

From: Freedom of Information

Sent: 10 September 2020 15:34

To:

Subject: Freedom of Information Response (Our Ref: K/20/313)

Dear

Freedom of Information Response (Our Ref: K/20/313)

Thank you for your Freedom of Information (FOI) request dated 20 August 2020, reference K/20/313.

Your request read:

“In your financial accounts for the financial year 2019/20 do you have a section for “losses and special payments”?”

1. If so how much money was accounted for in the 2019/2020 financial year as being "losses and special payments"? (Please note I am aware that the loss may have occurred many years earlier but I am interested in items which were accounted for in the last financial year, irrespective or when the loss took place.)
2. Please detail the three largest single amounts within this total, giving a cost for each loss and a detailed description of the claim and the reason for the loss.

I would now like to amend it so that if you do NOT have a losses and special payments section (OR you are yet to publish your accounts for 2019/20) you use the explanation below for what should be included in losses and special payments to answer my FoI. I hope this clarifies the issue:

Categories of Loss:

- Loss of cash – due to theft, fraud, arson, neglect of duty or gross careless, overpayment of salary, fees and allowances and other causes including accidents.
- Fruitless payments – a fruitless payment can't be avoided because the recipient is entitled to it, even though the public authority will get nothing in return. In assessing a fruitless payment, there will always be a degree of blame. For example, payment for travel tickets or accommodation that has been wrongly booked.
- Bad debts – an individual debtor is a case, not every single invoice.
- Damage to buildings, fittings, furniture and equipment – examples of losses under this category are: losses by fire (other than arson) and losses by weather damage, or accident beyond the control of any responsible person.

Categories of Special Payment

- Compensation payments made under legal obligation – clear liability under a Court Order or legally binding arbitration award.

This includes compensation for injuries to persons, damage to property and unfair dismissal.

- Extra contractual payments to contractors – these are payments which are not legally due under the original contract but where there appears to be an obligation which the courts may uphold.
- Ex-gratia payments – these are payments the public authority is not obliged to make or for which there is no legal liability. Examples of ex-gratia payments are:
 - Loss of personal effects, clinical negligence/personal injury, and settlement on termination of employment, extra statutory or extra regulatory payments and maladministration cases.
 - Special Severance Payments – these are paid to employees, contractors and others outside of normal statutory or contractual requirements when leaving employment in public service whether they resign, are dismissed or reach an agreed termination of contract”

The University of Leeds holds this information. However, we are refusing this request under section 14(1) of the FOI Act. Section 14(1) sets out that public authorities such as the University of Leeds do not have to comply with FOI requests where the request, or its impact on a public authority, cannot be justified.

In this case, the information you have requested will be collated as part of the work carried out each year to produce the Annual Report and Accounts. Our accounting year ends in July, and as such the 2019/20 accounts have not yet been produced. Producing the annual accounts takes a substantial amount of time and expertise, and significant resource is specifically allocated to their production during the Autumn/Winter of each year. To locate and retrieve the information you have requested would require duplication of that effort, and thus necessitate re-allocating staff who are currently working on other important projects. This would be unduly burdensome both in terms of the time and cost which would be required, and the logistics of making such arrangements.

This is exacerbated by the ongoing coronavirus pandemic. The vast majority of University of Leeds staff continue to work remotely, and we anticipate that these arrangements will persist into 2021. For information security purposes, not all information is available while working remotely. We have also had to be reactive to new requirements borne out of the pandemic which place additional strain on our capacity and impacts on our ability to deliver other business as usual priorities. It is therefore essential that we preserve resource as much as possible and prioritise tasks accordingly.

We are therefore refusing your request under section 14(1) due to the burden responding at this time would place upon us, which cannot be considered justifiable.

We would therefore suggest that you resubmit your request around the turn of the calendar year (i.e. December 2020/January 2021). By this time, we expect our 2019/20 accounts to be completed and with them, the work necessary to locate and retrieve the information you have requested. Please note that although we do not

currently expect any delay, it is possible that in the event of further coronavirus restrictions or other related matters that publications and/or collation work could be interrupted and/or deferred.

We hope this information is helpful. If you have any questions about this email, however, please do not hesitate to contact us on foi@leeds.ac.uk

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you can request an Internal Review. Requests for Internal Review should be made in writing using the following contact information:

Post: Mr D Wardle
Deputy Secretary
The University of Leeds
Leeds
LS2 9JT

Email: foi@leeds.ac.uk

Requests for Internal Review should be submitted within 40 working days of receiving the University's response to your request. Further information about how the University manages Freedom of Information requests and about our complaints procedure is also available on our website (www.leeds.ac.uk).

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the review/complaints procedure provided by the University. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Kind regards

Chloe Wilkins
Freedom of Information Officer

Secretariat
University of Leeds