



[REDACTED]

01 August 2022

Dear [REDACTED],

Internal Review request: IR2022/00160

Thank you for your Internal Review request received on the 14 April 2022. This Internal Review relates to our response to your Freedom of Information Act (FOIA) request (reference: FOI2022/00082) regarding the University of Leicester project "The Leicester sex work project". I have included the questions from your original FOIA request for ease of reference.

Your Internal Review request:

I am writing to request an internal review of Economic and Social Research Council's handling of my FOI request "The 'Leicester sex work project' and promoting policy to public bodies".

I accept that some of the information requested may not be held by the ESRC – because it comes under the University of Leicester's remit, as the administrator of the IAA funding. However, the FOI request includes some more general questions that I believe the ESRC must hold information about – and it is, frankly, far-fetched to suggest otherwise. In particular, I refer to my questions 3, 4, 6 and 7.

These questions are about the ESRC's general rules on the funding of projects – regardless whether they are administered directly or through an IAA and if the latter, regardless which university the IAA is administered by. I have reviewed the information you provided on the context and role of the UKRI and ESRC. However, that has brought me no closer to answers to these questions. It seems to me, therefore, that the ESRC has an obligation to reconsider its response to my FOI request.

To assist you in this, I provide below an explanation of my general concerns, and I follow this with further explanation of the relevant questions.

While my initial concern is focused on the 'Leicester sex work project', I am also concerned about the possibility of similar projects being funded by the ESRC (whether directly or indirectly) in the future. I believe this is of considerable public concern – as is evidenced by the response to the Nordic Model Now! petition.[1]

The 'Leicester sex work project' was focused on promoting to universities across the UK a "student sex work" policy and toolkits that legitimise and endorse prostitution, and activities that may be illegal, are likely to be exploitative, and that put women in particular but also members of other vulnerable groups, at risk of serious, and potentially life-long, harm. This suggests that the project fails to conform to the Equality Act 2010 and possibly other UK legislation.

The project cannot reasonably be described as research because it was focused on promoting its extreme and partisan view as policy to universities and decision-making bodies involved in the higher education sector. For example, the second point in the project's public list of aims and objectives is:

"To complete a programme of outreach to a range of HEIS to showcase the Leicester package of policy and toolkits."[2]

The project failed to engage with individuals and organisations who disagreed with their premise that prostitution is

a normal job, and the project training and toolkits made a number of incorrect claims about alternative approaches to policy and legislation around the sex industry.[3]

Question 3: According to the UKRI website, Impact Acceleration Accounts (IAAs) are primarily focused on supporting impact through collaboration with a variety of non-academic partners. The Oxford dictionary defines collaboration as “the action of working with someone to produce something”.

It is hard to see how promoting predefined policy and toolkits to higher education institutions fits the definition of collaboration. Nevertheless, promoting their policy and toolkits was a major part of the Leicester project.

I fail to see why the ESRC cannot answer my question as to whether it is usual for it to fund projects like this that are focused on the promotion of policy to public bodies. I therefore challenge the response that it does not hold the information that would enable it to answer this question.

Question 4: Likewise, I fail to see why the ESRC cannot answer this question and I therefore challenge its response that it does not hold the information that would enable it to answer this question.

Question 6: The standard terms and conditions for Full Economic Costs basis (fEC) grants include the following:

“RGC 2.2 You must ensure that the Project is carried out in accordance with all applicable ethical, legal and regulatory requirements including but not limited to relevant provisions of the General Data Protection Regulation, the Data Protection Act 2018, the Bribery Act 2010, the Fraud Act 2006, the Equality Act 2010 and the Modern Slavery Act 2015.”[4]

I fail to see why the ESRC cannot explain whether similar conditions apply to projects it funds (directly or indirectly) that involve the promotion or recommendation of policy to public bodies. I therefore challenge its response that it does not hold the information that would enable it to answer this question.

Question 7: Likewise, I fail to see why the ESRC cannot answer this question and I challenge its response that it does not hold the information that would enable it to answer it.

Your original request (FOI2022/00082):

This FOI request relates to the promotion of policy to public bodies and the “Developing Good Practice within Higher Education: Student Sex Work, Safety and Inclusion” project at the University of Leicester (the ‘Leicester sex work project’) that has been funded by the ESRC Impact Acceleration Account (IAA) at the University of Leicester.

Professor Teela Sanders is the lead academic on the ‘Leicester sex work project’ and according to your website, she is also a member of your Strategic Advisory Network (SAN).

1. Was Teela Sanders involved in any way in the approval of the ‘Leicester sex work project’?
2. Was Teela Sanders’ membership of the SAN a factor in the approval of the ‘Leicester sex work project’?
3. Is it usual for the ESRC to fund projects, like the ‘Leicester sex work project’, that are primarily focused on promoting policy to public bodies?
4. If so, when was the decision made to fund the promotion of policy to public bodies? Was Teela Sanders involved in that decision?
5. If not, why and how was the ‘Leicester sex work project’ approved? What contributed to its approval?
6. If ESRC-funded projects involve the promotion or recommendation of policy to public bodies, are those policies or recommendations required to conform strictly to the law of the land and the Equality Act 2010, including its public sector equality duty (PSED)? If not, why not?

