NWSLC

NORTH WARWICKSHIRE & SOUTH LEICESTERSHIRE COLLEGE

Freedom of Information Policy and Publication Scheme 2024(v2)

North Warwickshire and South Leicestershire College

Title of Policy Author: Vice Principal

Title of Lead Owner: (if Different from Policy Author)

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Contents

Freedom of Information Policy and Publication Scheme 2024(v2)

Page

1. Introduction 1
2. Definitions 1
3. Related Policies, Procedures and Documents 1
4. Rationale 1
5. Core Principles 1
6. Implementation, Monitoring and Review 2

Appendices

1. Appeals Procedure 4
2. Freedom of Information Publication Scheme 6

Freedom of Information Policy and Publication Scheme 2024(v2)

1. Introduction

1.1 North Warwickshire and South Leicestershire College (the College) actively seeks to share information about itself and its activities, subject to the constraints of Data Protection (including GDPR) legislation and certain sensitive matters explicitly addressed by the Freedom of Information Act 2000.

1.2 The College believes that the freedom of information is a 'fundamental value'.

2. Definitions

2.1 The main legislation covering freedom of information is the Freedom of Information Act 2000 ('the Act'). Under the Act, the College is classed as a 'public authority' and has a legal obligation to provide information through an approved publication scheme and in response to valid requests made by individuals to the College, under the Act.

2.2 Information that is held by the College in a recorded (paper or electronic) format can be requested under the Act and, subject to any relevant exemptions, will need to be disclosed. **Disclosures under the Act are disclosures into the public domain.** This includes recorded information, printed documents, computer files, letters, emails, photographs and sound or video recordings.

2.3 The Act does not give people access to their own personal data (information about themselves). Access to personal data is covered under the General Data Protection Regulation (GDPR), and the College has developed a separate policy in respect of how the College deals with its obligations under the GDPR.

3. Related Policies and Documents

3.1 IOC Guide To Freedom of Information@ https://ico.org.uk/for-organisations/guide-to-freedom-of-information/ .

3.2 Safeguarding Policy.

3.3 Public Interest Disclosure (Whistleblowing) Policy;

3.4 Data Protection and GDPR Policy.

3.5 Rights of Individuals under the GDPR Policy and Procedure.

3.6 Other policies and documents may be identified from time to time as circumstances change and may be added to this list.

4. Rationale

4.1 The College is a separate public authority covered by the Act and has produced this Policy to ensure employees and agents of the College comply with their respective obligations under the Act.

5. Core Principles

5.1 The College will publish the information set out in the ICO's https://ico.org.uk/media/for-organisations/documents/1131/definition-document-colleges-of-further-education.pdf and will ensure that documents containing the information are available on request.

5.2 The College will give access to information not covered by its Publication Scheme, except for any exempt information, following a valid request and the payment, where appropriate, of the fee within 20 days or 60 working days, whichever is shorter.

5.3 There will be occasions where the College does not hold the information requested or when it can refuse to give access to the requested information. If a refusal is made, the College will give reasons for the refusal and list any applicable exemptions (providing reasons for the public interest test being better served by non-disclosure, than by disclosure, where necessary).

5.4 The College has implemented an Internal Review Appeals Process against a refusal to give access, which is set out at appendix 1 of this Policy.

6. Implementation, Monitoring and Review

6.1 Publication of information listed in the Publication Scheme will be the responsibility of the relevant College manager.

6.2 The Publication Scheme is included within this Policy, and the materials it covers will be readily available from the College and where appropriate published on the College website.

6.3 In addition to the information listed in the Publication Scheme, the College will share any other information that it holds, as quickly as possible and without charge, unless it is properly exempt under the Act, for example where it:

i. is not held by the College;

ii. is information reasonably accessible through another route (i.e. already within the public domain);

iii. is information in respect of an investigation that relates to criminal proceedings, either current or potential;

iv. relates to the prevention or detection of crime;

v. relates to court records, including information relating to legal proceedings;

vi. is personal information;

vii. is information provided in confidence;

viii. is planned to be publicly disclosed in the future;

ix. is likely to endanger health and safety;

x. is covered by legal privilege;

xi. would prejudice commercial interests, or

xii. is vexatious or repeated.

6.4 This is not an exhaustive list, and should a request be received, it should be forwarded immediately to the Vice Principal. The statutory timescale starts to run as soon as it is received by the College (no matter who within the College initially received the request).

6.5 Access to information held by the College under the Act will be overseen by the Vice Principal.

6.6 The College will:

i. Publish on the College website and in printed form, this Policy and the Publication Scheme.

ii. Provide assistance to persons wishing to access information but who are unclear about the process.

iii. Acknowledge access requests within 5 working days of receipt.

iv. Where further details of the information requested are needed before the access request can be dealt with, send a letter or email requesting that information within 5 working days of receipt of the access request.

v. Fees may be charged in line with ICO guidance. Where a fee is to be paid, send a letter or email, setting out details of the fee to be paid within 5 working days of the receipt of the access request or, where applicable, further details of the information request are received.

vi. Make the information accessible in the form which the applicant requests within 20 working days of receipt of the original request (or 60 working days, whichever is shorter) or within 20 working days of the receipt of clarification about the request if it was required (or 60 working days whichever is shorter).

vii. In some instances, an extension to the timescale may be required due to the length of time that is required to consider the public interest arguments under the Act in respect of possible disclosure of the requested information. The College will notify the person requesting the information of the extension which should be completed as promptly as possible and in any event within an additional twenty working days.

Where the information is exempt or the access request is vexatious or repeated, the Vice Principal.

viii. Vice Principal will send a refusal notice to the applicant setting out the reason for refusal with, where necessary, the category of exemption claimed, any public interest test considerations and drawing attention to the appeals procedure.

ix. Where the information is exempt, the Vice Principal will decide whether to confirm or deny or not in the refusal notice the existence of the information following the guidance in the Act.

x. Where the refusal is on the grounds that the information is available elsewhere, Vice Principal will, in the refusal notice, guide the applicant as to where to access the information.

xi. The Vice Principal will direct any appeals to the Principal within two days of receipt.

xii. The Principal will complete the appeals process.

6.8 The Vice Principal will present a monthly report to the Data Protection Officer, who will provide a termly report to the Audit Committee and an annual report to the Corporation detailing access requests received. For each individual request, the report will give:

i. The date of the request.

ii. The subject(s) of the request.

iii. Whether the request was made by an individual or a legal person, such as a company or corporation.

iv. The College's response to the request.

v. Where the response to the request was to give access, the time taken to satisfy the request, and whether a fee was charged.

vi. Where the response to the request was to refuse access the reason for the refusal including the category of the exemption cited where applicable, and the response of the applicant to the refusal.

vii. Where an appeal against a refusal was made and the outcome of the appeal.

viii. The report will not provide names or other personal details of applicants. Relevant details will be given where refusal to give access has been made on the grounds of 'repeated requests' which will then include a note showing which requests were made by the same person.

6.9 This Policy will be reviewed every three years and updated, as applicable, to ensure that it remains appropriate in the light of any relevant changes to the law, organisational policies or contractual obligations.

Appendix 1

Freedom of Information - Internal Review Appeals Process

1. Introduction

1.1 The Act places a duty on the College to put a process in place to ensure that applicants are able to appeal and seek an internal review if they are not content with the College's decision concerning the release of information. This provides a first review stage for the applicants (internal review appeal process).

2. Internal Review Appeal Process

2.1 **Principles**

If the Vice Principal refuses to supply the information requested, or the applicant is dissatisfied with the response or feels that a fee has been applied unfairly they may ask for an internal review of that decision. The following principles will apply when considering an appeal request:

i. The Principal will undertake the review.

ii. If the applicant has not received a response to a request for information within 20 working days, it may be regarded that the College has refused the request; the individual therefore has a right of appeal.

iii. All reviews will make an assessment of the information released against the information requested and make a full review of the information associated with the original application.

iv. The reviewer will discuss the decisions made with the staff members concerned with the original request in order to gain a full picture of how decisions were made.

v. The reviewer may contact the applicants at their own discretion.

vi. The reviewer may obtain advice from external sources including legal advice.

vii. Conclusions will be summarised and handed to the Vice Principal who will log them centrally for future reference.

viii. An internal review must be completed before an appeal can be made to the Information Commissioner.

2.2 **Timescales**

i. The College will aim to deal with complex appeals within 20 working days of the receipt of the appeal.

ii. If it becomes clear at any stage of the appeal that the above timescales cannot be met, the College will inform the applicant in writing and give a revised deadline for completion of the review.

2.3 **Outcomes of Internal Review Appeal Process**

An internal review may have three outcomes:

i. the original decision is reversed;

ii. the original decision is amended;

iii. the original decision is upheld.

Whatever the outcome of the appeal the complainant will be informed in writing with appropriate information about what will be provided should a decision be reversed or amended.

2.4 **Requesting an Internal Review:**

i. Requests for internal review should be submitted in writing to the Vice Principal.

Appendix 1

ii. If the applicant is not happy with the outcome of the internal review, they have the right to request a review externally to the College. Requests for such an external review should be made in writing to:

The Information Commissioner

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Appendix 2

Freedom of Information Publication Scheme 2024

1. Introduction

1.1 A publication scheme is a requirement of the Freedom of Information Act 2000. The Act promotes greater openness and accountability across the public sector by requiring relevant organisations to make information available proactively, through a publication scheme.

1.2 The College's publication scheme follows the Model Publication Scheme produced for Further Education Colleges by the Information Commission's office.

1.3 The publication scheme is a guide to the information the College makes available to the public as part of its normal business activities. The information covered is included in the following classes:

i. Who we are and what we do.

ii. What we spend and how we spend it.

iii. What our priorities are and how we are doing.

iv. How we make decisions.

v. Lists and registers.

vi. The services we offer.

1.4 The scheme is not a list of actual publications, because these will change as new material is published or existing material revised. It is, however, the College's commitment to make available the information described, unless an exemption applies in a particular circumstance.

2. Model Publication Scheme

Class	Description	Manner Made Available
1. Who We Are and What We Do		
Legal Framework	Further and Higher Education Act 1992	HMSO Website
	Instrument and Articles of Governance	College website
	Corporation Members' Register of Interests	College website
How the College is Organised	College Organisation Chart	College website
	Corporation Structure & Membership	College website
	Corporation Membership & Profiles	College website
	Committee Constitutions & Terms of Reference	College website
	Corporation Meeting Calendar	College website
Organisations With Whom The College Works In partnership	Business and community organisations	Request in writing
Location and Contact Details	College site maps and directions	College website
Student Activities	Student Union	Request in writing
	Enrichment programme	Request in writing
2. What We Spend and How We Spend It		
Financial Information	Annual Accounts	College website
	Annual Budget	Request in writing
	Financial Audit Reports	Request in writing
	Capital Expenditure Budget	Request in writing

Appendix 2

Class	Description	Manner Made Available
	Property Strategy	Request in writing
	Financial Regulations Including Procurement Procedures	Request in writing
	Staff Pay and Grading Structures	Request in writing
	Pensions - Local Government & Teachers' Schemes	Request in writing
	Register of Suppliers	Request in writing
	Contracts	Request in writing
3. What are Our Priorities and How Are We Doing		
Strategies and Business Plans	College Strategic Development Plan	Request in writing
	Annual Operating Objectives	Request in writing
	Annual Report (within the Annual Financial Statements)	Request in writing
	Human Resources Strategy	College website
Teaching & Learning, Quality and Standards	Quality Manual	Request in writing
	Self-Assessment Report	Request in writing
	Quality Improvement Plan	Request in writing
	Curriculum Development Plan	Request in writing
	Examinations Regulations/Timetable	Request in writing
External Review Information	Corporation Minutes	College website
	Ofsted AAV / Inspection Reports	Request in writing
Corporate Relations	Links with Stakeholders	Request in writing
Government and Regulatory Reports	Ofsted Inspection Reports	Request in writing
	QAA Reviews of HE provision	Request in writing
	Annual Financial Statements	Request in writing
	FEC Reports	ESFA website
4. How We Make Decisions		
Minutes	Public minutes of Corporation meetings	College website
	Public minutes of Corporation Committees meetings	Request in writing
	EDI Committee minutes	Request in writing
	Students' Union meeting minutes	Request in writing
	Safeguarding Group public meeting minutes	Request in writing
Delegation Processes	Scheme of Delegation & Schedule of Matters Reserved	College website
	Corporation Standing Orders	College website
5. Our Policies and Procedures		
Conduct of College Business	Scheme of Delegation and Schedule of Matters Reserved	College website
	Corporation Standing Orders	College website
	Instruments and Articles of Government	College website
	Financial Regulations	College website

Appendix 2

Class	Description	Manner Made Available
	Corporation Ways of Working	College website
	Equality, Diversity & Inclusion Policy	College website
	Risk Management Policy	Request in writing
	Safeguarding & Child Protection Policy	College website
	Reserve Policy	Request in writing
	Transgender Policy	College website
	Social Media Communications Policy	Request in writing
	Travel and Subsistence Policy	Request in writing
	Counter-Fraud and Anti-Bribery Policy 2020	College website
	Sub-Contracting Fees and Charges Policy	College website
	Subcontractor Supply Chain Fees and Charges	College website
	Sustainability Policy	College website
Academic Services	Assessment, Misconduct and Appeals Policy	College website
	Freedom of Expression Policy	College website
	Student Initial and Diagnostic Assessment Policy	College website
	Advice Guidance and Careers Education Policy	College website
	Ethical Approval Guidance and Process Policy	College website
	Malpractice and Maladministration Policy	College website
Student Services	Student Conduct Policy and Procedure	College website
	Student Involvement Policy	College website
	Student Recruitment Policy	Request in writing
	HE & FE Admissions Policy	College website
	HE Refund and Compensation Policy	College website
	HE Student Protection Plan	College website
	HE Access and Participation Statement	College website
	HE Students - Terms and Conditions	College website
	NWSLC Student Union Constitution	College website
	Student Attendance and Punctuality Policy	College website
	Student Bullying and Harassment Policy	College website
	Student Bursary & Discretionary & Advanced Loans Bursary Funds Policy	College website
	Student Learning Support Policy	College website
	Student Protection Plan	College website
	Tuition Price Policy	College website
Human Resources	Local Recognition Procedural Agreement	Request in writing
	Senior Postholder Remuneration Policy	Request in writing
	Staff Code of Conduct	Request in writing
	Staff Disciplinary Policy	Request in writing
	Staff Grievance Policy	Request in writing

Appendix 2

Class	Description	Manner Made Available
	Staff Grievance Policy	Request in writing
	Health & Wellbeing Policy	Request in writing
	Staff Induction Policy	Request in writing
	Staff Probation Policy	Request in writing
	Staff Absence Policy	Request in writing
	Staff Appraisal Policy	Request in writing
	Staff DBS and Safer Recruitment Policy	Request in writing
	Staff Development Policy	Request in writing
	Staff Personal and Professional Relationships at Work Policy	Request in writing
	Staff Performance and Capability Policy	Request in writing
	Staff Recruitment & Selection Policy	Request in writing
	Staff Redundancy Policy	Request in writing
	Staff Relocation Policy	Request in writing
Health & Safety	Health and Safety Policy	College website
	H&S Statement of Intent	College website
Complaints and Allegations	Management of Allegations against Staff and Volunteers Policy	College website
	Public Interest Disclosure (Whistleblowing) Policy	College website
	Comments Compliments and Complaints Policy	College website
Data, Information & Technology	Data Protection & GDPR Policy	College website
	Rights of Individuals Under the GDPR Policy	College website
	Rights of the Individual Under the GDPR Procedure	College website
	FOI Policy and Model Publication Scheme	College website
	IT Security Policy	Request in writing
6. Lists and Registers		
Registers	Corporation Members' Register of Interests	College website
	Information Asset Register	Request in writing
Disclosure Logs	Freedom of Information Disclosure Log	Request in writing
7. The Services We Offer		
Facilities	College sites	College website
	Refectories	College website
	Refresh	College website
	Glebegate Restaurant	College website
	The Sports and Fitness Centre	College website
	Wise Owls Nursery - Nuneaton Campus	College website
	Wigston Campus Nursery	College website
	Nuneaton Campus Salon	College website
	South Wigston Campus Salon	College website

Appendix 2

Class	Description	Manner Made Available
	Creative Blooms	College website
	Blank Canvas	College website
	Facilities Hire	College website
Student Services / Marketing	Advice and Guidance	College website
	Access/facilities for students with disabilities	College website
	Enrichment programme	College website
	Welfare facilities	Request in writing
	Course directories and online course information	College website
	Open events	College website
	Information for students	College website
	Events schedule	College website
	Media releases	College website