

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 27 April 2021

**Public Authority:** Council of the University of Sheffield  
**Address:** Western Bank  
Sheffield  
S10 2TN

#### **Decision (including any steps ordered)**

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1. The complainant requested information from the Council of the University of Sheffield ("the University") relating to the grading of Medical students at the University. By the date of this notice the University had not provided a substantive response to the requests.
2. The Commissioner's decision is that the University has failed to respond to the requests within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the University to take the following steps to ensure compliance with the legislation.
  - Issue a substantive response to the requests in accordance with its obligations under the FOIA.
4. The University 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

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5. On 30 August 2020, the complainant wrote to the University and requested information in the following terms:

*"I am writing regarding an FOI request made on 03/01/20, and your response which is shown in this email chain. I would like to ask for some more information and clarification on the below points:*

*1. Please can you give the percentage of students for question 2 and 5 (as a separate percentage for each award) for the academic years 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019.*

*2. How is the grading determined for question 3?"*

6. On 5 October 2020, as the complainant had not received a response, she wrote to the University to ask for an update on the status of her request.
7. On 4 November 2020, the complainant wrote to the University again to ask for an update on the status of her request.
8. The complainant wrote to the University on 15 November 2020 to ask for an update on the status of her request and to provide an alternative email address for correspondence.
9. On 12 February 2021, as the complainant had not received a response to her request she wrote to the University to resubmit her request for information in the following terms:

*"I am writing in regards to the FOI request what was sent in late August 2020 which I am yet to receive a formal reply, despite a 20 working day statutory notice. I understand there have been significant delays regarding this matter due to COVID-19.*

*Having reviewed the information we received from the first request I would like to repeat the FOI request today in the hope of receiving a reply within the next statutory 20 working days. Please see the below queries:*

*1. Please can you give the percentage of students for question 2 and 5 (as a separate percentage for each award) for the academic years 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019.*

*2. In the documentation you provided you stated "Honours eligibility is determined by the student's performance throughout the whole of the MBChB course. To achieve Honours, a student must have obtained at least an average grade of 4.5 throughout the course (on a 1 to 5 scale with 5 being the highest grade)" How is this grade determined?"*

10. Whilst the University did not acknowledge the requests, the complainant has provided evidence which shows that the requests were sent to the University's published email address for freedom of information requests. Therefore, the Commissioner has assumed that the requests were received by the University.

### **Scope of the case**

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11. The complainant contacted the Commissioner 12 March 2021 to complain about the University's failure to respond to her requests.
12. The Commissioner contacted the University on 1 April 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
13. The Commissioner also contacted the complainant on 1 April 2021 to explain that the University had been given 10 working days from that date within which to provide a response to her request.
14. The University did not acknowledge or respond to the Commissioner's correspondence of 1 April 2021.
15. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

### **Reasons for decision**

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16. Section 10 of the 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.*

17. The Commissioner considers that the requests in question fulfilled the above criteria and therefore constituted a valid request for recorded information under the FOIA.
18. Section 10 of the FOIA states that responses to requests made under the Act must be provided, "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
19. The University did not provide a substantive response to the requests within 20 working days of receipt. Therefore, the Commissioner's decision is that the University has breached section 10 of the FOIA.

## 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@justice.gov.uk](mailto:grc@justice.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 .....**

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