

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 March 2023

Public Authority: Council of the University of Manchester
Address: Oxford Road
Manchester
M13 9PL

Decision (including any steps ordered)

1. The complainant requested information from the University of Manchester ("the University") about agreements or contracts between the University and the company MITIE.
2. The Commissioner's decision is that, on the balance of probabilities, the University does not hold information within the scope of the request.
3. The Commissioner requires no steps to be taken as a result of this decision.

Request and response

4. On 24 November 2022, the complainant wrote to the University and requested information in the following terms:

"List of all agreements/contracts between the University and the company MITIE, particularly regarding security arrangements if they are currently in place or agreed within the last 5 years."
5. The University responded on 16 December 2022 and advised that it did not hold the requested information.
6. The complainant expressed dissatisfaction with that response on 16 December 2021.

7. Following an internal review, the University wrote to the complainant on 20 December 2022 and upheld its original decision.

Scope of the case

8. The complainant contacted the Commissioner on 27 January 2023, to complain about the way their request for information had been handled.
9. The Commissioner has considered whether, on the balance of probabilities, the University holds recorded information within scope of the request and whether it has complied with section 1(1) of FOIA.

Reasons for decision

Section 1 general right of access

10. Section 1 of FOIA states that:

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him”.

11. The Commissioner has sought to determine whether, on the balance of probabilities, the University holds the requested information.
12. The University has explained that it does not have a direct contract with MITIE for security services and instead has an arrangement to use a contract held by Manchester City Council. It explained that the University and Manchester Metropolitan University utilise the Manchester City Council contract for community night time support patrols which are supplied by MITIE. There is no contract specifically detailed for this activity with the University of Manchester, as it is an extension of the Council contract, so the University just raises a purchase order to the Council each year and split the cost between the University of Manchester and Manchester Metropolitan University.
13. The University explained that the request was sent to the Director of Estates and Facilities who is the director covering Security Services. They advised that the University doesn't have any agreements or contracts directly with MITIE but that it contributes to a contract

arranged by Manchester City Council. They then also consulted with the appropriate leads in their area to confirm. The response to the request therefore relied on the knowledge of key senior staff, including the Head of Security, who all advised that no agreements or contracts were held directly with MITIE.

14. The University added that both the Director of Estates and Facilities and the Head of Security have been in role for the entire request period and as any such contract would be an unusual arrangement given that the University has its own security officers, it felt it was reasonable in the circumstances to rely on their knowledge.
15. As part of their request for an internal review, the complainant provided a link to a webpage that they believed implied a partnership between the University and MITIE. The webpage stated:

“The two universities also fund night time patrols in specific neighbourhoods, delivered by Manchester City Council’s accredited security provider, MITIE.”
16. The University acknowledged the webpage but explained that it referred to the arrangement described above and not a direct contract with MITIE.
17. On the balance of probabilities the Commissioner is satisfied that the requested information is not held by the University, as he has not been provided with any evidence that the University would hold further information.
18. The Commissioner is satisfied that the University has complied with its obligations under section 1(1)(a) FOIA in this case. He is therefore satisfied that the University has complied with the requirements of section 1 of FOIA.

Right of appeal

19. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

20. 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.
21. 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

Michael Lea
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