

Reference: 2045955

Information Requests  
[information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

13 August 2025

## Freedom of Information request: Right to know request

Thank you for your letter dated 16 July 2025 addressed to Dame Melanie Dawes which has been passed to this team as a request for information under the Freedom of Information Act 2000 (“the FOI Act”). Your letter refers to a “*Review of Ofcom's Interpretation of Impartiality Duties and Public Sector Equality Duty in Light of R (Smith) v Chief Constable of Northumbria Police [2025] EWHC 1805 (Admin)*”

### Your requests & our response

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1. *I would be grateful if you could confirm whether Ofcom intends to undertake a formal review of its interpretation of impartiality duties and the PSED in light of this judgment. Such a review would appear essential to ensure that Ofcom's regulatory activities remain aligned with established public law principles, including the avoidance of bias or perception of bias.*

We note that the Judgment confirms Ofcom’s understanding of the existing law in section 149 of the Equality Act 2010 that “*the PSED “is not a duty to achieve a result...It is a duty to have due regard to the need to achieve” the goals identified in section 149 of the Equality Act 2010*” (para 113) and that “*section 149(6) itself makes clear that, for example, compliance with the PSED does not permit “conduct that would otherwise be prohibited by or under this Act”*” (para 115).

We do not hold any further information responsive to this request.

You may find it helpful to also see this previous FOI response regarding the recent Supreme Court judgment in *For Women Scotland v The Scottish Ministers and Others* ([2025] UKSC 16):

[Correspondence sent to GB News regarding the recent Supreme Court ruling / Letter to GB News 16 June 2025 / Letter to GB News 26.06.25](#)

2. *I would also appreciate details of Ofcom's contingency budget planning for litigation in this area. With the potential for increased judicial reviews challenging perceived institutional alignment with gender ideology, as evident in Ofcom's historical support for LGBTQ+ initiatives, including statements on Ofcom's self-promotion as a Times Top 50 Employers for Gender Equality, in which qualification is based on self-identification, and Ofcom's stated support for National Coming Out Day, which included comparisons of gender critics to racists. The allocation of resources for defending such claims is a matter of public interest.*

Ofcom has a prudent financial plan that supports the cost of legal action. However, we do not hold specific sums against the risk of potential legal action from each of the many duties and responsibilities Ofcom has, including this one.

We hope this information is helpful. If you have any further queries, then please send them to [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk) – quoting the reference number above in any future communications.

Yours sincerely,

## Information Requests

### **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](mailto: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](#).