7. If so, what steps does the ESRC take to ensure that such policies or recommendations conform to the PSED and do not risk negatively impacting people with protected characteristics or the relationships between those with and without such protected characteristics, and that they do in fact promote the advancement of people with protected characteristics and contribute to improvements in equality?

Outcome of the review

As requested, we have reviewed our response to questions 3, 4, 6 and 7 of your FOIA request. Upon review, we have concluded that the correct approach was taken in responding to your FOIA request. However, we acknowledge that the initial response could have been clearer regarding the scope and purpose of an FOIA request and how this applied to your request. Further detail on the outcome of the review is provided below.

Before addressing your questions, we would like to clarify the types of requests that are in scope of the FOIA as we could have made this clearer in our previous response. The FOIA allows the public access to recorded information held by public bodies, such as UKRI. Requests asking for UKRI comments or opinions are not generally within the scope of the FOIA. In reviewing your request, we have identified that your questions do not entirely fall within the scope of a request made under the FOIA. Therefore, we have:

- addressed each of your questions and directed you to information UKRI has published that will be helpful to you,
- directed your questions to the ESRC's complaints team (complaints@esrc.ukri.org) who will respond in due course.

Your questions have been addressed below:

3. Is it usual for the ESRC to fund projects, like the 'Leicester sex work project', that are primarily focused on promoting policy to public bodies?

This is not considered to be a request for information under the FOIA. However, information on research funded by ESRC is available on the [UKRI's Gateway to Research](https://gtr.ukri.org/)¹, this includes information on Impact Acceleration Awards (IAA), the award made to the University of Leicester, through which the project you are interested in was supported by the University.

Information on the areas of research supported by ESRC is outlined in [ESRC strategies and priorities](#)² and [impact toolkit](#)³.

ESRC funds research on economic and social issues with the aim of impacting all aspects of society, including businesses and the public sector. Within ESRC "Promoting policy to public bodies" is understood to mean generating material and evidence that may help inform public policy, practice, and services, shape legislation and contribute to the understanding of policy issues. "Promoting policy to public bodies" is also a type of impact ESRC looks for when funding research.

4. If so, when was the decision made to fund the promotion of policy to public bodies? Was Teela Sanders involved in that decision?

A key driver for ESRC has always been to optimise the impact of the research it has funded. And, as stated in response to question 3, one form of impact is research which informs the development of policy, shaping legislation and understanding policy issues. This has been the case for many years, and you may find it useful to view the [History of ESRC](#)⁴.

In relation to your question regarding Professor Teela Sanders involvement in this area, our response to your original request stated that the Strategic Advisory Network (SAN), of which Professor Sanders is a member, had no involvement in decision-making around Impact Acceleration Accounts (IAA) funding. To further explain, the IAA

¹ Gateway to Research: <https://gtr.ukri.org/>

² ESRC strategy and priorities: <https://www.ukri.org/about-us/esrc/who-we-are/strategy-and-priorities/>

³ Impact toolkit: <https://www.ukri.org/councils/esrc/impact-toolkit-for-economic-and-social-sciences/>

⁴ History of ESRC: <https://www.ukri.org/about-us/esrc/who-we-are/history/>

programme was introduced in 2014, and the SAN was established in April 2018. Professor Sanders was appointed to the SAN in April 2019.

You can find out more about the [SAN⁵](#), including membership and terms of reference on UKRI's website

6. If ESRC-funded projects involve the promotion or recommendation of policy to public bodies, are those policies or recommendations required to conform strictly to the law of the land and the Equality Act 2010, including its public sector equality duty (PSED)? If not, why not?

7. If so, what steps does the ESRC take to ensure that such policies or recommendations conform to the PSED and do not risk negatively impacting people with protected characteristics or the relationships between those with and without such protected characteristics, and that they do in fact promote the advancement of people with protected characteristics and contribute to improvements in equality?

As questions 6 and 7 are closely linked these are addressed together.


All grants made by UKRI are governed by [terms and conditions⁶](#). As you have stated in your correspondence, RGC 2.2 makes it a condition of the grant that projects are undertaken in accordance with the law, identifying the Equality Act 2010 as an example.

To ensure that the terms and conditions are met, UKRI operates a funding assurance programme, you can find information about the programme on [UKRI's website⁷](#). You may also find it useful to explore UKRI's [Good research resource hub⁸](#) which brings together policy, guidance and standards that the research communities UKRI supports are expected to take account of. The hub includes sections on [equality, diversity and inclusion⁹](#) and [responsible innovation¹⁰](#), which may help provide context to help with your questions.

If you are 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

⁵ Strategic advisory network (SAN): <https://www.ukri.org/about-us/esrc/how-we-are-governed/strategic-advisory-network/>

⁶ Terms and conditions for research grants: <https://www.ukri.org/publications/terms-and-conditions-for-research-grants/>

⁷ Funding assurance programme: <https://www.ukri.org/about-us/policies-standards-and-data/funding-assurance-programme/>

⁸ Good research resource hub: <https://www.ukri.org/about-us/policies-standards-and-data/good-research-resource-hub/>

⁹ Equality, diversity and inclusion: <https://www.ukri.org/about-us/policies-standards-and-data/good-research-resource-hub/equality-diversity-and-inclusion/>

¹⁰ Responsible innovation: <https://www.ukri.org/about-us/policies-standards-and-data/good-research-resource-hub/responsible-innovation/>