



07 July 2022

Dear [REDACTED],

Freedom of Information request: FOI2022/00105

Thank you for your Freedom of Information request received on the 21 March in which you requested the following:

Your request:

In 2018, UKRI created an external EDI advisory group to advise on UKRI's EDI efforts. Could you please provide the minutes of the group's meetings since its formation in 2018, including who attended the meetings. Can you also supply any policy documents created by the group, or recommendations proposed by the group since its inception?

Our response

I can confirm UK Research and Innovation (UKRI) does hold some information relevant to your request. Please see the information below and attached.

Promoting EDI is an integral part of UKRI's vision to deliver new knowledge and an enriched, healthier, more sustainable, and resilient society and culture, and to contribute to a prosperous economy. Further information on UKRI's ongoing work in this area can be found on our [website](#)¹.

The Advisory Group was established in May 2018 to provide advice informing the development of a long-term strategy for EDI and UKRI policies and interventions. Members include UKRI staff and representatives from external organisations including universities, businesses, and the cabinet office. The group brings together both national and international experts from across the public, private and charitable sectors, working with us to identify and prioritise areas where we can make most progress. The Advisory Group's formation was reported in UKRI's Strategic Prospectus for May 2018 and the membership is published on the UKRI [website](#)².

In answer to your request for information:

- We have provided copies of minutes from all 17 meetings of the External Equality, Diversity, and Inclusion Advisory Group (referred to hereafter as "The Advisory Group"). These minutes cover a period from 25 July 2018 to 30 June 2021, which is when the first and last meetings were held. No further meetings have been held since this date as we are seeking to establish a new membership of the Advisory Group and are developing plans to recruit for these positions.

We have redacted some additional information contained within these documents and further details the exemptions engaged for these redactions has been provided below.

Document (11), page 2, under item 3 for "UKRI Complaint Process" contains a summary of a presentation given to the Advisory Group by the then newly formed Centralised Complaints Team. Within this paragraph a statistical figure is given for the number of complaints received that year; in the interests of transparency,

¹ <https://www.ukri.org/what-we-offer/supporting-healthy-research-and-innovation-culture/equality-diversity-and-inclusion/>

² <https://www.ukri.org/what-we-offer/supporting-healthy-research-and-innovation-culture/equality-diversity-and-inclusion/external-advisory-group/>

we have left this un-redacted however we would note that the complaints figure is not that of EDI-related concerns. UKRI complaints can relate to a broad range of topics, which are reviewed and managed in line with the complaints processes.

- The Advisory Group did not work directly on nor create any policies and therefore this information is not held.
- Information highlighting the Advisory Group's outputs and contributions has been provided at Annex 1, which includes links to publicly accessible information.

The minutes for the Advisory Group have not been routinely published as they capture details of discussions which involve highly sensitive topics, and consequently were not produced with the expectation that they would be made public. These meetings allow participants to discuss and exchange candid and frank opinions in a safe space to debate and develop the groups' views.

We are therefore withholding some information from release under section 36, the exemption relating to the effective conduct of public affairs. We have also redacted some information within the minutes under Section 40, personal information, where we have determined that disclosing this information would contravene one of the data protection principles. A listing of the documents provided and the exemptions that have been applied is provided at Annex 2.

Section 36 – Prejudice to the effective conduct of public affairs

We consider that section 36(2)(b)(ii) would be engaged as disclosure would inhibit free and frank discussion for the purpose of deliberation.

Specifically, under section 36 of the Freedom of Information Act:

- (2) Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act*
- (b) would, or would be likely to, inhibit*
- (ii) the free and frank exchange of views for the purposes of deliberation*

Section 36 requires the public authority's 'Qualified Person' to consider the likelihood of prejudice or inhibition of the effective conduct of public affairs and the subsequent consideration of the balance of public interest.

Reasonable opinion of the Qualified Person

The appointed Qualified Person for UK Research and Innovation is Professor Dame Ottoline Leyser, our Chief Executive Officer. Professor Leyser has considered the information in scope of the request, and it is her opinion that prejudice would occur from disclosure from some of the information contained within the minutes.

Specifically, the disclosure of this information would be damaging under section 36(2)(b)(ii) as the information is highly sensitive and concerns contentious issues on which discussions in many instances have not yet reached an outcome. Release of this information would inhibit free and frank discussions for purposes of deliberation and would therefore in turn prejudice the effective conduct of public affairs.

Public Interest Test

Where section 36(2)(b)(ii) applies, consideration of the Public Interest Test (PIT) is required, setting out the arguments for and against the release of the information requested into the public domain.

