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18 December 2020

Dear Jonathan Bishop

**FOI20-353 Students- Law & Politics CUBS Expert Witness Certificates
Freedom of Information Complaint**

I refer to your email received by the University on 19 November 2020 in which you have requested an internal review of the University's response to your request under the Freedom of Information Act issued on 16 November 2020.

This has been referred to me for review in accordance with the University FOI Complaints Procedure. My role as a reviewer is to undertake a fair and thorough examination of the decisions taken pursuant to the Act. In undertaking the review, I have reconsidered all factors relevant to the issue, University policies, and guidance from the Information Commissioner's Office. You can find further information on that procedure at the following web address: <http://www.cardiff.ac.uk/public-information/freedom-of-information/complaints>

Decision

Following due consideration of the case I have concluded that your complaint is **not upheld**.

Initial request

Your initial request of 13 October 2020 is reproduced here for convenience together with our reply:

Can you please provide me with PDFs of the different template diplomas used by Cardiff University to issue expert witness certificates on behalf of Bond Solon since the CUBS scheme came into existence with the Heads of Agreement in 2005.



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The University considers that the documents requested are exempt from disclosure under Section 31 of the FOI Act 2000, Law Enforcement, and specifically Section 31(1)(a) - the prevention or detection of crime. Certificates are legal documents which can give access to a profession and can only be supplied to people who successfully complete the course. Supplying templates even in PDF form, could enable the production of forged certificates.

Section 31 is a qualified exemption and requires the University to carry out a public interest test.

Public Interest Test

Factors in favour of disclosure

There is a general public interest in demonstrating transparency in the operations of the University.

Factors in favour of non-disclosure

There is a public interest in not disclosing information that would compromise the integrity of the certification of the completion of courses undertaken at the University. Certificates are legal documents which may give access to a profession and can only be supplied to people who successfully complete a course of study.

On balance the University considers that the public interest is weighted in favour of non-disclosure.

However, in the interests of transparency we are prepared to share the wording contained in the documents as follows:

Document issued in 2015: This is to verify that, having followed an approved training programme and successfully completed each of the required assessments of the Cardiff University Law School Bond Solon Expert Witness Scheme, xxx has been certified by Cardiff Law School as an Expert Witness this xx day of xxxx.

Document issued in 2018-present: This is to verify that, having followed an approved training programme and successfully completed each of the required assessments of the Cardiff University Bond Solon Expert Witness Scheme, xxx has been certified by Cardiff School of Law and Politics as an Expert Witness this xx day of April xxxx.

In your email of 19 November 2020, you made the following complaint:
Under the Freedom of Information Act 2000 you have a duty to assist. Just because you feel you can provide the designs of the two different diplomas you should still explain how they differ.

It is in the public interest for the public to know how Cardiff University changed the design of its certificates prior to it telling the Office of Independent Adjudicator for Higher Education (the OIA) that it's "C.U.B.S." programme was CPD to what it looked like after it had claimed the programme was only CPD as its training partner Bond Solon had been advertising the



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"C.U.B.S." programme as a qualification for many years, but after the OIA investigation started to advertise them as certificates only.

The public has the right to know whether the text on the certificates prior to the OIA investigation suggested the diploma was a qualification and whether the new diploma created after the OIA investigation took away any suggestion it was a qualification.

Prior to the OIA investigation, an internal investigation found that the "C.U.B.S." programme was a post-graduate qualification with a 100% pass mark. This was later denied, with it being claimed the "C.U.B.S." course advertised as an accredited qualification by Bond Solon is only CPD. A review followed and the design of the diploma was changed. It is believed this was done to remove any suggestion that the "C.U.B.S." programme was a credit-bearing qualification, as Bond Solon were advertising it to be previously.

Please explain what has changed about the design since the internal investigation found it was a post-graduate qualification with a 100% pass mark to the point after the OIA were told the "C.U.B.S." programme was CPD only, and not a qualification, leading to the design of the diploma being change and Bond Solon changing how it advertised the course.

It may be the case for instance that the original diploma suggested it was a qualification but the new diploma suggests it is only CPD. It is in the public interest for this to be verified.

Considerations following request for internal review

Whilst s16 of FOIA 2000 confers on public authorities a duty to advise and assist when a request is received, this was not a consideration in response to this request. The request was unambiguous and there was therefore no need to seek clarification. This position follows the expectation placed on authorities under the section 45 code of practice "Authorities should be aware that the aim of providing assistance is to clarify the nature of the information sought, not to determine the aims or motivation of the applicant".

In the University's response to your original request of 13 October 2000, the exemption provided by s31(1)(a) FOIA Law enforcement was applied. In applying this exemption, it is necessary for the University to carry out a prejudice test. As stated in our original response of 16 November 2020, supplying templates even in PDF form, could enable the production of forged certificates. The creation of forged certificates would undermine the integrity of the award and directly result in fraudulent representations of achievement. Disclosures made under FOIA are considered to be to the 'world at large' and providing facsimile copies of certificates would facilitate the production of a close copy forgery, and this could prejudice any verification process. Certification fraud is a real concern for awarding bodies and indeed we advise our graduates to exercise caution in relation to their degree certificates:

<https://www.cardiff.ac.uk/graduation/certificate-and-awards>. Further I am satisfied with the finding of the public interest test being weighted in favour of non-disclosure and note that a disclosure of the text was provided to you in the interests of openness and transparency.



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Your complaint is therefore not upheld. The Freedom of Information Act places a requirement on a public authority to provide copies of information held. It does not require the authority to comment or give opinion. I do not consider further points raised in your complaint to fall within the scope of a Freedom of Information request response.

If you remain dissatisfied following the outcome of your complaint, you have the right to apply directly to the Information Commissioner for consideration. The Information Commissioner can be contacted at the following address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

I would like to take this opportunity to thank you for your interest in Cardiff University.

Yours sincerely



Catrin Morgan
Head of Compliance and Risk



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