



University of East Anglia

Information Compliance (ITCS)

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03 June 2019

Dear

Freedom of Information Act 2000 – Information request (ref: FOI_19-133)

We have now considered your request of 03 May 2019 for the following information:

'I am writing to request information under the Freedom of Information Act 2000. The information I am requesting is below:

For academic years 2007-08 to 2017-18 inclusive the total number of bullying complaints against staff, and the number of any resulting disciplinary actions and dismissals broken down by gender for:

- 1) *all staff,*
- 2) *all academic staff,*
- 3) *all scientists (scientists defined as academic staff working in medicine and dentistry, subjects allied to medicine, biological sciences, agriculture and related subjects, physical science, mathematical science, computer science, engineering and technology – however please note that we do not need a break down by discipline).*

And the total number of non-disclosure agreements issued by the institution during this total time period in relation to bullying or allegations of bullying broken down by gender but NOT whether the NDA related to a complaint, disciplinary action or dismissal).'

Unfortunately, on this occasion it is not possible to provide any of the requested information. We have determined that the cost of finding and assembling some of the information will exceed the 'appropriate limit' as defined by section 12 of the Act and the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004/3244.

'The 'appropriate limit' of £450, which equates to 18 hours' work, can relate to one request in its entirety or a series of linked requests. If the University cannot locate, retrieve and extract some or all of the requested information within the 18 hours we are not obliged to provide any of the information.

Specifically, for the time frame requested, the University holds 107 settlement agreements, each of which may include non-disclosure clauses. The University does

not hold a separate record of which of these agreements include a non-disclosure clause.

To provide a response to any part of your request would require locating each individual's file, a manual review of each settlement agreement to identify any non-disclosure clause, and to determine if the clause related to complaint of bullying.

We have conducted a test of the time required to review one file and estimate that it will take approximately 40 minutes per document to source the requested data. This gives an approximate total of time over 70 hours to review all documents which is in excess of the limit.

Additionally, to determine the disciplinary action, if any, resulting from a complaint against staff would require in excess of the appropriate limit. Whilst we have the number of complaints relating to bullying or allegations of bullying, we do not have a link to identify which disciplinary action relates to any particular bullying complaint. Thus, in order to determine whether the disciplinary action related to bullying, we would have to manually review all 107 files noted above.

If you wished to submit a revised request to the University, we would be in a position to provide the number of bullying complaints against staff for the time period specified.

We should note that we information relating to disciplinary action is only held on active staff member files and for 6 years after the termination of employment. Therefore, we would not have any information relating to disciplinary action taken against staff who left employment in the years 2007-2013.

In relation to the annual number of non-disclosure agreements, we could provide information on the number of settlement agreements containing non-disclosure clauses for a shorter time. Given the number of agreements in each year we could provide, within the appropriate limit, combined data for 2018 and 2016, or for 2017 alone. The appropriate limit would restrict us to the review of up to a maximum of 27 cases in total.

We are sorry we cannot provide the data you requested, but trust this letter explains our position. If you are unhappy with our response, you have the right of appeal against this decision. If you wish to appeal, please set out in writing your reasons for appealing and send to the above address. You must appeal within 40 working days of the date of this letter. In line with section 5.3 of the UK Government's Freedom of Information Act Code of Practice, we are not obliged to accept internal reviews after this date.

You also have a subsequent right of appeal to the Information Commissioner's Office. Further information is available on their website:

https://ico.org.uk/Global/contact_us, or by telephone on 0303 123 1113.

Please quote our reference given at the head of this letter in all correspondence.

Yours sincerely

Dave Palmer
Information Compliance Manager
University of East Anglia