



Scottish Information
Commissioner
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Decision Notice 043/2025

Job role evaluations – failure to respond

Applicant: The Applicant

Authority: West Dunbartonshire Council

Case Ref: 202500137

Summary

The Applicant asked the Authority for information about job role evaluations. This decision finds that the Authority failed to respond to the requirement for review within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA).

Background

1. The Applicant made an information request to the Authority on 5 December 2024.
2. The Authority responded to the information request on 19 December 2024.
3. On the same day, the Applicant wrote to the Authority requiring a review of its decision.
4. The Applicant did not receive a response to his requirement for review.
5. On 23 January 2025, the Applicant wrote to the Commissioner, stating that he was dissatisfied with the Authority's failure to respond and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
6. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.

Investigation

7. Section 49(3)(a) of FOISA requires the Commissioner to notify public authorities of an application and to give them an opportunity to comment. The Commissioner did this on 24 January 2025.

8. The Commissioner received submissions from the Authority. These submissions are considered below.
9. The Authority acknowledged that it received the requirement for review on 19 December 2024 and explained that it had not been allocated to a solicitor within Legal Services (in line with normal procedure), but had instead been passed in error to a different service area for comment. As a result, a review was not carried out.
10. The Authority advised that it had reminded the relevant team to forward review requests to one of its solicitors to ensure that these were progressed appropriately.
11. Section 21(1) of FOISA gives Scottish public authorities a maximum of 20 working days following the date of receipt of the requirement to comply with a requirement for review. This is subject to qualifications which are not relevant in this case.
12. It is a matter of fact that the Authority did not provide a response to the Applicant's requirement for review within 20 working days, so the Commissioner finds that it failed to comply with section 21(1) of FOISA.
13. The remainder of section 21 sets out the requirements to be followed by a Scottish public authority in carrying out a review. As no review has been carried out in this case, the Commissioner finds that the Authority failed to discharge these requirements: he now requires a review to be carried out in accordance with section 21.
14. The Commissioner notes that the Authority is in the process of conducting a review and intends to issue an apology to the Applicant for its failure to respond.

Decision

The Commissioner finds that the Authority failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in dealing with the information request made by the Applicant. In particular, the Authority failed to respond to the Applicant's requirement for review within the timescale laid down by section 21(1) of FOISA. The Commissioner requires the Authority to issue a response, by **7 April 2025**.

Appeal

Should either the Applicant or the Authority wish to appeal against this decision, they have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision.

Enforcement

If the Authority fails to comply with this decision, the Commissioner has the right to certify to the Court of Session that the Authority has failed to comply. The Court has the right to inquire into the matter and may deal with the Authority as if it had committed a contempt of court.

Nick Murton
Freedom of Information Officer

20 February 2025