Sport (DCMS) staff secondments. DCMS provided the complainant with some information relevant to the scope of the request but said that no further information was held.
2. The Commissioner's decision is that DCMS has provided all the information it holds falling within the scope of the request.
3. The Commissioner requires no steps to be taken.

Request and response

4. On 1 October 2012, the complainant wrote to DCMS and requested information in the following terms:

"I am seeking some further information on the departure of Steve Davies as director of the National Railway Museum and the decision to appoint [named individual] from DCMS as his replacement on a year-long secondment.

The DCMS press release stated:

"DCMS staff regularly undertake relevant secondments as the department believes secondments play an important role in enabling individuals and the host organization to benefit from new skills, knowledge and capabilities."

I would be grateful if you would clarify how many DCMS staff have been seconded to such a high-profile, senior position in the last few years and which organisations these have involved. Perhaps the last five years might be a sensible time period.

The DCMS will be aware of concerns that have been raised about the NRM's management.

I would like to know what action the DCMS has taken in response.

If this has included recorded communications, I would like to know what these contained - both to the NRM and anything received from the NRM plus any other internal communications.

If this included the decision to appoint a new director, I would naturally like to know when this decision was taken, who took that decision and the basis for the decision.

I would also be grateful if DCMS could clarify how this decision complied with any requirements around equal opportunities or other requirements when making such a significant appointment.

The press release suggests the Science Museum Group 'invited' [named individual] to become NRM director.

As it stands, I am unclear how such an invitation would comply with what would normally be expected to be an open appointment process."

5. On 29 October 2012 DCMS responded. It provided the complainant with some explanation surrounding the specific secondment he had asked about but said no information was held centrally relating to staff secondments.
6. On 29 October 2012 the complainant submitted another request for information:

"I am unclear how [named individual] can arrange a secondment directly with the NRM without any further information being held by DCMS as to how this appointment actually came about.

I presume he wasn't in a position to arrange his own appointment without reference to anywhere else in the department.

Therefore it is likely there is information held about the circumstances of the appointment.

In addition, the response does not address any information held on any concerns about the management of the NRM.

I would be grateful if the response is stating the DCMS holds no information at all about any concerns about the management of the NRM."

7. On 5 November 2012 DCMS responded, it provided the complainant with further explanation but confirmed that there was no further information held within the scope of either request.
8. The complainant requested an internal review on 19 November 2012. DCMS sent the outcome of its internal review on 6 December 2012. It upheld its original position in relation to both requests.

Scope of the case

9. The complainant contacted the Commissioner on 7 December 2012 to complain about the way his request for information had been handled.
10. During the course of the Commissioner's investigation DCMS provided the complainant with information as to how many DCMS staff have been seconded to a high-profile, senior position in the last five years and which organisations these have involved. It said it did not hold any further information that fell within the scope of the request. It said that it did hold the secondment agreement for the named individual. The complainant has confirmed that he has obtained the secondment agreement from the NRM and therefore this particular piece of information has not been considered within this Notice.
11. The Commissioner has considered whether any further information is held, other than that already provided to the complainant and other than the secondment agreement relating to the named individual.

Reasons for decision

12. Section 1 of FOIA states that "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.”

13. In this case DCMS has explained that it does not hold information regarding ‘concerns raised about the NRM’s management’. It said that policy have confirmed that any discussions regarding NRM management were dealt with informally over the phone, and no records have been created.
14. It said that the HR department had confirmed that the only information held relating to the secondment of the named individual was the secondment agreement and no further information was held relating to this by DCMS. It said that the named individual arranged the secondment directly with DCMS and therefore DCMS does not hold any information other than the actual secondment agreement. It confirmed that the only information required for business purposes is the secondment agreement. This is to ensure that DCMS is aware of the terms of the individual’s secondment (e.g. length of secondment, pay, grade etc.) and so that DCMS is aware of the grade/salary/status the employee will return to. It said that the secondment agreement is a contractual arrangement, so there would be a requirement for DCMS to keep this document in order to avoid any ambiguity in liabilities. It confirmed that there would not be any statutory requirement for DCMS to retain any other information.
15. Based upon the submissions provided by DCMS, the Commissioner considers that no further information is held falling within the scope of the request, other than the secondment agreement and the information already provided to the complainant.

Right of appeal

16. 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: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

17. 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.
18. 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

Pamela Clements
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