

Reference: 01347243

C Griffiths  
[request-786397-ad612734@whatdotheyknow.com](mailto:request-786397-ad612734@whatdotheyknow.com)

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Information Rights  
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25 October 2021

Dear C Griffiths

### Freedom of Information: Right to know request

Thank you for your request for information regarding organisations we sought guidance, views and/or advice from in respect of Ofcom's internal inclusion and diversity work. We received this request on 30 August 2021 and have considered it under the Freedom of Information Act 2000 (the 'FOI Act').

You asked:

*Could you please provide the names of all organisations you have sought guidance, views and/or advice from in respect of your internal inclusion and diversity work (in the context of your responsibilities as an employer) in each of the last three financial years, together with the amounts paid to each of them and a broad indication of the subject matter and protected characteristic(s) (where relevant) the guidance, advice etc. covered.*

### Background

It may be helpful to provide some background information on Ofcom's diversity and inclusion work.

As the UK's communications regulator, Ofcom is independent of Government and funded by the fees paid by the companies we regulate. We are required by statute to be fully independent, impartial, and objective in the exercise of our functions.

We enter into partnerships linked to diversity and inclusion to enable us to better discharge our responsibilities as an employer. Engagement with organisations in relation to diversity and inclusion also allows us to understand all perspectives on all aspects of diversity in the context of our role as the independent regulator for broadcast standards. It is however important to note that Ofcom always remains the final decision maker, in respect of both its decisions as employer and its decisions under statutory powers as the independent regulator. We regularly review all of these arrangements to ensure they're still adding value and to identify whether the relationship presents any conflict of interest with the exercise of our statutory functions.

As you may be aware, we recently reviewed our relationship with Stonewall and took the decision to step back from our membership of the Diversity Champions programme. This is for two reasons:

1. We regularly review our partnerships to ensure they're still adding value. We know there's much more to do to build and improve our internal capability, but we've now laid the foundations that will help us improve our support for LGBTQ+ colleagues. We're confident that we can move ahead positively, without continuing with the Diversity Champions programme.
2. It is critical that Ofcom maintains its reputation for independence, particularly in the area of broadcast standards. We believe that inadvertently being pulled into a political debate as a result of membership of the Diversity Champions programme could harm perceptions of this independence. We consider that stepping back from the Diversity Champions programme, in light of this, is the right thing to do.

Ofcom strongly maintains its commitment to LGBTQ+ inclusion. We'll continue to participate in the Stonewall Workplace Equality Index, which is widely recognised as a strong benchmarking tool for employers to measure their progress on LGBTQ+ inclusion in the workplace. We'll continue to engage our LGBTQ+ colleagues and our internal Affinity Network for LGBTQ+ colleagues and allies on how we progress LGBTQ+ inclusion for our colleagues at work e.g. supporting progression, tackling unfair treatment and developing a communications and social media plan showcasing our support for LGBTQ+ rights. We intend these steps to remain central to our aim to promote respect and opportunity for the wider LGBTQ+ community as part of our [Diversity and Inclusion strategy](#).

## Our response

Your request is for a very broad range of information and covers information that would have been generated across different teams and groups of colleagues within Ofcom over a 3-year period. Ofcom, like many other organisations, engages with a broad cross section of organisations in the conduct of its business as an employer. As such our discussions on diversity and inclusion engage other employers, professional diversity and inclusion bodies, academic institutions, accreditation bodies and other government and non-government organisations that share our commitment to building inclusive workplaces. These engagements may be communicated in a number of ways, for example through formal requests due to membership of benchmarks, accreditations, or consultancy or informally through networking, attendance at events and sharing of best practice through a variety of forums.

We also note that diversity and inclusion not only engages the protected characteristics mentioned in law - age, disability, race, sex, gender reassignment, gender, sexual orientation, maternity and pregnancy, marriage and civil partnership, religion and belief. It also covers areas not covered by the Equality Act such as how to build fair policies, practices and procedures that also support matters such as social and geographic mobility and diversity of thought.

We therefore consider that a considerable amount of time would be needed to locate, retrieve, identify and extract any relevant information in response to your request.

Under Section 12 of the FOI Act, Ofcom is not obliged to comply with a request for information if we estimate that the cost of complying with the request would exceed the “appropriate limit”. The appropriate limit is set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (“the Regulations”), and is, for Ofcom, £450. The Regulations provide that costs are to be estimated at a rate of £25 per person per hour, which equates to 18 hours of time. That sum is intended to cover the estimated costs involved in determining whether Ofcom holds the information requested, identifying, locating, retrieving and extracting the information from any document containing it.

Ofcom estimates that it would take at least 18 hours to identify, locate and extract the information you have requested and as such the cost of complying with your request will exceed the appropriate limit. We have therefore decided to refuse your request under section 12 of the FOI Act.

However, if you wish to submit an alternative request with a narrower, more specific scope in relation to this subject, we would be happy to consider it under the FOI Act. Should you decide to make a further request for information, please note that other exemptions may apply.

We note that information that relates to the subject matter of your request may be released in response to other requests for information under the FOI Act received by Ofcom. These responses are published on our website [here](#).

If you have any queries, then please contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk). Please remember to quote the reference number above in any future communications.

Yours sincerely,

Information Rights Team

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](mailto: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. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire

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