

Revised: April 2020

Review date: April 2021

Requests for information to the Office for Students: appeals against decisions

How do I appeal?

Once you have received our response to your request for information, should you wish to appeal you must do this within 40 working days. We may refuse to accept your appeal if it is sent after this date.

You should write to us, explaining why you are not satisfied with our response. For example, we may have refused to give you some or all the information requested; you may think we are taking too long to supply the information (more than 20 working days under FOI or Environmental Information Regulations); or you may feel that you have been wrongly charged a fee.

The appeal must be in writing; you can send it by post, fax or email. The address is:

FOI appeals
Office for Students
Nicholson House
Lime Kiln Close
Stoke Gifford
BS34 8SR

Email: foi@officeforstudents.org.uk

There are two possible stages to the process: first an internal review by OfS officers; then, if you are not satisfied with the outcome, an appeal to an external body.

Stage one: internal review

We will set up an internal review panel, led by an OfS director, and two OfS staff members, one of whom will be a member of the Legal team where possible. None of the panel members will have been involved in the original decision. The director on the panel has the authority to make the final decision on the review, taking into consideration advice from the other two panel members.

Occasionally FOI appeals may be led by the Head of Governance. For example, where the availability of directors is limited, and we wouldn't otherwise be able to respond to requests for appeals in a timely manner. In such circumstances, where the Head of Governance is unable to lead the appeal, either because they are unavailable or because they were involved in the original decision, then another member of staff who is suitably qualified/experienced may lead the panel where they have written authorisation from the relevant director. In all cases this will be in line with our scheme of delegation.¹

The panel members will determine which legislation applies; and will consider all the details of the original request and decision, and the grounds given for appealing against it. In doing so they may talk to the staff who dealt with the original request, obtain advice from other sources, including legal advice, or contact you directly for further details or clarification.

We aim to deal with internal reviews within 20 working days. For more complex internal reviews, we may need longer to consider the issues and respond to you. For example, we may need more time if the review requires consultation with third parties, or where the relevant information is of high volume. We aim to deal with complex reviews within 40 working days.

In the event that clarification of an internal review request is required from you, the normal working day time period will not begin until it is received.

If we are unable to respond within these timescales, we will write to you explaining why there is a delay and advising when we expect to be able to respond.

Outcomes of the internal review

The internal review panel will discuss its conclusions with the OfS's FOI Officer, so that we can learn any lessons from the process. We will keep full records of the review and its outcome.

We will inform you of the outcome; and take the agreed action. There are three possible outcomes:

- The original decision is reversed. We will advise you of the result, and what we will do and when; for example, when we will supply the information.
- The original decision is amended. Again, we will inform you about what we plan to do and when.
- The original decision is upheld. In that case, we will give you details of a possible second stage - an appeal to the relevant external body.

¹ Our scheme of delegation is available at: <https://www.officeforstudents.org.uk/about/who-we-are/our-board-and-committees/>.

Stage two: appeal to an external body

The Information Commissioner's Office (ICO) oversees the work we do in connection with information rights legislation. Complaints that cannot be resolved by a public sector body's internal complaints procedure may be taken to the ICO.

Before you can appeal to the ICO, you must have been through the first stage of internal review by the OfS. Appeals should be in writing, setting out why you are not satisfied with our response and the outcome of the internal review. For more details of the processes see the ICO website.

ICO contact details

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Tel: 01625 545700

Website: <https://ico.org.uk/>