



Scottish Information  
Commissioner  
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## Deputy Head of Enforcement

### Job Description and Person Specification

**Grade: 5 (Full time equivalent – 37 hours)**

**Starting salary: £42,066 (gross p.a.) on a scale rising to £52,679 (gross p.a.) (subject to review 01/04/19)**

**Applications on a job share basis are welcome and flexible working arrangements are available**

**Permanent Post**

**Reports to: Head of Enforcement**

### Background

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The Scottish Information Commissioner promotes and enforces the Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (the EIRs).

This legislation generates tens of thousands of information requests to Scotland's public authorities each year. If requesters are unhappy with the response they receive from an authority, they can appeal to the Commissioner and he will decide whether the information should be disclosed. Around 500 appeals are made to the Commissioner each year. These often involve high profile, controversial or sensitive matters.

The Commissioner employs staff to help him investigate and decide upon cases. You will be one of two Deputy Heads of Enforcement (DHOEs), each managing a small team (around five) of Freedom of Information Officers (FOIOs), who investigate appeals and draft legally enforceable decisions. Your role will be to guide your team's investigations, usually in line with precedent. As decisions can be appealed to the Court of Session, you will also review draft decisions to ensure that they are well written, accurate and legally competent.

The Commissioner also has a statutory duty to promote Freedom of Information (FOI), contributing to openness and transparency in Scotland. DHOEs are also involved in this by ensuring that public authorities comply with their duties under FOISA and the EIRs, and by helping to identify and promote good practice.

## **Purpose of Job**

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DHOEs provide essential support to the Commissioner in fulfilling his responsibilities.

You will manage the caseload of a team of investigators, giving guidance on individual cases and reviewing draft decisions to ensure they are well written, accurate and legally competent.

You will also handle complex enquiries and give advice to your team on responding to requests made to the Commissioner under FOISA, the EIRs and the General Data Protection Regulation/Data Protection Act 2018.

## **Responsibilities**

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### **Investigations**

You will be responsible for:

1. advising the Validation Team on whether complex appeals made to the Commissioner are valid under FOISA/the EIRs and on whether the Commissioner has the power to carry out an investigation
2. allocating cases to individual members of your team
3. giving guidance to your team on individual cases, including, where necessary:
  - a) directing investigations in line with internal procedures and precedent and
  - b) advising on the applicability of exemptions or other provisions in the legislation
4. reviewing drafts of legally enforceable decisions, ensuring their legal, technical and grammatical competence and ensuring that the decision is well-argued, makes reference to precedent, etc.
5. managing your team and overseeing their professional development
6. managing your team's caseload to ensure that individuals, and the team, achieve their targets and key performance indicators (agreed with the Commissioner and the Head of Enforcement)

### **Other duties**

Most of your time will be spent on investigations, but you will also be asked to undertake other appropriate duties, such as:

1. responding to complex enquiries to the office, providing advice and guidance to public authorities and the public about FOISA and the EIRs and their inter-relationships with other legislation, such as data protection legislation
2. responding to complex requests made to the Commissioner under FOISA, the EIRs or data protection legislation
3. responding to first stage complaints
4. carrying out (or directing) work in line with the Commissioner's Enforcement Policy and Intervention Procedures, including working with public authorities to assess whether they

are following good practice and, where appropriate, preparing practice recommendations and enforcement notices

5. drafting guidance on FOISA and the EIRs and on the role of the Commissioner
6. leading and participating in project work
7. delivering presentations to a wide range of audiences on FOISA and the EIRs and on general freedom of information issues.

## Person Specification

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### Experience

You will have experience in a work environment of conducting and/or managing investigations, managing people, carrying out research, analysing complex information, writing reports and making carefully argued recommendations based on your work. You will be able to work well under the pressure of a caseload which requires decisions to be drafted within a stipulated period.

You will be educated to degree level or equivalent or have an equivalent level of skills or knowledge. It is desirable that you to have an LLB (or equivalent).

It is essential that you have excellent writing and communication skills, including the ability to write for, or speak to, a range of audiences. You must be able to demonstrate that you can present complex and technical, legal arguments in an accurate and understandable way. You will be able to demonstrate that you can analyse complex information and situations and use your judgement to make recommendations to the Commissioner. You will be able to demonstrate the interpersonal skills required to deal with a wide variety of people, advising them and assisting them to understand complex issues and in situations which may be challenging.

It is essential that you have experience of working in a regulatory or statutory based environment, and can demonstrate in-depth understanding of how this will shape and impact on your role as a DHOE.

It is essential that you have experience of managing people.

You will have knowledge of the structure and operation of public bodies.

