

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 31 October 2022

Public Authority: London Borough of Croydon ("the Council")

Address: 2 Borrowdale Drive
South Croydon
CR2 9JS

Decision (including any steps ordered)

1. The complainant requested information from the Council relating to the interview process for a particular position. By the date of this notice the Council had not issued a substantive response to this request.
2. The Commissioner's decision is that the Council has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Council to take the following step to ensure compliance with the legislation.
 - The Council must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The Council must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

Request and response

5. On 29 May 2022, the complainant wrote to the Council and requested information in the following terms:

"1. Please state the criteria for the selection of an appointee to the HAF post that I applied for and in respect of each of these, please state:

- a) When it was devised or agreed and by whom
- b) Whether it was mandatory that applicants should comply with the said criterion or simply a preference

2. Please state in detail your procedures for advertising the post and where and when advertisements appeared

3. Please list all applications received for the said post, by reference to race, academic qualifications, previous experience and whether internal or external candidates

4. Please denote which of those listed at 3 above were shortlisted, interviewed, and offered a job

5. Please state who was responsible for shortlisting and the shortlisting criteria applied

6. Of each of those interviewed including myself, please state:

- a) The date of the interview
- b) The name and position of each member of the interview panel
- c) Whether each member of the panel had at any stage received equal opportunities training and, if so, what and when
- d) Whether each member of the panel had at any stage received recruitment and selection training and, if so, what and when
- e) Whether each member of the panel had at any stage received unconscious bias training and, if so, what and when
- f) The name and position of each person making the decision whether or not to appoint and whether there was any difference of opinion
- g) Precisely why the application failed or succeeded as the case may be

7. Please give the name of any other person consulted in any way or advised of the decisions to appoint or not to appoint interviewees, and please state their role
 8. Please advise of the interview scores specifically detailing my scores and those of the appointed candidate
 9. Were there any notes or standard interview forms completed by each panel member at every interview? If yes, please forward copies of all notes and forms relating to all interviewees, including mine (redacting any personal information relating to the candidates)
 10. Please advise whether any panel members have a prior relationship with the successful candidate and, if so, was this disclosed in advance of the final recruitment decision?
 11. Why was I asked to submit these interview-related questions via a Freedom of Information request?"
6. The Council acknowledged the request on 30 May 2022. To date, a substantive response has not been issued.

Reasons for decision

7. Section 1(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."
8. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".
9. On 7 October 2022 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
10. Despite this intervention the Council has failed to respond to the complainant.

11. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Council has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

Other matters

12. The Commissioner notes that some elements of the request (particularly element 6) seek information which is likely to be the complainant's own personal data and would thus fall to be dealt with under data protection legislation.
13. Whilst the Commissioner has no power to compel the Council to do so as part of a decision notice issued under FOIA, he would recommend that the Council also consider its responsibilities under data protection legislation and respond to the complainant accordingly.

Right of appeal

14. 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

15. 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.
16. 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

Roger Cawthorne
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF