

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 July 2018

Public Authority: University of Southampton
Address: Highfield
Southampton
SO17 1BJ

Decision (including any steps ordered)

1. The complainant has requested information relating to contract research staff. The University of Southampton (the University) failed to respond to this request for information and the Commissioner's decision is that in doing so the University breached section 10(1) of the FOIA. The Commissioner requires the public authority to provide the complainant with a response to this request in accordance with its obligations under FOIA.
2. 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 FOIA and may be dealt with as a contempt of court.

Request and response

3. On 14 March 2018, the complainant wrote to the University and requested information in the following terms:

'In the last two financial years, broken down by year, (2015-2016, 2016-2017): 1. How many Grade 4 academic staff were employed at the University on either fixed term contracts or open ended contracts, linked to specific external sources of research funding (total number for this staff group)? 2. How many of staff referred to in question 1 were hired by the University? 3. How many of staff referred to in question 1 were made redundant or resigned? 4. How many of the staff group in question 3 were employed by the university for 2 years or more? 5. What is the average length of tenure for the staff group in question 4?

Please segment numbers for points 3, 4 and 5 by reason for leaving of resignation or redundancy if information is held.

Explanatory note: I'm looking for staff usually referred to as postdocs, which I think at Southampton are grade 4, but I may be wrong so please adjust accordingly. I'm aware that they may have a number of different job titles within the institution, but in essence this request relates to contract research staff requiring a doctoral degree on either fixed term or open ended contracts who would be at risk of redundancy when their external funding expired.'

4. The University acknowledged the request on the same day, allocating a reference number.

Scope of the case

5. The complainant contacted the Commissioner on 24 April 2018 to complain about the failure of the University to respond to this request.
6. In line with her usual practice, the Commissioner contacted the University on 10 May 2018 to highlight the outstanding response. She requested that the University respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to. On 25 May 2018 the complainant confirmed that he had not received a response. The Commissioner contacted the University again on 13 June 2018 and again the correspondence was neither acknowledged nor responded to.
7. The Commissioner considers that the scope of her investigation is to determine whether the University has complied with Section 10 of the FOIA.

Reasons for decision

8. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
9. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".
10. In this case the University has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

11. 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: <http://www.justice.gov.uk/tribunals/general-regulatory-chamber>

12. 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.
13. 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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