

1. Introduction and Purpose:

The Freedom of Information Act 2000 (FoIA) gives the public a general right to access recorded information held by public authorities including Further Education Colleges. The FoIA promotes greater accountability and openness across the public and publicly-funded sectors, thereby facilitating a better understanding of how public bodies carry out their business, why they make the decisions that they do and how they spend public money.

Under the FoIA it is the duty of every public body to adopt and maintain a publication scheme to facilitate the availability of information.

2. Publication Scheme:

In accordance with the FoIA, the College has adopted a publication scheme, which is a document listing the classes of information that it is committed to publish. The publication scheme that the College has adopted is the model publication scheme prepared and approved by the Information Commissioner. More information can be found here: <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/publication-scheme/>

There are seven classes of information covered in the model publication scheme:

- Who we are and what we do
- What we spend and how we spend it
- What our priorities are and how we are doing
- How we make decisions
- Our policies and procedures
- Lists and Registers
- The services we offer

The Director of Finance & Resources will maintain a list of the main information sets that are available within each class of information. For each class of information the College will indicate whether it is available:

- on the College website;
- on request, either in electronic form; or in paper form.

In certain circumstances the College may make a charge to cover costs incurred in the provision of information in a paper form.

3. Responsibility for implementation:

Under the FoIA, the Board is responsible for compliance. On a day to day basis, however, the Corporate Support Assistant will be responsible for ensuring that requests for information within the scope of the Policy are met within the timescale set out in the FoIA.

4. Practical implementation:

Any individual is able to request information from the College, without having to state the purpose for which the information is required. Any request for information stating the name of the applicant, including an address (or email address) for correspondence and describing the information required qualifies as a request for information. Applicants are entitled to be informed in writing (or by email) whether or not the

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requested information is held and either to have the information communicated to them or to receive an explanation of why that cannot be done.

Where a member of staff receives a request for information directly it should be referred to the Corporate Support Assistant, who will work with the manager or managers responsible for the area covered by the request to provide the information (if it is not inappropriate to do so).

Within 20 days of the receipt of any request, the College must inform the applicant:

- whether the College holds the information requested;
- whether it is protected from disclosure under the Data Protection Act (which takes precedence over the FoIA for this purpose); and
- whether it is considered for any other reason to be exempt from disclosure.

If the information is available and not protected or considered to be exempt from disclosure it must be communicated within the 20-day period in the format requested (electronic or hard copy).

A request is received when it is delivered to the College or to the inbox of a member of staff. Where, however, an automated 'out of office' message provides instructions on how to re-direct an email, the request is not considered to have been received until it has been delivered to the alternative address specified in that message.

Refusing a request:

In certain circumstances the College may refuse a FoI request:

- when the information is considered to be exempt from disclosure;
- when the cost of compliance exceeds the appropriate limit (currently £450); or
- when the request is considered to be vexatious or repeated.

Exemptions

Some information is exempt from disclosure and does not have to be provided. There are two broad categories of exemption:

- Absolute exemptions are where the right to know is wholly disapplied. In some cases, there is no legal right at all to access the information, for example if it relates to bodies dealing with security matters or is covered by parliamentary privilege. In other cases, it may be inappropriate for the College to provide the information but it may be available to the applicant by other means (some personal information and information provided to the College in confidence may fall into this category).
- All exemptions that are not absolute exemptions are qualified exemptions and are subject to a test of public interest. Having identified a possible qualified exemption, the College has to consider whether the public interest in maintaining the exemption outweighs the public interest in confirming or denying the existence of the information requested or providing the information to the applicant.

A full list of absolute and qualified exemptions is provided at Appendix 1.

Costs

The College will not comply with any FoI request where the cost of finding out whether or not the information is held and locating, retrieving and extracting the information exceeds £450 (representing 18 hours of officer time at £25 an hour). Where more than one request is received for the same information or related pieces of information, either from a single applicant or from a group of applicants who appear to be acting in concert, and the combined cost of complying with all such requests would exceed £450, the College will not comply with such requests.

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Vexatious and repeat requests

A request for information may be treated as vexatious where it would impose a significant burden on the College in terms of expense or distraction and where it meets at least one of the following criteria:

- It clearly does not have any serious purpose or value;
- It is designed to cause disruption or annoyance;
- It has the effect of harassing the College; or
- It can otherwise fairly be characterised as obsessive or manifestly unreasonable.

Each specific request will be looked at and assessed individually. The College will not normally refuse on the grounds that it is vexatious a request for information that should be available through the publication scheme.

Issues of a vexatious nature may arise where the College receives a FoI request from an individual who has previously registered a grievance, pursued a complaint or otherwise been involved in a dispute.

Any request considered to be vexatious should be referred to the Corporate Support Assistant. Should the request be linked to a complaint or grievance it will then be referred to the Director of Finance & Resources.

5. Reporting:

The Corporate Support Assistant will log all FoI requests, including whether the information was disclosed or was exempt, and will provide a list of requests to the Clerk to the Corporation on an annual basis for reporting to the Board.

6. Complaints:

The Information Commissioner is responsible for regulating the operation of each publication scheme within the public sector. Further information regarding how the public can make a freedom of information request and what they can do if they are unhappy with a response can be found here: <https://ico.org.uk/for-the-public/official-information/>

7. Communication and training:

College managers are responsible for ensuring that staff under their direction are aware of the Policy, and that information is processed in accordance with the FoIA. This Policy will be published on the College website and staff will be alerted through Moodle to its publication and to any subsequent amendments.

8. Related References, Policies, Procedures, Forms and Appendices (if appropriate):

This Policy must be considered in conjunction with the College's Publication Scheme and Data and Records Management and Protection Policy.

Appendix A sets out the types of information that are exempt or potentially exempt from disclosure under the FoIA.

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Appendix A

Information exempt from disclosure under the FOIA

Absolute exemptions

Information accessible by other means
Information supplied by, or relating to, bodies dealing with security matters
Court records
Parliamentary privilege
Personal information
Information provided in confidence
Information the disclosure of which is prohibited by law

Qualified exemptions

Information intended for future publication
National security
Defence
International relations
Relations within the UK
The economy
Investigations and proceedings
Law enforcement
Audit functions
Formulation of government policy
Prejudice to effective conduct of public affairs
Communications with HM the Queen
Health and Safety
Some personal information
Legal professional privilege
Commercial interests

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FREEDOM OF INFORMATION ACT (FOI)

FREEDOM OF INFORMATION: PUBLICATION SCHEME

The College has adopted the Information Commissioner's Office (ICO) model publication scheme for FE colleges.

Information published under the scheme is available:

- on the College website, or
- by request in writing to the Corporate Support Assistant

Printed hard copy of documents held requested via the Corporate Support Assistant are available at a charge of £10 per document, with the exception of the Instrument and Articles of Government, which are free of charge.

The following table describes the published documents, show under the headings recommended by the ICO:

- who we are and what we do
- what we spend and how we spend it
- what our priorities are and how we are doing
- how we make decisions

- our policies and procedures
- lists and registers
- the services we offer

The ICO expects us to make information available unless:

- we do not hold the information
- the information is exempt under the FOI or other statute
- the information is archived, out of date or otherwise inaccessible
- it would be impractical or resource-intensive to prepare the material for routine release

The table also shows whether documents are available on the College website or on request.

Website On request

Who we are and what we do

Legal framework	Articles of Association		✓
Organisation	Organisation structure		✓
	Board - members	✓	
	Board Bye Laws, including terms of reference of Committees		✓
Partners	Training services partners (inc. subcontractors)		✓
	Professions (internal and external auditors, lawyers?)		✓
	Community		✓
Locations	Including contact details	✓	

What we spend and how we spend it

Funding/Income	Financial statements	✓	
Budgetary and accounts	Financial statements	✓	
	Budgets – revenue and capital		✓
Financial audit reports	Financial statements	✓	
Capital programme			✓
Financial regulations and procedures	Financial Regulations		✓
Pay Policy			✓
Staff pay and grading structures			✓
Staff allowances and expenses			✓
Governors allowances			✓
Suppliers	Supplier list		✓
Procurement and tender procedures	Financial Regulations	✓	
	Tender results		✓
Contracts	That have been approved via a tender process		✓

