

Reference: 2150052

Information Requests
information.requests@ofcom.org.uk

11 March 2026

Freedom of Information request: Right to know request

Thank you for your request for information about Ofcom's hybrid working policy.

We received this request on 11 February 2026 and we have considered your request under the Freedom of Information Act 2000.

Your request and our response

Under the Freedom of Information Act, can you please provide me with the following information relating to Ofcom's new draft hybrid working policy:

1. Any impact assessments undertaken in connection to the policy.

We have taken this question to be referring to an Equality Impact Assessment – please find this document attached.

2. Any analysis, briefings or reports prepared in connection to the policy (e.g. options appraisals).

3. Any minutes, notes or papers from senior leadership, executive, or governance meetings where the policy has been discussed.

This request is limited to information created on or after 1 January 2025.

We note that Ofcom proposed to its employees a draft hybrid working policy on 9 February 2026. There was a three-week consultation period which closed on 27 February 2026. The consultation was supported by various forms of dialogue and FAQs. Ofcom will now consider all responses to the consultation before deciding how to proceed.

In response to questions 2 and 3, we hold information in response to your request

However, we consider that it is exempt from disclosure under section 36 of the FOI Act. The information is from presentation slides and papers supporting Senior Management Team discussions and minutes of those discussions. Section 36(2)(b)(ii) and (c) of the FOI Act provides that information held by a public authority is exempt from disclosure if, in the reasonable opinion of a qualified person, disclosure of the information:

- would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation; and/or
- would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

Section 36 is a qualified exemption, which means that Ofcom is required to consider whether or not the public interest in disclosing the information you have requested outweighs the public interest in

withholding the information. In this case, we consider that the public interest favours withholding the information for the reasons set out in **Annex B** to this letter. In **Annex A** of this letter, the qualified person, the Corporation Secretary for Ofcom, has confirmed that the exemption applies.

We note that other exemptions may apply.

Yours sincerely,

Information Requests

Annex A

Freedom of Information: Right to know request

Section 36 exemption

I am a "qualified person" as referred to section 36(2) of the Act and duly authorised by a Minister of the Crown for the purposes of that section. In my reasonable opinion, disclosure of the relevant information requested

- would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation; and/or
- would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

In applying this exemption, I have had to balance the public interest in withholding the information against the public interest in disclosing the information.

I have set out in **Annex C** the exemption in full, as well as the factors I considered when deciding where the public interest lay in relation to the information concerned. If you have any queries about this letter, please contact information.requests@ofcom.org.uk.

Corporation Secretary

Date: 11 March 2026

Annex B

Section 36: Prejudice to effective conduct of public affairs

Section 36 exempts information whose disclosure would, or would be likely to, have any of the following effects:

- inhibit the free and frank exchange of views for the purposes of deliberation, or
- otherwise prejudice the effective conduct of public affairs.

Key points:

- Section 36 can only be used if, in the reasonable view of a "qualified person", disclosure of the requested information would have one of the specified effects.
- would, or would be likely to, inhibit the free and frank exchange of views for the purposes of deliberation; and/or
- would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.
- The application of section 36 is subject to a public interest balance.

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> • Ofcom recognises that its engagement with matters of internal people policy might be a matter of interest to the wider public. Releasing such information could be said to increase transparency in the way that Ofcom operates as an organisation. 	<ul style="list-style-type: none"> • The documentation in relation to which the exemption is claimed reflects internal discussion relating to hybrid working arrangements. • The documentation concerns consideration of Ofcom’s proposed hybrid working policy , and to consider whether it is working in the best interests of the organisation and what alternative approaches may be more effective. Relevant senior colleagues should be able to have free and frank discussions internally for the purposes of deliberation to address such considerations. • It is in the public interest for Ofcom to run itself effectively. Senior management therefore need to be able to have the space to develop policies which support the effective management of Ofcom. It is important to be able to discuss such policies in an environment that is not inhibited by fear of disclosure as that would lead to the dampening expression of different viewpoints and therefore the identification of effective proposals.

	<ul style="list-style-type: none"> • Ofcom has consulted internally in full on the basis for its proposals. Release of preparatory materials would prejudice the effectiveness and clarity of that consultation, which would be against the interests of both Ofcom and its employees. • Given the above, disclosing such documents would also likely prejudice the effective conduct of public affairs. If Ofcom is not run effectively, this impairs its ability to deliver against its statutory duties and functions. • We also consider that the public interest in this information is limited, as the information requested does not relate to Ofcom carrying out its regulatory functions.
Reasons why public interest favours withholding information	
<ul style="list-style-type: none"> • We consider that the public interest in withholding the information outweighs the public interest in disclosure. • Whilst there may be some weight attached to the public interest in disclosing the information, we consider this is limited, as the requested information does not relate to Ofcom’s regulatory functions, and significant prejudice would be caused by such a disclosure in inhibiting the ability of senior management to develop policies for the effective operation of the organisation and impeding the effective conduct of public affairs. 	

Request an internal review

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress. Please email the Information Requests team (information.requests@ofcom.org.uk) to request an internal review.

Taking it further

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner’s Office](#).