

Request for reasons for decision not to interview job applicant

Legislation	Official Information Act 1982, s 23
Agency	State Owned Enterprise
Ombudsman	Sir John Robertson
Case number(s)	A4022
Date	July 1994

Request by unsuccessful applicant for statement of reasons for non-selection for interview—vague, non-specific statement provided—following review fuller statement identifying factors taken into account provided

The requester had been an unsuccessful applicant for a position with a state owned enterprise. Following the decision on the appointment, she requested, pursuant to section 23 of the OIA, the reasons why she had not been selected for an interview for the position. In response to the request the state owned enterprise simply advised that a large number of applications had been received and that the appointment had been made ‘on merit’.

The ‘reasons’ given in response to the request were vague and told the requester very little about the decision not to interview her. The apparent absence of any sound reasons reinforced her suspicions that she may have been discriminated against on the grounds of ethnic origin. She therefore sought an investigation and review of the response to her request for a section 23 statement of reasons.

The state owned enterprise was of the view that the statement of reasons provided to the requester contained sufficient information. However, the statement did not meet the requirements of section 23 in that it did not adequately explain how the relevant decision had been reached. The statement provided was too vague and non-specific to tell the applicant anything of value about the reasons why she was not interviewed.

It came to light that there were two significant factors in the appointment process that determined the decision not to interview the requester. The first was her inability to demonstrate the level of experience required by the position. The second was the organisation’s policy of giving preference to suitably qualified existing staff members. A

substantial number of the persons shortlisted were existing employees of the organisation, as was the eventual appointee.

As a result of the investigation and review, the state owned enterprise provided the requester with a more detailed statement, including reference to the factors referred to above.

Comment

This case illustrates the benefit both to the requester and the organisation of providing a full and adequate statement of reasons. The requester had had suspicions that she was the victim of discrimination on the grounds of her ethnic origins, and was consequently contemplating action by way of her rights under the Human Rights Act. However, once the real reasons for the decision were disclosed, it was readily apparent to her that no unlawful discrimination was involved.

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