

Reference: 01434590

Zach Westbrook
Information Rights Advisor
information.requests@ofcom.org.uk

13 May 2022

Freedom of Information request: Right to know request

Thank you for your request for information concerning guides for new employees. Your request was received on 17 March 2022 and we have considered it under the Freedom of Information Act 2000 ('the FOI Act'). We wrote to you on 13 April 2022 to explain that it was necessary to extend the deadline in which we have to respond in order for us to consider whether the public interest is in favour of releasing the information requested or not.

Your request & our response

1. Does the organisation currently issue new employees who join the organisation with any and or all the following....

(a)...A language guide or similar which advises employees on the most appropriate words, phrases, and terms to use when writing to and or communicating with and or referring to their colleagues and or members of the public and or the organisation's clients/customers/service users and or representatives and employees in the organisation's stakeholder and partner organisations. Typically, such a guide will outline words, terms, and phrases to avoid for whatever reason while providing more acceptable words, terms, and phrases. Such guidance could be included in a staff handbook (or similar) or it could be issued in the form of specific written advice. Alternatively, it could be included on the organisation's intranet site and or it could be issued/held digitally and or it could be included in any training/induction video/film.

Ofcom does not issue a language guide or similar to new staff on appropriate wording to use when communicating internally and externally.

(b) A guide or similar which helps and encourages staff to promote diversity and inclusivity both in the workplace and or in their dealings with members of the public and or in their dealings with the organisation's clients/customers/service users and or in their dealings with employees in and or representatives of the organisation's stakeholders and any partner organisations. The guide will include but will not be limited to advice on best practice when it comes to diversity and or inclusivity and or anti-discrimination policies. It will encourage staff how to avoid discrimination on the grounds of race and or religion and or gender and or sexuality and or age and or disability and or political belief and or social class and or income and or social background. Such guidance could be included in a staff handbook (or similar) or it could be issued in the form of specific written advice. Alternatively,

it could include on the organisation's intranet site and or it could be held / issued digitally and or it could be included in any training/induction film/video.

Ofcom does not have any guides or documents of this type. We do have a number of guiding policies, framed around achieving compliance with employment and human-rights law, and which we use internally to help colleagues to avoid discrimination. We have Dignity and Respect at Work, Workplace Adjustments and Transitioning at Work policies; and an e-learning module covering diversity and inclusion. We attach copies of the aforementioned policies. We have redacted any personal information as we consider that this information is exempt from disclosure under Section 40(2) of the FOI Act, which provides that personal information about persons other than the requester is exempt where its disclosure would contravene any of the data protection principles in the General Data Protection Regulation and the Data Protection Act 2018. Section 40 is an absolute exemption under the Act and does not require a public interest test.

Regarding our e-learning module, whilst I can confirm that we do hold information falling within the scope of your request, we consider that disclosure of this information is exempt under the FOI Act. In particular, section 43(2) of the FOI Act (which states that information is exempt information if its disclosure under the FOI Act would, or would be likely to, prejudice the commercial interests of any person including any company or the public authority holding it). In applying this exemption, we have had to balance the public interest in withholding the information against the public interest in disclosing the information. Annex A to this letter sets out the exemption in full, as well as the factors Ofcom considered when deciding where the public interest lay.

(c) A guide or similar which advises staff on the importance of respecting and using a person's preferred gender pronoun. That person could be a colleague and or a member of the public and or one of the organisation's customers/clients/service users and or an employee and or representative of a stakeholder or partner organisation. Such guidance could be included in a staff handbook (or similar) or it could be issued in the form of specific written advice. Alternatively, it could be included on the organisation's intranet site and or it could be held / issued digitally and or it could be included in any training/induction film/video.

Our Transitioning at Work policy contains advice and guidance on the importance of respecting and using a person's preferred gender pronoun.

2. If you have answered yes to any part (or indeed all of question one) can you please provide copies of the guidance irrespective of the form in which it is issued.

Please see our response to b).

3. Since January 1, 2019, has the organisation issued any kind of guidance (as defined in question 1 a to c) to other employees who were not issued with the advice and guidance when they first joined the organisation as new recruits. If the answer is yes, can you, please provide copies of the guidance irrespective of the form in which it is issued.

Our people policies outlined in question b) were created across 2019, 2020 and 2021. All the policies are available on our intranet and universally accessible to all colleagues whatever date they start with us. All Ofcom colleagues are required to be familiar with these policies.

If you have any further queries, then please send them to information.requests@ofcom.org.uk quoting the reference number above in any future communications.

Yours sincerely

Zach Westbrook

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law, you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for responding to internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact information.requests@ofcom.org.uk

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex A

Section 43 annex

Section 43(2) of the FOI Act states:	
<i>“Information is exempt information if its disclosure under this part of the Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).”</i>	
Factors for disclosure	Factors for withholding
<ul style="list-style-type: none">• Enabling the public to gain a better understanding of Ofcom’s relationship with its suppliers, including the prices paid for services or products, thus promoting transparency.	<ul style="list-style-type: none">• Ofcom continues to procure contracts like those related to this request. To release commercially sensitive information relating to these contracts such as the spend would put us in a detrimental position for future procurements and could also result in fewer tender submissions being received if suppliers were not confident that their commercial and competitive advantage were maintained.• Ofcom is bound by contractual provisions concerning ownership of intellectual property rights in the relevant material.
Reasons why public interest favours withholding information	
<ul style="list-style-type: none">• Ofcom’s ability to obtain value for money in services it contracts for, may be undermined in future procurements if the information were released. Also Ofcom is entrusted with commercially sensitive information provided by its suppliers - the release of this information into the public domain would impair both the relationship it has with suppliers and Ofcom’s ability to carry out its remit efficiently.• Therefore the potential prejudice to commercial interests outweighs the public interest in disclosure of this information.	