

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 September 2019

Public Authority: The University Council
Address: University of Warwick
University Road
Coventry
CV4 7AL

Decision (including any steps ordered)

1. The complainant has requested the University of Warwick (the university) to disclose information relating to the number of students who have submitted academic appeals from 2015 to 2019. To the date of writing the university has failed to respond to the request.
2. The Commissioner's decision is that the university has breached section 10 of the FOIA by failing to respond to the complainant's request within 20 working days of receipt.
3. The Commissioner requires the university to take the following steps to ensure compliance with the legislation.
 - Issue a response to the complainant's request in accordance with its obligations under FOIA.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 13 July 2019, the complainant wrote to the university and requested information in the following terms:

"We would like to submit a Freedom of Information request on the number of students who have submitted academic appeals at the University of Warwick in the 2014/15, 2015/16, 2016/17, 2017/18 and 2018/19 academic years.

In particular, we would be grateful for the following information for each academic year:

1. The total number of undergraduate students who submitted academic appeals, broken down by
 - a) Year of study
 - b) Faculty
 - c) Reason
 - i. Possession of evidence
 - ii. Procedural irregularities
 - iii. Examiners' prejudice/bias
2. The total number of postgraduate students submitted academic appeals, broken down by
 - a) Taught or Research
 - b) Faculty
 - c) Reason
 - i. Possession of evidence
 - ii. Procedural irregularities
 - iii. Examiners' prejudice/bias
 - iv. Inadequacy: "There is evidence of inadequacy of supervisory or other arrangements during the student's enrolment at the University. In this instance, you are required to explain why a complaint was not made at an earlier stage." (as defined by Warwick SU)

3. The total number of academic appeals of which were
 - a) Rejected
 - b) Accepted
 - c) Other
4. The top three departments (e.g. English and Comparative Literacy Studies, Warwick Medical School, Warwick Business School) which received the most academic appeals.

Note 1: For points 1bi-iii, we refer to the definitions given by Warwick SU on the grounds for undergraduate students to make academic appeals, namely:

1bi. Possession of evidence: 'You are in possession of evidence relevant to your examination performance which was not available to the Board of Examiners when its decision was reached and can provide good reasons for not having made the Board of examiners aware of that evidence'.

1bii. Procedural irregularities: "There appears to have been procedural irregularities in the conduct of the examination process".

1biii. Examiners' prejudice/bias: "There appears to be evidence of prejudice or bias on the part of one or more of the examiners."

Note 2: For 3c, if any appeals resulted in "Other", please state what constitutes this result.

Note 3: We would like the data to reflect information on full-time and part-time undergraduate and postgraduate students, with the categories clearly divided (e.g. full-time undergraduate, part-time undergraduate, full-time postgraduate)

We would be particularly grateful if the information can be provided in excel format."

6. As the complainant received no response, she chased the matter up on 15 and 27 August 2019.
7. The university responded on 27 August 2019 advising the complainant that due to the nature of her request it has taken time to gather and consolidate the information. It said that it hoped to respond soon.
8. The complainant referred the matter to the Commissioner on 5 September 2019.

9. The Commissioner wrote to the university on 7 September 2019 and requested it to respond to the request, in accordance with its obligations under FOIA, by 23 September 2019.
10. The complainant contacted the Commissioner again on 24 September 2019 as the university had failed to respond.

Scope of the case

11. As stated above, the complainant contacted the Commissioner on 5 September 2019 to complain about the way her request for information had been handled. To the date of writing the university has not responded to the complainant's request.
12. The Commissioner considers the scope of her investigation to be to determine whether the university has met its obligations under FOIA.

Reasons for decision

13. Section 10 of the FOIA requires public authorities to respond to requests for information promptly and in any event no later than 20 working days from receipt.
14. The university is yet to respond to the complainant's request, despite the complainant's own reminders and the Commissioner's intervention on 7 September 2019. The Commissioner therefore finds the university in breach of section 10 of the FOIA and requires it to respond to the complainant's request in accordance with its obligations under FOIA.

Right of appeal

15. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
17. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Samantha Coward
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF