



AFFS' FoI campaign: quality of information provided and commentary on university performance

Choice of universities and questions asked

The 50 universities to which we sent freedom of information ("FOI") requests following an earlier request to **St Andrews University** were chosen with reference to a recent *Guardian* list of Britain's top universities. There was no special method to this: we wanted to write to what appeared to be a representative selection of our top universities. Our study is based on information received by 31 August 2023.

The questions asked in the FOI requests, detailed results and other information [can all be found here](#).

University performance re their responses

Although most universities responded straightforwardly to our FOI requests, a substantial number of the universities failed to do so.

No or very late replies

The following universities failed to respond, or replied extraordinarily late, notwithstanding their statutory obligation under **Section 10** of the **Freedom of Information Act 2000** (the "Act") to respond within 20 business days.

- **Essex University**, which finally replied on 31 August, around four months after the deadline under the Act. This was surprising, given that serious free speech compliance failures have previously been identified at Essex, so one might think they would be keen to be compliant about free speech related matters.
- **Oxford Brookes University** never provided any substantive answers to our questions.

Effectively refused to answer or claimed not to know information

The following universities refused to provide any significant or meaningful information at all. For instance:

- **Birmingham University** maintained that it would take more than the limit of 18 hours specified under the Act to gather the information requested.

- **Durham University** maintained that it did not hold relevant information “to this level of detail” despite its ten-person EDI team being separately identified on its website.
- **The University of West London** avoided a meaningful reply to any of our questions by claiming (in summary) it is the responsibility for all staff and students to adhere to its commitments to EDI and free speech, so it cannot separate out responsibilities into specified individuals or groups and cannot quantify staff and or contractor numbers and costs.

Many universities refused to reply to some questions only, again in ways that caused our eyebrows to elevate. For example: **Essex University** gave a sensible-seeming reply to our questions about EDI staff and costs (despite saying that EDI matters were the responsibility of all staff), then stated that promoting and/or securing freedom of speech and academic freedom was “*the responsibility of all staff*” and identified 17 senior members of staff (including its Vice Chancellor, Deputy Vice-Chancellor, Registrar and Secretary, Director of Finance Planning, the Executive Deans of its Social Science, Arts and Humanities and Science and Health Faculties and its Director of Inclusion) as having “leadership responsibility that relates directly to this area of work”. This appears not to address the thrust of our question, which is whether promoting and/or securing free speech is part of the specific duties of the officer concerned (i.e. likely part of their job specification) in respect of which the officer actually spends a material proportion of their time, rather than having it as a generic responsibility along with all other staff. Essex then identified what appears to be simply the aggregate salaries of all these senior staff (£2.7m) as relevant expenditure on free speech equivalent to its expenditure of over £500,000 on its EDI department. AFFS will be writing to Essex to seek clarification of the correct numbers and figures, and will, of course, revise its data to include such numbers and amounts (if any) as Essex confirms are correct in this context.

Various universities obfuscated or attempted to refuse to reply, but eventually answered after AFFS did not accept their “nos”. For instance, **Imperial College London** initially asserted that AFFS’ requests were “vexatious”, but replied once we had explained to its FOI Department why that was legally untenable and said we would complain to the Information Commissioner.

Apparently incorrect responses

A number of universities, no doubt innocently, provided responses which appear to us to be incorrect. For instance:

- **Cambridge University** stated that “*The requested information is not held: we do not categorise jobs, contractors, external advisers or costs by reference to descriptors like ‘EDI’ or ‘promoting and/or securing freedom of speech and/or academic freedom’*”, although they did then provide numbers of EDI staff. However, in respect of free speech focused staff, a cursory check of their website indicated that even an outsider could find that the Proctors have responsibility to “maintain the right to free speech in the University”.

- **Durham University** gave what appears to have been an incorrect response, as discussed above.

Based on the above, we believe that a number of universities have under-disclosed people with free speech responsibilities, and therefore may have under-disclosed their EDI personnel and costs as well.

Reporting to the Information Commissioner

We believe that some universities failed to comply with their legal duty to respond within the timeframe and to the standard required by the Act. We are considering reporting the worst offenders to the Information Commissioner.

Quality and consistency of information produced by universities

As will be seen above, a number of universities appear to have responded to our FOI requests inadequately.

In any event, even for those universities that provided relevant information, a number of them raised issues in respect of the questions asked and sought clarification. AFS' responses to these requests will likely have affected how those universities gathered their information.

Even where specific issues were not raised, different universities may have adopted different approaches to answering the FOI requests.

- Some FOI officers were probably more thorough about obtaining the information required for responses than others.
- It is possible that universities had different interpretations or understandings of the questions asked and ways of producing answers, or used different internal criteria or search methods.
- Universities may have different qualities of data storage and accessibility.
- The answers depended on the care and attention given by individuals within universities who were asked for information, which may well have been variable given many of those involved will have other responsibilities and pressures on their time.

The resulting information produced by universities is therefore not guaranteed to be accurate or consistent. Accordingly, and despite some striking examples of especially high expenditure, we do not seek to overemphasise the apparent relative performance of individual universities as this could be materially affected by how they have interpreted and responded to our requests.

This project is however, not aimed at producing precise rankings but at obtaining a good overview of the relative importance given by universities to EDI vs free speech protection. In this we believe it succeeds.

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