

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 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 applied for mitigating circumstances 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 applied for mitigating circumstances 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 students who applied for mitigating circumstances, broken down by
 - (a) Faculty
 - (b) Reason (e.g. mental health, physical health, bereavement)
 - (c) Year of study
2. The top three departments (e.g. English and Comparative Literacy Studies, Warwick Medical School, Warwick Business School) which received the highest number of applications for mitigating circumstances.
3. The top three months which saw the highest number of applications for mitigating circumstances.
4. The total number of applications of which were
 - (a) Rejected
 - (b) Accepted
 - (c) Postponed on the basis that more information was required.

Note 1: We define "mitigating circumstances" as "events which have had a detrimental effect on [a student's] study", based on the definition given on the university's webpage.

Note 2: For 1b, please advise the official categories for mitigating circumstances if necessary.

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 did not received a response, she chased the university on 15 August 2019.
7. The university responded on 19 August 2019 advising the complainant that it had taken time to gather and consolidate the information requested and hoped to be able to provide a response soon.

Scope of the case

8. The complainant contacted the Commissioner on 24 September 2019 to complain about the way her request for information had been handled. To the date of writing the university has failed to respond to this information request.
9. The Commissioner considers the scope of her investigation to be to determine whether the university has met its obligations under FOIA.

Reasons for decision

10. 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.
11. The university is yet to respond to the complainant’s request, despite the complainant’s own reminder on 19 August 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

12. 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

13. 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.
14. 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