Factors in favour of releasing the information include:

- Disclosure of information held by UKRI, relating to formation of UKRI strategies on EDI is of value and in the public interest to promote transparency and accountability in relation to UKRI's role and function.

- There is a clear public interest in demonstrating that UKRI is effective in leading and contributing to the development and implementation of EDI strategies relating to research and innovation.

Factors against releasing the information include:

- The meeting minutes involve discussions directly relating to the UKRI's EDI Strategy development. There is a public interest in UKRI ensuring a safe space to consider and debate ideas and reach decisions promptly, effectively, and efficiently, away from external interference and distraction.
- This safe space is dependent on the ability of the Advisory Group to share ideas, including preliminary options, and engage in discussion at an early stage to provide advice and to support free and frank deliberations regarding their respective work.
- The chilling effect on processes would be significant in inhibiting the ability to share information on preliminary ideas and explore a variety of options. This is particularly pertinent in this context where the Advisory Group's discussions address wider concerns in the research community around EDI.
- EDI issues are continually ongoing and subject to adapt and change therefore disregarded options may need to be revisited if circumstances change and current options are no longer fit for purpose.
- UKRI and its constituent parts receive EDI advice in different ways from multiple sources; the External EDI Advisory Group is but one source of advice in this area and therefore disclosure of the redacted information would not reflect the broader consultation being undertaken by UKRI to plan and develop its EDI strategies and policies.
- The issues discussed in the meeting minutes may have moved on significantly so taken out of context and without additional information, it is unlikely to provide the public with further insight into the development of this area of UKRI's EDI strategy.
- The release may also cause disruption to UKRI where additional information may be sought about further discussions and decisions in this area which have since been finalised and implemented.

Section 40 – Personal information

With the exception of the names of individuals that have already been published into the public domain, section 40(2) has been engaged to withhold the names of UKRI staff participating in the meetings on all 17 documents. Additionally, section 40(2) has also been engaged to cover some of the deliberations noted by section 36(2)(b)(ii), where individuals are attributed to specific comments. It is considered that disclosure may lead to individuals being singled out or targeted by campaign groups for the personal opinions expressed, given the high profile and potentially controversial nature of discussions within the EDI space. Therefore, under the Balancing Test for section 40(2), the legitimate interests in favour of transparency do not outweigh the interests and rights of the individual.

We therefore consider that this information constitutes personal data and falls under the exemption at section 40(2) of the FOI Act. Section 40(2) exempts personal information such as names of individuals and opinions from disclosure if that information relates to someone other than the applicant, and if disclosure of that information would, amongst other things, contravene one of the data protection principles. Disclosing this information would contravene the first Data Protection Principle as defined under section 86 of the Data Protection Act 2018 and Article 5 of the UK General Data Protection Regulation (UK GDPR). Section 40(2) is an absolute exemption and does not require a public interest test.

If you have any queries regarding our response or you are unhappy with the outcome of your request and wish to seek an internal review of the decision, please contact:

Head of Information Governance

Email: foi@ukri.org or infogovernance@ukri.org

Please quote the reference number above in any future communications.

If you are still not content with the outcome of the internal review, you may apply to refer the matter to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the review procedure provided by UKRI. The Information Commissioner can be contacted at: www.ico.org.uk.

If you wish to raise a complaint regarding the service you have received or the conduct of any UKRI staff in relation to your request, please see UKRI's complaints policy: <https://www.ukri.org/about-us/policies-and-standards/complaints-policy/>

Yours sincerely,


Information Governance
Information Rights Team
UK Research and Innovation
foi@ukri.org | dataprotection@ukri.org

Annex 1

Highlights of the UKRI EDI EAGs achievements

- UKRI published three evidence reviews, one on [bullying and harassment](#) and two on EDI interventions ([in the UK](#) and [internationally](#) respectively), which EAG members had played a crucial role in commissioning and developing. The reviews have been well received and proven influential in shaping debate and policy development across the sector.
- UKRI published its [position statement on Bullying and Harassment](#) in October 2019, following wide-ranging engagement with other funders and sector stakeholders, and with important contribution from the EAG. It has been well received and marked the start of a programme of work and engagement, aiming to transform cultures in the sector.
- UKRI completed the [diversity analysis of harmonised funding application data](#) across the seven research councils for the past five academic years. Findings informed UKRI's response to the [Science and Technology committee's pre-inquiry in November 2019](#). Following delays due to Covid-19 the full dataset was published in summer 2020. EAG members provided vital feedback along the way, including by taking part in the user testing of the interactive dashboards ahead of publication.
- In addition to supporting core areas of EDI policy, EAG members have engaged with wider UKRI initiatives, for example the [Preventing Harm \(Safeguarding\) policy](#) led by the International Development Team and the emerging work on Research Culture.
- Members were very helpful in gathering views and helping UKRI respond to policy questions across Government and the sector. For example, they gave feedback on UKRI's draft response to the Office for Students' Consultation on harassment and sexual misconduct in higher education.
- At the outbreak of the COVID-19 pandemic in Spring 2020, members provided immediate support to UKRI. They shared information on the EDI related impacts of the pandemic in their communities, helped promote relevant UKRI initiatives and offered input and advice around our response to the crisis, including by making contributions to our [submission to the Women and Equalities Committee's inquiry](#) into the impacts of Coronavirus on people with protected characteristics.
- In 2020, the EAG met with Professor Dame Ottoline Leyser, UKRI CEO and with the Science, Research and Innovation Minister Amanda Solloway to discuss their vision for an inclusive and healthy research and innovation system. The group has since provided advice in the [development of the People and Culture Strategy](#).
- Members have continued to provide advice and challenge on UKRI's recent work on race equality, disability and the HR EDI programme as work on this continues to develop.

Annex 2 – List of documents provided, and exemptions applied

Minutes Ref No	Document Title	Meeting held on	Exemptions Applied
01	UKRI EAG - Paper 18-01 - Minutes of First UKRI External Advisory Group Meeting 25th July 2018_Redacted	25/07/2018	Section 40
02	UKRI EAG - Paper 18-05 - Minutes of Second UKRI External Advisory Group Meeting 4th October 2018_Redacted	04/10/2018	Section 40
03	UKRI EAG 19-01 - Minutes of third UKRI External Advisory Group Meeting 7th December 2018_Redacted	07/12/2018	Section 40
04	UKRI EAG 19-03 - Minutes of fourth UKRI External Advisory Group Meeting 4th February 2019 DRAFT (002) _Redacted	04/02/2019	Section 40
05	UKRI EAG 19-07 - DRAFT Minutes of fifth UKRI External Advisory Group Meeting 3rd April 2019 _Redacted	03/04/2019	Section 40
06	UKRI EAG 19-10 - DRAFT Minutes of Sixth UKRI External Advisory Group Meeting 20th May 2019_Redacted	20/05/2019	Section 40
07	UKRI EAG 19-12 - Minutes of seventh UKRI External Advisory Group Meeting 17th July 2019_Redacted	17/07/2019	Section 40
08	UKRI EAG 19-15- Minutes of eighth UKRI External Advisory Group Meeting 7th October 2019_Redacted	07/10/2019	Section 40
09	UKRI EAG 20-01 Minutes of the EAG meeting on 11 December 2019_Redacted	11/12/2019	Section 40 Section 36(2)(b)(ii)
10	UKRI EAG 20-03 Minutes of 10th UKRI External Advisory Group Meeting 5 March 2020_Redacted	05/03/2020	Section 40 Section 36(2)(b)(ii)
11	UKRI EAG 20-05 Minutes of 11th UKRI External Advisory Group Meeting 13 May 2020_Redacted	13/05/2020	Section 40
12	UKRI EAG 20-07 Minutes of 12th UKRI External Advisory Group Meeting 14 July 2020_Redacted	14/07/2020	Section 40 Section 36(2)(b)(ii)

13	UKRI EAG 20-08 Minutes of 13th UKRI External Advisory Group Meeting 7 October 2020_Redacted	07/10/2020	Section 40 Section 36(2)(b)(ii)
14	UKRI EAG 21-01 Minutes of 14th UKRI External Advisory Group Meeting 2 December 2020_Redacted	02/12/2020	Section 40 Section 36(2)(b)(ii)
15	UKRI EAG 21-05 Minutes of 15th UKRI External Advisory Group Meeting 24 February 2021 _Redacted	24/02/2021	Section 40
16	UKRI EDI EAG 21-09 Minutes of the 16th UKRI External Advisory Group Meeting 21 April 2021_Redacted	21/04/2021	Section 40 Section 36(2)(b)(ii)
17	UKRI EDI EAG 21-12 DRAFT Minutes of the 17th UKRI External Advisory Group Meeting 30 June 2021_Redacted	30/06/2021	Section 40 Section 36(2)(b)(ii)