

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 31 August 2017

Public Authority: University of Salford
Address: The Crescent
Salford
Lancashire
M5 4WT

Decision (including any steps ordered)

1. The complainant has requested information relating to a number of university policies and procedures. Despite the intervention of the Commissioner, the University of Salford has failed to provide a response to the request in accordance with the FOIA.
2. The Commissioner's decision is that the University of Salford has breached section 10(1) of the FOIA in the handling of the request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The University of Salford must provide the complainant with a response to the request in accordance with its obligations under the FOIA by either providing the requested information or issuing a valid refusal notice under section 17(1).
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 24 February 2017, the complainant wrote to the University of Salford and requested information in the following terms:

- “i) Bullying and harassment policy 2012 – 2017*
- ii) Student disciplinary policy 2012 – 2017*
- iii) Student support policy framework 2012 – 2017*
- iv) Occupational Health + wellbeing policy 2012 – 2017*
- v) Work place conduct procedures 2012 – 2017*
- vi) Equality, diversity + inclusion Policy 2012 - 2017*
- vii) Complaints policy 2012 – 2017”*

6. To date, the complainant has not received a response to his request for information.

Scope of the case

7. The complainant contacted the Commissioner on the 27 April 2017 to complain about the way his request for information had been handled.
8. The Commissioner has considered whether the University of Salford dealt with the request in accordance with its obligations under section 10(1) of the FOIA.

Reasons for decision

Section 10 – time for compliance

9. Section 1(1) of FOIA states that any person making a request is entitled to be told whether the information they have asked for is held and, if so, to have that information communicated to them, subject of course to the application of any exemptions that are appropriate.
10. Where a public authority is obliged to communicate the requested information, section 10 provides that a public authority must do so within twenty working days of the date on which the request was received.
11. The request in question was made on 28 February 2017, and a response is yet to be provided. The Commissioner therefore finds that the University of Salford breached section 10(1) of the FOIA in failing to respond to the request within 20 working days.

12. On 13 June 2017, the Commissioner wrote to the University of Salford, requesting that it respond to the request within 10 working days. She informed the University of Salford to either provide the information requested or issue a refusal notice in accordance with the requirements of section 17 of the FOIA. She also provided links to her Guide to Freedom of Information and guidance issued on the time limits for responding to a request for information.
13. On 4 July 2017, the complainant confirmed to the Commissioner that he had still not received a response to the request.
14. To date, the University of Salford has not provided a response to the complainant. It is therefore clear to the Commissioner that, in this case, the University of Salford has failed to respond to the request in accordance with the legislation.

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@hmcts.gsi.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

Pamela Clements
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SK9 5AF