



17 March 2023

Dear Andrew,

Freedom of Information (Scotland) Act 2002
Our Ref: 79-23

I refer to your request for information dated 21 February 2023 under the Freedom of Information (Scotland) Act 2002 (FOISA). The University's response to each element of your information request is outlined below.

It is noted that the provisions of the FOISA only applies to recorded information. The right to access information does not extend to requiring a Scottish public authority to give an opinion or explanation on operational matters where no recorded information of relevance is held.

1. Precisely when did the University leave the Stonewall Diversity Champions scheme?

The University's membership with the Stonewall Diversity Champions scheme lapsed on 21 May 2022 and this was not renewed.

The University continues to be engaged with Stonewall via the Workplace Equality Index.

2. Who made the decision to leave? Please identify all decision makers involved and state in what capacity they were involved and with what authority they acted?

The decision not to renew the University's membership with Stonewall Diversity Champions scheme was made by the Vice-Principal (Governance) and the Head of Equality and Diversity.

3. Why did the University decide to leave?

The University's paid membership as a Stonewall Diversity Champion expired in May 2022, rather than the University leaving; the University participated in the free Stonewall Workplace Equality Index in September 2022. The University is focused on undertaking work on the renewal of the LGBT Charter over 2022/23-2023/24 which includes staff training within the cost and represented better value. The cost of participating in the LGBT Charter is significantly lower than that of being a Stonewall Diversity Champion.

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4. Without prejudice to the generality of (3), to what extent (if any) was the University's decision to leave the Stonewall Diversity Champions scheme influenced or affected by:
 - a. Concerns about institutional neutrality; and/or
 - b. Concerns about compliance with obligations relating to free speech and academic freedom; and/or
 - c. The fact that other public bodies (including other universities) had already left the scheme?

Please refer to the answer given at (3) above.

5. In relation to the above, please provide copies (redacted insofar as may be necessary) of any documents (including minutes of meetings, internal memoranda and internal or external correspondence – including with Stonewall) which contain or refer to the University's decision to leave the Stonewall Diversity Champions scheme.

No recorded information is held relevant to this part of the enquiry.

6. How (if at all) was the University's decision to leave Stonewall's Diversity Champions scheme communicated to:
 - a. Staff;
 - b. Students; and
 - c. The general public more?

No recorded information is held relevant to this part of the enquiry.

7. To the extent that the answer to (6) is that it was not communicated to any of these groups, why was that?

No recorded information is held relevant to this part of the enquiry.

8. At the time the University decided to leave Stonewall Diversity Champions scheme, what (if any) consideration was given to whether the University should entirely dissociate itself with Stonewall, including participation in Stonewall's Workplace Equality Index?

No recorded information is held relevant to this part of the enquiry.

9. At the time the University decided to leave Stonewall Diversity Champions scheme, what (if any) consideration was given to whether the University should also dissociate itself from other external organisations with an EDI agenda and with which the University has a formal relationship, such as Advance HE (including Athena Swan)?

No recorded information is held relevant to this part of the enquiry.

10. With reference to the Principal's keynote address to Advance HE inaugural conference in Ireland on 10 July 2021:

- 10.1 In relation to the "*EDI staff team*" referred to, please:
 - a. State whether the various roles referred to in the Principal's speech still exist within the "*EDI Staff team*"?

The EDI staff team are considered to be those members of the central EDI Team with sole responsibility for equality, inclusion and diversity issues and are currently as listed at (c) below.

- b. State whether, since the Principal's speech, further people have been recruited to, or roles created within, the "*EDI staff team*", including, but not limited to the Deputy Head of EDI then being recruited.

I can confirm that since the Principal's speech the Deputy Head of Equality and Diversity has been recruited. No further roles have been created.

- c. Identify who is currently employed in what role within the University's "*EDI staff team*".

Details of the EDI team can be found on our website at: [Contact - About - University of St Andrews \(st-andrews.ac.uk\)](https://www.st-andrews.ac.uk/contact/about) . The staff team with sole responsibility for equality, inclusion and diversity issues consists of:

- Head of EDI;
 - Deputy Head of EDI;
 - 2 Equality and Diversity Awards Advisers; and
 - EDI Assistant.
- d. Separately in relation to each such employee, please describe what the role involves explaining in general terms what duties are performed by each of the relevant employees.

Please find attached Appendix A which provides an extract from the job description of each of the above five roles of the:

- Main purpose of the role; and
 - Key duties and responsibilities.
- e. State the combined current annual cost to the University of employing the members of its "*EDI staff team*" (including the cost of pension contributions and other costs in addition to salaries).

The current annual cost of the core EDI team (salary, pension and national insurance contributions) is £235,189.

- 10.2 Please identify each of "*the mandatory training packages for students and staff*" referred to by the Principal in her address to Advance HE, stating the title or name of the training and the identity of its provider and supplying copies of the materials produced in relation to such mandatory training.

The following mandatory online training modules were purchased from an external provider (Marshalls eLearning) and were made available to the University under licence:

- Diversity in the Workplace (staff); and
- Student Diversity.

The University is unable to disclose the content of these training modules under the licence terms and conditions. Release of materials which the owner protects by licence would substantially prejudice the University's operations, as release may lead to the University being denied further use and/or facing a claim for damages for breach of licence conditions.

Application of the section 30(c) FOISA exemption is subject to the public interest test i.e. for the exemption to be engaged the public interest in the information being withheld must be shown to outweigh that in disclosure. The public interest in transparency is recognised; however, in this instance, the University is of the view that the public interest is best served in the information being withheld for the following reasons:

- The University benefits in many instances by securing training materials for student and staff development from third parties. Release of protected materials would place the University at immediate risk with the licence holder of the Equality, Diversity and Inclusion training and would also threaten relationships with other third-party providers who trust that the University will honour their licence conditions.
- Typically, external providers make available training materials at a fraction of the cost compared with the expenditure required for in-house production.
- Being denied access to training materials, from current and potentially future providers, will threaten the University's ability to operate, not least in areas of safety and wellbeing, which heavily make use of external training materials. This would also have a detrimental effect on the University's ability to secure best value products and services, minimising spend from the public purse.

For your information, you will find an overview of the training modules on Marshall eLearning Consultancy website at: <https://marshallelearning.com/types/diversity-courses/>.

- 10.3 Please state whether (and, if so, which) of *"the mandatory training packages for students and staff"* identified in answer to (10.2) still exist.

Both of the above training modules are currently in place.

11. Does the University employ anyone whose role and duties relate specifically to its compliance with its obligations in relation to the freedom of speech of students, staff and visiting speakers and/or the academic freedom of its staff?

Numerous staff across the university have roles and responsibilities in relation to this, as part of their general duties. There is no specific post with sole responsibility for this area. The Principal and Vice-Chancellor, supported by the Vice-Principal (Governance) and other members of the senior Executive Team, is responsible to the University Court for the overall operation of the institution and for compliance with relevant legislation which in this instance, would include the Further and Higher Education (Scotland) Act 2005 as amended by the Higher Education Governance (Scotland) Act 2016. This legislation established how post 16 Scottish educational institutions are to provide for academic freedom.

To answer this part of your enquiry would involve the retrieval and review of job descriptions and the collation of information for academic and professional job families to identify where specific roles and duties are documented or activities highlighted relating to compliance of freedom of speech obligations. To carry out a manual data retrieval exercise of this scale would involve in excess of 40 hours, exceeding the £600 prescribed fee limit under the FOISA. This part of your enquiry is refused on the grounds of excessive cost under section 12(1) of the FOISA which states that:

“Section 1(1) does not oblige a Scottish public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed such amount as may be prescribed in regulations made by the Scottish Ministers...”

When applying the section 12 provisions of the FOISA, I would normally try to offer advice on how the scope of an enquiry can be narrowed however, in this instance, due to the process involved in locating and retrieving information from the recorded information that we hold, I have been unable to identify any alternative suggestions.

12. In relation to any such employee(s) please:
- Identify who they are, state their job titles and describe role and duties; and
 - State the combined current annual cost to the University of employing any such staff (including the cost of pension contributions and other costs in addition to salaries).

Please refer to the answer given at 11 above.

13. What steps (if any) has the University taken to identify the existence and extent of self-censorship among its students and staff, and/or to address such self-censorship?

The University routinely carries out staff and student surveys, giving members of the University community an opportunity to express their views anonymously on a broad range of topics. Institution-level results from the periodical staff survey as well as specific surveys are published on the University website and are accessible through its search function. The Report and Support tool provides a means by which staff and students at any time can raise concerns anonymously.

14. Please state when:
- Mr Iain Anderson (since October 2022, Chair of Trustees of Stonewall); and
 - Ms Alison Johns (since 2017, Chief Executive of Advance HE)

became, respectively, a General Council Assessor on and Non-Executive Member of the University's governing body, its Court.

Details of the tenure of members of the University Court are published in the University Court Handbook (pages 4 and 5) which is publicly available on our website at: [University Court - About - University of St Andrews \(st-andrews.ac.uk\)](https://www.st-andrews.ac.uk/court/about/) .

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15. Please explain how each of Mr Anderson and Ms Johns became members of the Court stating, insofar as they were nominated for election, who nominated them and, insofar as they were appointed, who appointed them and through what process.

Both were appointed by the University Court on the recommendation of the Governance and Nominations committee:

- General Council Assessor in accordance with Ordinance 132 and agreed process; and
- In accordance with agreed process for the recruitment of Non-executive members of Court.

The University Court Handbook and Ordinances are available on our website at: <https://www.st-andrews.ac.uk/about/governance/court/> .

Information otherwise accessible

In answer to parts 10.1(c), (14) and (15), you are being directed to where the information requested is readily available on our website and section 25(1), *Information otherwise accessible* of the FOISA is being applied in this respect. Where the University has expended resource to proactively make information available from its Freedom of Information publication scheme and the public interest is best served by referring an applicant to that alternative source, then it will do so. Please note that this exemption is absolute and does not require validation through application of the public interest test.

Information not held

Section 17 of the FOISA requires that a Scottish public authority confirms in writing where information requested of it is not held. For the reasons given above at (5), (6), (7), (8) and (9), the University holds no recorded information relevant to your enquiry and notice is therefore given to this effect.

Your right to seek a review of how your information request was managed

If you are not satisfied with the University's response and/or our reasoning set-out above, you have the right to request a review of our decision. The timelines in which this right is available are set out in section 20(5)(a) and (b) FOISA. In broad terms the right to seek a review must be exercised within 40 working days of receiving this response.

Any request for review at this time should be sent by email to foi@st-andrews.ac.uk stating:

- a) your name and address;
- b) details of your original request; and
- c) the reasons why you are dissatisfied with our response.

If you remain dissatisfied with how your request for information has been dealt with following Review, you also have the right to apply to the Scottish Information Commissioner (SIC) for a decision. In the event of an appeal to the SIC, the Commissioner will generally only be able to investigate the matters raised in the request for review.

Details on how to make an appeal online to the SIC can be found on their website: <http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx> .

This concludes the University's response.

Yours sincerely

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