It is also desirable that you have a sound knowledge of FOISA and the EIRs and associated secondary legislation and Codes of Practice (or similar). This includes understanding the political, legal and practical issues around freedom of information, gained through practical experience of working with FOISA and the EIRs (or similar).

Experience of working with data protection legislation and how it impacts on FOISA and EIRs is also desirable.

You will be computer literate and able to demonstrate a good working knowledge of and be confident in using Microsoft Word. You will have a good working knowledge of Microsoft Outlook and of carrying out internet research. It is desirable that you have experience of electronic records management and case management software (training on the

Commissioner's case management system will be given), and good working knowledge of Microsoft Excel and Powerpoint.

### **Essential skills, knowledge and experience required**

1. Educated to degree level or equivalent level of skill or knowledge
2. Work experience in a relevant discipline
3. Excellent drafting skills, including an ability to write legal documents
4. Experience of managing people
5. Experience of working in a regulatory/statutory-based environment
6. Knowledge of the structure and operation of public authorities
7. Excellent presentational and communication skills, including the ability to write for, or speak to, a range of audiences
8. Strong analytical and research skills
9. Excellent problem-solving skills, including the ability to use lateral thinking to come up with novel solutions to issues
10. Good interpersonal and team-working skills (including working with other teams)
11. Able to build a confident, effective team that empowers, values and motivates people, managing workload and equality issues
12. Strong time-management skills and the ability to manage competing priorities
13. Commitment to providing a high quality service
14. Computer literate with a good working knowledge of and confidence in using Microsoft Word and Outlook and of carrying out internet research

### **Desirable Personal Characteristics / Competencies**

15. LLB (or equivalent)
16. Experience of electronic case management
17. Practical experience of working with FOISA, the EIRs, associated secondary legislation and Codes of Practice (or similar)
18. Knowledge of the political, legal and practical issues around freedom of information
19. Practical experience of working with data protection legislation and how it impacts on FOISA and the EIRs (or similar)
20. Knowledge of public authority records management
21. Good working knowledge of and confidence in using Microsoft PowerPoint and Excel

## **Additional Information**

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### **Location**

Your usual place of work is Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS, but you may be required to work at other locations from time to time as the Commissioner may reasonably require.

### **Security Clearance**

Security clearance is required for this post. If you are successful at interview we will ask you to complete a security questionnaire. This form will explain our security vetting policy. The Commissioner can only make a formal offer of employment once the security clearance process is complete.

### **Visa and Work Permits**

There are no nationality restrictions on who we employ. However, you must check whether there are any restrictions on your stay or on your freedom to take or change employment in the United Kingdom before you apply for a post. If you are successful at interview we will need to enquire as to your eligibility to work in the United Kingdom.

### **References**

You will be asked to provide the names of two referees (one of which should be your present or most recent employer) whom we may approach for a reference. If you are successful at interview we will ask you to confirm that we can contact your referees. The Commissioner can only make a formal offer of employment subject to satisfactory references.

### **Equal Opportunities**

The Commissioner is committed to promoting equality of opportunity and treatment and will seek to ensure that all job applicants and staff are treated fairly, with respect and without bias. No job applicant or employee will receive less favourable treatment than others because of her or his: gender; gender identity; sexual orientation; marital or family status; racial group (includes colour, race, nationality, national or ethnic origin), religion, religious belief, or a similar philosophical belief (or lack of any of these); disability (unless such treatment is objectively justified); part time or fixed time contract status (unless such treatment is objectively justified); and trade union membership status/activities.

### **Data Protection**

Under the General Data Protection Regulation and the Data Protection Act 2018, information provided by you will be processed and stored to provide management information for recruitment and equal opportunities monitoring purposes. We will also use this information to form the basis of your personnel record if you are successful at interview. Otherwise, we will not retain this information for any longer than it is needed and we would normally dispose of records after six months.

You will have the right to request any information held about you.

More information about how we use your personal data and about your data protection rights can be found in our Privacy Notice: [here](#). Let us know if you would like us to send you a paper copy.

## Further information

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<p>For more information regarding the job content &amp; requirements:</p> <p>Margaret Keyse Head of Enforcement 01334 464610 <a href="mailto:mkeyse@itspublicknowledge.info">mkeyse@itspublicknowledge.info</a></p> <p>or, in her absence:</p> <p>Euan McCulloch Deputy Head of Enforcement 01334 464610 <a href="mailto:emculloch@itspublicknowledge.info">emculloch@itspublicknowledge.info</a></p>	or	<p>For more information regarding the recruitment process and terms &amp; conditions:</p> <p>Helen Gardner-Swift Head of Corporate Services 01334 464610 <a href="mailto:hgardnerswift@itspublicknowledge.info">hgardnerswift@itspublicknowledge.info</a></p>
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## Contact us

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