

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

### **Decision notice**

**Date:** 27 January 2023

**Public Authority:** Northern Health & Social Care Trust

**Address:** Causeway House  
8e Coleraine Road  
Ballymoney  
County Antrim  
Northern Ireland  
BT53 6BP

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

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1. The complainant requested information from the Northern Health & Social Care Trust ("the Trust") relating to banding and evaluation of the Financial Services Manager Post since 2007.
2. The Trust provided information in scope of the request, but stated no records were held for part one of the request.
3. The Commissioner's decision is that the Trust holds no further recorded information relevant to the complainant's request and has complied with section 1(1) of FOIA.
4. The Commissioner does not require any steps to be taken as a result of this decision notice.

## Request and response

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5. On 6 May 2022, the complainant wrote to the Trust and requested information in the following terms:

"I would be grateful if you could provide me with information on the banding and job evaluation of the Financial Services Managers Post, since it was first created in 2007, as follows:

1. Copy of the job Evaluation Proforma produced when the post was first created in 2007, to include copies of all supporting documents and panel members' notes evidencing the rationale, level awarded and points for each factor.

With regard to Consistency Checking carried out at this time, please also provide copies of supporting documentation and Consistency Checking panel members' notes.

2. Copy of the Job Evaluation Proforma completed in November 2013 with Consistency Checking being completed in October 2015, to include copies of all supporting documentation and panel members' notes evidencing the rationale, level awarded and points for each factor.

With regard to Consistency Checking carried out at this time, please also provide copies of supporting documentation and Consistency Checking panel members' notes.

Please provide an explanation for the almost 2 year delay between the evaluation being completed and the Consistency Checking.

3. Copy of JAQ Evaluation Proforma completed October 2019, to include copies of all supporting documentation and panel members' notes evidencing the rationale, level awarded and points for each factor.

With regard to Consistency Checking carried out at this time, please also provide copies of supporting documentation and Consistency Checking panel members' notes.

4. Copy of JAQ Evaluation Proforma completed March 2022, to include copies of all supporting documentation and panel members' notes evidencing the rationale, level awarded and points for each factor, being reviewed (Factors 3.6.7.10 and 14).

With regard to Consistency Checking carried out at this time, please also provide copies of supporting documentation and Consistency Checking panel members' notes.

5. Copy of JAQ document evaluated at the review (March 2022)."
6. The final position of the Trust was that it has provided all the information it holds within scope of the request.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 1 July 2022, to complain about the way their request for information had been handled.
8. The Commissioner considers the scope of his investigation is to determine if the Trust is correct when it says it holds no further information falling within the scope of the request.

### **Reasons for decision**

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

9. 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.

10. 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.

11. Accordingly, the investigation will consider the scope, quality, thoroughness, and results of the searches, and/or other explanations offered by the Trust as to why the information is not held.
12. 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). 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**

13. The complainant has argued that: "All job evaluation in the Northern HSC Trust should be completed in line with the requirements of the NHS Job Evaluation Handbook and supplementary guidance which is supposed to be binding on all local matching and job evaluation panels. Evidence for banding outcomes should be documented and audit trails of decisions be accessible should any clarification be required. My FOI Request was based on these requirements....I have been informed by other sources that notes, etc. of panel meetings and discussions are produced and retained."

### **The Trust's position**

14. The Trust has responded to the complainant and has confirmed that: "a search of manual and electronic records within the Workplace Relations Team was undertaken, and this included searching the electronic records of the senior manager (who retired from the employment of the NHSCT 2013) involved in the Agenda for Change and Review of Public Administration (RPA) processes in 2007 (Manager retired from the employment of the NHSCT in 2013). There were no records found in relation to the information requested in relation to the initial evaluation / banding of a post that (name redacted) underwent a recruitment exercise for." The information released was the only information falling in scope of this request.
15. They also explained that during the Commissioners investigation: "Human Resources colleagues were again asked to undertake a further exhaustive search and provide an assurance that all avenues had been extensively searched. Additionally, the Information Governance Department independently undertook a search of the Trust's Email

Archive system. It should be noted that this system retains all email transactions since the 1st December 2011, and a copy of any emails that were currently in the Trust's email mailboxes at the time of the Archive system implementation. Neither of these search exercises yielded any information in relation to the job evaluation process undertaken circa 2006/2007."

16. It also stated: "It is the Northern HSC Trust's conclusion that the evaluation of this post was conducted as part of the regional process, and the Trust would not and does not hold any records regarding this."

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

17. The Commissioner has carefully considered the points made by the complainant and the Trust.
18. The Commissioner appreciates that the complainant has concerns about the way their request was handled by the Trust. However, the Commissioner considers that the Trust's responses have adequately addressed these points.
19. In addition, the Commissioner is unable to identify any further action that the Trust could reasonably be expected to take as part of its statutory obligations under FOIA in order to identify or locate any further information falling within the scope of this request. As has been set out above, if information is not held then it cannot be disclosed in response to a request.
20. In conclusion, the Commissioner finds, on the balance of probabilities, the Trust does not hold any further recorded information falling within the scope of this request.

## Right of appeal

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21. 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: 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)

22. 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.
23. 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 .....**

**Joanna Marshall**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**