

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 October 2017

Public Authority: University of Sunderland
Address: Chester Road
Sunderland
SR1 3SD

Decision (including any steps ordered)

1. The complainant has requested information from the university which details the disposal or transfer of course material, resources and hardware for a number of courses offered to undergraduates at the time it was a Polytechnic. The university provided some explanations and answers to his questions but informed the complainant that it holds no recorded information of the nature specified in his request.
2. The Commissioner's decision is that, on the balance of probabilities, the university does not hold the requested information. She therefore does not require any further action to be taken.

Request and response

3. On 12 September 2016, the complainant wrote to the university and requested information in the following terms:

"Some years back, I believe before Sunderland Polytechnic became a university, the undergraduate programme was rich in academic courses such subjects taught included Biology, Physics, Chemistry, Maths, Economics and Geology plus there was a BSc Applied Geology course and also in what was the Benedict Building, BSc. Environmental Sciences and at what was Douro House Economics. There was also a BA Geography course and also BSc Pharmacology course....."

"My questions are these:

1. When was the decision made to stop these academic courses?
2. What was the rationale for that decision?
3. What happened to the hardware for these subjects such as the extensive wealth of Petrological Microscopes, the drawers of thin sections, and cabinets full of specimens plus ditto for the subject specific Biology and Chemistry and Physics hardware?
4. Environmental Science also had a wealth of subject specific hardware as did BA Geography?
5. What happened to the abundant wealth, which accounted for at least 70% of the journals, textbooks, academic papers, microfiche data and software storage of subject in the Library?
6. Given that the university lacks this wealth of academic BSc courses and is now a wealth of vocational courses which are similar to many 'new' universities around England what make Sunderland stand out from these other universities?
7. The new undergraduate prospectus just lists courses with some information about life in the city and at the university, given the university offers BA Journalism I am somewhat surprised that the prospectus does not have a 'wow' factor or an introduction from yourself and president of the NUS so candidates thinking of Sunderland as their first choice can put names to faces and feel special.

I am most interested in why these academic subjects awarded BSc accreditation have been terminated and what was the journey and whereabouts of their hardware."

4. The university responded on 4 October 2016. It provides answers to the questions asked and confirmed that due to the timescales involved disposal records are no longer held.
5. The complainant requested an internal review on 10 October 2016. He advised that the BSc suite of courses accounted at the time to 80%+ of the student population. There was a wealth of material, resources and hardware and it is unacceptable to say that due to the timescales involved disposal records are no longer available.
6. As the complainant received no further response, he contacted the Commissioner on 6 June 2017.
7. The Commissioner wrote to the university on 24 June 2017 to request that the internal review is completed within 10 working days.

8. The complainant confirmed to the Commissioner on 19 July 2017 that he had now received the university's internal review response. This response stated again that no records are held.

Scope of the case

9. The complainant contacted the Commissioner to complain about the way his request for information had been handled. Specifically, he stated on 19 July 2017 that he remains dissatisfied that the university holds no records which detail where the course material, resources and hardware went to for the suite of BSc courses referred to in his request. He believes records should still be held detailing what decisions were made about the course materials and resources and where these were transferred to or when they were destroyed.
10. The Commissioner understands that the complaint is limited to questions 3, 4 and 5 of the request. Her investigation has therefore been to determine whether, on the balance of probabilities, the university holds any recorded information which details what happened to the wealth of course material, resources and hardware following the university's decision to cease the courses named in the request.

Reasons for decision

Does the university hold any recorded information?

11. The university confirmed that Sunderland Polytechnic was established in 1969 and became the University of Sunderland in 1992. It stated that the complainant's request is concerned with the undergraduate programme the institution offered whilst it was a Polytechnic "some years back" and "in the seventies". It explained to the complainant why its portfolio of courses change over time in respond to demand, the evolving curriculum, the needs of employers and changes to the higher education landscape and that due to the significant amount of time that has since passed it does not hold any recorded information falling within the scope of questions 3, 4 and 5 of the request.
12. It explained that as the university's portfolio changed so too did the dependence on specialist equipment, the course resources and materials and hardware required to run them. Decisions will have been taken at the time at a programme and/or faculty level as to how the items should be disposed. But due to the timescales involved, disposal records are no longer available. No single decision to stop the courses was made they were discontinued over a period of 15 years. The last of the courses

(BSc Pharmacology) ceased to be offered following the 2009/2010 intake. The students who joined in 2009/2010 continued their degrees, receiving tuition in 2010/2011 and 2011/2012. The course was also technically available for 2012/2013 for any students who had failed a piece of work and therefore needed to re-sit.

