

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:**

**Public Authority:** Belfast Metropolitan College

**Address:** Titanic Quarter Campus  
Level 4, Room 17  
7 Queen's Road, Belfast  
BT3 9DT

### Decision (including any steps ordered)

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1. The complainant has requested information from a specific department of Belfast Metropolitan College ("BMC"). BMC disclosed the information it holds to the complainant and advised him that it does not hold any further recorded information in relation to his request.
  2. The Commissioner's decision is that BMC has disclosed all of the information it holds falling within the scope of the complainant's request and does not hold any further recorded information.
  3. The Commissioner does not require any further steps to be taken.
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## Request and response

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4. On 22 December 2016, the complainant wrote to BMC and requested information in the following terms:

- Information on training delivered to BMC staff within the Department of Sport, Care, Health and Supported Learning on the BMC Student Charter connected to the delivery of any courses on the topic of Counselling between 2011-2016.
- Information on training delivered to BMC staff within the Department of Sport, Care, Health and Supported Learning connected to the delivery of any courses of the topic of Counselling on the BMC Harassment Policy for Students in Institutions of Further Education between 2011-2016.
- Information on training delivered to BMC staff within the Department of Sport, Care, Health and Supported Learning connected to the delivery of any courses on the topic of Counselling, and Department of Learner Services on the BMC Complaints Policy between 2011-2016.
- Information on number, status and outcome of all complaints made by students on any courses on the topic of Counselling connected to the Department of Sport, Care, Health and Supported Learning in relation to academic feedback and evaluation/examination methods applied within the Department between 2011-2016.
- Information on number, status and outcome of all complaints made by students on courses on the topic of Counselling connected to the Department of Sport, Care, Health and Supported Learning in relation to final academic outcomes between 2011-2016.
- Information on number, status and outcome of all complaints made against members of staff within the Department of Sport, Care, Health and Supported Learning connected to the delivery of any course on the topic of Counselling, in relation to conduct of BMC staff relative to the BMC Harassment Policy for Students in Institutions of Further Education between 2011-2016.
- Information on any guidance, protocols or procedures given to staff within the Department of Sport, Care, Health and Social Learning connected to the delivery of any course on the topic of Counselling on academic feedback and evaluation/examination methods to be applied when assessing/moderating work submitted during 2011-2016.
- Information on the particular part of BMC's investigations policy/process/protocols in force prior to or up to September 2016 that prohibits anyone participating in an investigation meeting to make an

audio or audio-visual recording of that meeting as specifically referred to by [name redacted] in correspondence with [name redacted].

5. BMC responded on 27 January 2017. It disclosed information in response to all parts of the complainant's request. However, the complainant was not satisfied with this and requested an internal review on 9 February 2017.
6. Following an internal review BMC wrote to the complainant on 8 March 2017. The reviewer found nothing amiss with the original response and reiterated to the complainant that BMC held no further information within the scope of his request.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 17 March 2017 to complain about the way his request for information had been handled. The complainant was still not fully satisfied with BMC's response to point 7 of his request.
8. The Commissioner has considered BMC's handling of the complainant's request, with particular reference to point 7 of the request.

### **Reasons for decision**

#### **Section 1- General right of access to information held by public authorities**

9. Section 1(1) of the FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information relevant to the request and if so, to have that information communicated to them. This is subject to any exclusions or exemptions that may apply.
10. In scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes may be held, the Commissioner follows the lead of a number of First-tier Tribunal decisions in applying the civil standard of the balance of probabilities. In other words, in order to determine such complaints the ICO must decide whether on the balance of probabilities a public authority holds information which falls within the scope of the request.

## **The complainant's position**

11. The complainant informed the Commissioner that the responses sent to him in response to both his original request and his request for internal review have referred to BMC's processes for devising a module and its associated assessment process, but have not directly addressed the question – "What guidance, protocols or procedures were given to staff on academic feedback methods to be applied when assessing moderating work submitted?" which forms the core question in point 7 of his request.

## **BMC's position**

12. The Commissioner wrote to BMC on 4 March 2017 and put a number of questions to it to establish whether it held any further information within the scope of part 7 of the complainant's request.
13. BMC informed the Commissioner that it does not, nor has it ever held, any further information within the scope of part 7 of the request. Any information that it does hold in relation to part 7 of the request has already been provided to the complainant. BMC further informed the Commissioner that such information, if held, would not have been deleted, and attached a copy of its Retention and Disposal Schedule and Records Management Policy.
14. BMC informed the Commissioner that its Corporate Compliance Officer facilitated an initial meeting with the Strategic Planning Centre Manager to review the complainant's request. The Corporate Compliance Officer shared details of the request with BMC's Quality Manager, relevant Head of Department and Curriculum Area Manager, asking whether they held any information within the scope of the request. They also requested training records from the relevant departments, including Human Resources.
15. The course referred to in the complainant's request, i.e. Counselling within the Department of Sport, Care, Health and Social Learning, is a course which is validated by Ulster University, and as such BMC's Quality Manager liaised with Ulster University in terms of providing the complainant with information on:

- guidance, protocols or procedures given to staff within the Department of Sport, Care, Health and Social Learning; and
  - Ulster University-led academic feedback and evaluation/examination methods.
16. BMC informed the Commissioner that it is required to adhere to the University's prescribed processes and protocols. Ulster University supplies all its Colleges with the necessary information on teaching material, assessments and examinations methods. BMC has a responsibility to ensure that its course provision is in line with the University's policies, processes and protocols. BMC further informed the Commissioner that the relevant staff members referred to in paragraph 14 provided all of the information held by BMC within the scope of the complainant's request to the complainant at the time of the request. The searches carried out by these staff members and their consultation with Ulster University established that BMC held no further information within the scope of point 7 of the complainant's request. BMC informed the Commissioner that, if further information had been held it would have been held both manually and electronically.
17. BMC advised the Commissioner that it holds no similar information to that requested. BMC furnished the complainant with all information contained within his FOI request and considers that it has given appropriate advice and assistance to the complainant.

## **Conclusion**

18. The Commissioner has considered BMC's submissions on this matter. This has included consideration of the searches for recorded information that BMC has undertaken, and the stated absence of any known business or statutory reasons for which the specific information indicated by the complainant should be held.
19. The Commissioner has therefore concluded, on the balance of probabilities, that no further relevant recorded information is held by BMC.

Reference: FS50673067

## Right of appeal

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20. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

21. 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.
22. 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** .....

**Deirdre Collins**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**