



[REDACTED]

14 May 2025

Dear [REDACTED]

**Freedom of Information request: FOI2025/00045**

Thank you for your Freedom of Information request received on the 16 January in which you requested the following:

**Your request:**

*Please can I request:*

1. *The "incident response plan" related to the event of Higher Education Provider closure, as mentioned in the [minutes of the 15 May meeting of the UKRI board](#)<sup>1</sup>.*
2. *Any documents detailing the incident response plan, please could I request any related papers prepared for the UKRI board and the UKRI executive committee.*
3. *Please could I also request the number of Higher Education Providers which UKRI is tracking for whom the incident response plan may be required, and their names.*
4. *Finally, please can I also request the "scenario work focused on cost recovery of FEC in research and PhDs" mentioned in the minutes, and as above any related papers prepared for the UKRI board and the UKRI executive committee.*

**Our response**

I can confirm that UK Research and Innovation (UKRI) hold information relevant to your request. I would also like to extend my apologies for the delay in responding to your request.

We have determined that the information held by UKRI that is within scope of your request for points 1 and 2 should not be disclosed under section 36, prejudice to the effective conduct of public affairs.

Further details on this exemption and our considerations for withholding this information from disclosure are provided below.

**Section 36 – Prejudice the effective conduct of public affairs**

For sections 36(2)(b)(i) and (ii), and 36(2)(c), the opinion of UKRI's CEO, as UKRI's Qualified Person, was sought on engaging this exemption. As this is a qualified exemption, we were then required to consider the public interest both in favour of, and against, releasing the information.

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<sup>1</sup> <https://www.ukri.org/wp-content/uploads/2024/04/UKRI-060125-BoardMeetingMinutesMay2024.pdf>

[REDACTED]

## **Outcome of consideration of Section 36 – Prejudice to the effective conduct of public affairs**

As UKRI's Qualified Person, Professor Leyser confirmed her opinion that sections 36(2)(b)(i) and (ii), and 36(2)(c) of the FOIA would be engaged, as disclosure would inhibit the free and frank provision of advice and exchange of views for the purposes of deliberation and would otherwise impact the effective conduct of public affairs.

### **The Public Interest Test**

As Section 36 is a qualified exemption, a test was required to determine whether the public interest in maintaining the exemption outweighs public interest in disclosure.

The public interest test was conducted by a senior manager, who was not directly involved in the discussions that were the subject of your request.

#### Factors in favour of releasing the information:

- Disclosure of this information may increase transparency and public understanding about UKRI and the process by which policy is developed in response to current events, potentially increasing public trust.
- There is a public interest in demonstrating that UKRI is competent in preparing and planning a response to external situations that impact UKRI's effectiveness relating to research and innovation.

#### Factors against releasing the information:

- It is considered that engagement of this exemption is important as it relates to UKRI's ability to protect safe space for purposes of deliberation and to seek advice and the opinions of stakeholders, in order for UKRI to make effective decisions and contribute to the effective management of any HEP closures that might arise. UKRI requires a 'safe space' to discuss and determine the best, agreed way forward on this issue for all parties and disclosing this information would undermine the ability of UKRI to openly hold discussions with relevant parties and to make sound decisions without fear that deliberations would be disclosed.
- Releasing the information in scope, might also compromise future advice to the Board, including the ability for Board members and senior staff to engage in open conversation, with a variety of views if both staff and Board members knew that such information would be released in the public domain.
- There is financial response information in the documents which refers to UKRI owned or loaned assets, that if released could impact decisions by potential investors, future investors in the market, including other HEPs. The release might also impact the decision making of individual providers through knowledge of how policy considerations relating to response packages are potentially structured if an incident was to occur.
- We are working closely with other bodies, including Office for Students and the Department for Science, Innovation and Technology. If this information was to be released, some information specifically received and input into by UKRI and third parties would also be released. This would fundamentally affect UKRI's relationship with other bodies, including government departments and funding councils. This would negatively impact UKRI's ability to maintain our trusted partnerships with other departments, which are essential for our effective operation.
- Without this protected safe space, there is a significant risk that decisions would be substantially less well-informed and limited, to the detriment of the organisation's ability to deliver on its objectives.
- This is a 'live' and ongoing issue that requires a safe space for open and collaborative deliberations across the sector and it is essential to ensure that deliberations with stakeholders are protected to enable UKRI to

be fully informed and to make sound decisions to develop and implement an effective incident management response plan.

Based on the above arguments, we have therefore determined that it would be in the public interest to withhold the relevant information from disclosure.

3. *Please could I also request the number of Higher Education Providers which UKRI is tracking for whom the incident response plan may be required, and their names.*

This information is not held: we do not have any information relating to HEP tracking.

4. *Finally, please can I also request the "scenario work focused on cost recovery of FEC in research and PhDs" mentioned in the minutes, and as above any related papers prepared for the UKRI board and the UKRI executive committee.*

This information is publicly accessible and is therefore exempt under Section 21 of the FOI Act.

The following information you have requested is available in the public domain:

- [Understanding Low Levels of FEC Cost Recovery on UKRI grants](#)<sup>2</sup>
- [Understanding the FEC of doctoral training by Pye Tait Consulting](#)<sup>3</sup>

Section 21 is an absolute exemption which means that there is no requirement to conduct a public interest test.

If you have any queries regarding our response, please do let us know. If you are dissatisfied with the handling of your request, you have the right to ask for an internal review, explaining which elements of this decision you disagree with and why. Internal review requests should be submitted within 40 working days of the date of our response and should be addressed to:

Head of Information Governance


Email: [foi@ukri.org](mailto:foi@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](http://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 procedure](#)<sup>4</sup>.

Yours sincerely,

  
Information Governance  
Information Rights Team  
UK Research and Innovation  
[foi@ukri.org](mailto:foi@ukri.org) | [dataprotection@ukri.org](mailto:dataprotection@ukri.org)

<sup>2</sup> <https://ircaucus.ac.uk/publications/understanding-low-levels-of-fec-cost-recovery-on-ukri-grants/>

<sup>3</sup> <https://www.ukri.org/publications/understanding-the-fec-of-doctoral-training-by-pye-tait-consulting/>

<sup>4</sup> <https://www.ukri.org/who-we-are/contact-us/make-a-complaint/#skipnav-target>