What our priorities are and how we are doing

Annual report	Financial statements	✓	
Self-assessment report	Self-Assessment Report		✓
Corporate and business plans	Strategic plan	✓	
Teaching and learning strategy	Curriculum Strategy		✓
Academic quality & standards	Self Assessment Report		✓
External review information	Ofsted report	✓	
	Self Assessment Report		✓

		Website	On request
	Investors in People report		✓
	Matrix accreditation		✓
Corporate relations	Links with employers and the development of learning programmes		✓
Government and regulatory reports	Exam body visits		✓

How we make decisions

Minutes of meetings	Governing Body / Council / Board	✓	
	Committees		✓
	Academic board		✓
Appointment committees/procedures	Search & Governance Committee, including advice to the Board		✓

Our policies and procedures

Conducting college business	Governors' Handbook, including code of conduct		✓
	Board Bye Laws		✓
	FoI Policy and publication scheme	✓	
Academic services	Self Assessment Report and academic policies		✓
Student services	Admission and registration procedures	✓	
	Student code of discipline – College Charter	✓	
Human Resources	Human resources policies and procedures such as generic terms and conditions of employment, collective bargaining and consultation with trade unions, grievance, disciplinary, harassment and bullying, public interest disclosure, staff development (such as induction, probation, appraisal, promotions).		✓
Recruitment	Current vacancies	✓	
Equality & Diversity	Policy and single equality scheme	✓	
Health & Safety	Policy	✓	
Estate management	Disposals policy, estates strategy and plan, facilities management policies, grounds and building maintenance."		✓
Complaints	Complaints policy and procedure	✓	
	Complaints concerning freedom of information: see below		✓
Records and personal data	Records retention and archive policies		✓
	Data protection: general statement	✓	
	Data protection: detailed policy and procedures		✓

Lists and registers

Legal requirements	Information we are currently legally required to hold in publicly available registers		✓
Assets	Details from all asset registers, including capital asset registers.		✓

		Website	On request
CCTV	CCTV locations		✓
Disclosure logs			✓
Register and declarations of interests	Governor and senior staff		✓
Register of gifts and hospitality provided to senior staff			✓

The services we offer

Courses	Course Guide	✓	✓
Advice	Careers	✓	✓
	Welfare, counselling and wellbeing services	✓	✓
Funding	Grants and bursaries	✓	✓
Facilities	Creche, Library etc	✓	✓
Conference facilities	For hire	✓	✓
Media releases	Press releases		✓

If you wish to request information which is not covered by this publication scheme, please contact the Corporate Support Assistant.

If you wish to make a complaint with specific reference to the Freedom of Information Act, please follow the this link. <https://ico.org.uk/for-the-public/official-information/>

Equality Impact Assessment: Initial Screening (Stage 1)

Name of Policy or Practice: *Freedom of Information Policy and Procedure*

Person/ Team/ Department Responsible: *Director of Finance & Resources*

Date of Assessment: *03 01 2020*

Consider the three aims of the public equality duty:

- To eliminate discrimination
- To advance equality of opportunity
- To foster good relations

Protected Characteristics:

Age, Disability, Gender Reassignment , Race, Religion or Belief, Sex, Sexual Orientation, Marriage & Civil Partnership, Pregnancy & Maternity

Q1) What is the purpose of the policy, decision or practice	<i>To define the College's policy and procedures with regard to responding to Freedom of Information requests</i>
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Q2) Who is affected by the initiative? Does the initiative make a positive contribution to equality and diversity in the College? Or is it equality neutral i.e. no particular effect on anyone group? <i>All stakeholders. The Policy is equality neutral.</i>
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Q3) Is there the potential for there to be a negative impact on one or more of the Equality groups as a result of this initiative? If so what groups may be effected and why? Or is it equality neutral? <i>No negative impact – equality neutral.</i>

Q4) Has anyone complained about the policy or initiative? <i>No</i>
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Q5) Is the impact of the initiative significant enough to warrant a more detailed assessment? Yes No <i>No</i> If yes please circle priority rating for assessment: High Medium Low
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