13. The university said that it has undertaken a number of searches and enquiries but no relevant information was found. These included:
 - A review of university archives of the agenda and papers of the following: Audit Committee; Board of Governors; Finance and Development Committee.
 - Electronic searches of university archives using the terms asset; disposal; geography and environmental.
 - Library searches for records of disposal of books, journals and so on.
 - Enquiries with the Sciences Librarian who has been employed at the university for 23 years.
 - Specific requests to its Faculty of Applied Sciences for records of the disposal of equipment and assets.
 - Specific requests to its Facilities Service regarding records held on the disposal of equipment.
 - Discussions with key staff in Academic Registry to understand the processes that would have been in place for Sunderland Polytechnic.
14. As part of her investigation the Commissioner asked the university whether it still employed anyone who taught the courses named in the request or was involved in the decision to cease teaching them and dispose of all the hardware and resources and whether they had been contacted about the request or still held any records. The university explained that it has approximately five members of staff who have been employed for more than 25 years. Enquiries to some of these members of staff then took place.
15. The university advised no recorded information was located as a result of these further enquiries but a few members of staff had partial recollections of the courses, the decision to cease offering them and what happened to the hardware, resources and material for these courses.

16. One member of staff informed the university that they believed hardware was generally lost when the department moved to new or refurbished buildings. However, they then stated that old hardware would have been replaced by much superior, more modern hardware. Old textbooks were discarded due to lack of space and staff were given the opportunity to retrieve any books they thought worthwhile to keep.
17. Another member of staff commented that there has been at least four, potentially six, re-organisations since the time the courses ceased to be taught and had no recollections that were pertinent to this request.
18. One other member of staff said that most science books and equipment aged rapidly and only a small proportion of books and equipment from 1980's – 2000s would not have been superseded by now. In relation to Geology the member of staff commented that they remembered that great efforts were made to pass the rock collection on to another university. However, the university does not hold any records to confirm if this indeed occurred. Further, they recalled that the book stock was kept in the environmental area for several years but the university's library policy, which monitors book usage, and the lack of undergraduate usage may have impacted on whether books were retained. They also recall that an unofficial sorting of important books and equipment was undertaken to make sure important documents were not lost.
19. The complainant questioned whether senate papers or board papers or documents which detail the university's rationale for finishing these courses and for the disposal or transfer of all course material and equipment are held. The Commissioner therefore asked the university to consider this point.
20. It stated that Academic Registry confirmed that course discontinuation in any level of detail would not be discussed at Academic Board (our primary academic committee). Decisions to end the offering of a course are classed as academic decisions and as a result it would be the responsibility of the Academic Dean to make this decision. Therefore no senate papers or board papers are held which may contain any of the requested information.
21. The university explained that since 2009 the university has required a 'termination of course' form to be completed by Faculties and submitted to the Academic Registry before being reported onto Academic Development Committee. However, before this point this was not a requirement.
22. As the university has been able to identify that the BSc Pharmacology course was terminated in 2009, the Commissioner asked the university

whether one of the form mentioned above had been completed for this course.

23. The university confirmed that a form was indeed completed for this course and supplied a copy to the Commissioner. It explained that this form does not provide any indication as to why the course was to be terminated; only that the programme was no longer running. The form also does not provide any information which details what would happen to the course material, resources or hardware.
24. The Commissioner then asked the university if it holds any further recorded information about the termination of this course and what happened to the course materials and hardware. The university responded confirming that it had consulted with colleagues in the faculty and there is no documentation held covering the areas the complainant has asked about. However, the colleagues did confirm that the Pharmacology programme had no resources that were unique to this course alone and as a result when the programme ended the resources were utilised on other academic programme areas.
25. In cases of this nature the Commissioner applies the civil standard of the balance of probability. Such approach has been supported by various Information Tribunal decisions which have considered whether public authorities hold recorded information or not falling within the scope of a particular request.
26. In this case the Commissioner has decided that extensive enquiries and searches have been undertaken by the university to determine if any recorded information is held and to assist the complainant. All enquiries have resulted in the same outcome; no recorded information is held other than the limited information available in respect of the BSc Pharmacology course. The university contacted members of staff still employed by the university to try and obtain any information which would assist with such searches. Whilst some recalled certain events (and this information has been communicated to the complainant in the body of this notice) none held any recorded information falling within the scope of the complainant's request. The Commissioner considers it is reasonable that the university will not hold records of the disposal or transfer of course material, equipment and hardware considering the timeframe of the request and much of the events taking place prior to 2009. The university's records retention policy states that records of this nature are only retained for 6 years.
27. For the above reasons, the Commissioner is satisfied that, on the balance of probabilities, the university does not hold any recorded information falling within the scope of the complainant's request.

Other matters

28. The Commissioner would like to remind the university of the importance of the section 45 code of practice and the need to carry out timely internal reviews. The section 45 code of practice recommends that public authorities carry out an internal review where an applicant remains dissatisfied with the handling of their request within 20 working days of receipt. This process allows a public authority to review the matter for a final time and put any errors in the initial handling of a request right.
29. In this case it is noted that a request for internal review was requested on 10 October 2016. However, it was not completed until July 2017; some nine months later and after the intervention of the Commissioner. Such delays are excessive and unacceptable. As the code states, internal reviews should be completed in 20 working days and certainly no later than 40 working days, if extra time is needed to consider particularly complex or voluminous requests.

Right of appeal

30. 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
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

31. 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.
32. 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
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