

Freedom of Information Policy

1 Purpose

- 1.1 The purpose of this policy is to ensure that DN Colleges Group (DNCG) meets its obligations and provides a framework to ensure anyone wishing to make a request understands how to do so and that any requests are handled in accordance with applicable data protection laws.

As a public authority DNCG has a legal obligation under the Freedom of Information Act 2000 to provide information they hold to anyone who requests it, subject to certain exemptions.

2 Scope

- 2.1 This policy sets out how DNCG provides information that it publishes as a matter of routine under the “Model Publication Scheme for Colleges of Further Education” which is published by the Information Commissioners Office (ICO). This policy outlines how requests should be made to DNCG for information that is not readily published under the scheme and how requests are dealt with.

3 Responsibilities

- 3.1 All staff working at DNCG have a responsibility to ensure compliance with the legal responsibilities of the Freedom of Information Act.

Department Managers – are responsible for providing information that may be requested by the DPO to allow that requests are responded to within the timescales contained within the Act.

Data Protection Officer (DPO) - is responsible for compliance within the organisation and ensuring all aspects of the Act are adhered to, these responsibilities include:

- ensuring the scheme meets the specific requirements and needs of DNCG; and
- acknowledging, recording and coordinating responses to freedom of information requests.

Please note that personal data is covered by the Data Protection Act and is not usually available for public access.

4 Definitions and/or Relevant Legislation

4.1 Definitions:

DPO: Data Protection Officer

FOIA: Freedom of Information Act

DPA: Data Protection Act

EIR: Environmental Information Regulations

ICO: Information Commissioners Office

4.2 Relevant Legislation:

Freedom of Information Regulations Act 2000

Environmental Information Regulations 2004

Data Protection Act 2018

5 The Policy

5.1 Background

The Freedom of Information Act (“FOIA”) and the Environmental Information Regulations (“EIR”) provides access to information held by a public authority, such as a government department, local council or further education college.

It does this in two ways:

- Public authorities are obliged to publish certain information about their activities; and
- Members of the public are entitled to request information from public authorities.

Environmental information requests can also be made to certain non-public bodies carrying out a public function.

- You can make a request for any information that you think we may hold. However, this right only covers recorded information which includes information held on computers, in emails and in printed or handwritten documents as well as images, video (CCTV) and audio recordings
- You should identify the information you want as clearly as possible
- Your request can be in the form of a question, instead of requesting specific documents, but please be aware that we do not have to answer your question if this would mean new information is created or would result in DNCG giving an opinion or making a judgment that is not already recorded
- There may be times that some information requested cannot be given to you as it may be exempt, for example because it would unfairly reveal personal details about somebody else and would then be in breach of the Data Protection Act 2018

When you make a request, you don’t have to know whether the information you want is covered by the Freedom of Information Act or the Environmental Information Regulations, it is for us to decide which law we need to follow.

5.2 Freedom of Information Regulations Act 2000

The FOIA covers any recorded information that is held by a public authority in England, Wales and Northern Ireland and by UK-wide public authorities based in Scotland. Information held by Scottish public authorities is covered by Scotland’s own Freedom of Information (Scotland) Act 2002).

Recorded information includes printed documents, computer files, letters, emails, photographs and sound or video recordings. The FOIA does not give people access to their own personal data (information about themselves) or information that is held solely on behalf of another person, body or organisation. This means employees’ purely private information is not covered, even if it is on a work computer or email account; nor is information that is stored solely on behalf of a trade union, or an individual MP or councillor.

If a member of the public wants to see information that a public authority holds about them, they should make a Data Subject Access Request under the General Data Protection Regulations (refer to DNCG Data Protection Policy).

The FOIA does not cover information that is in someone’s head. If a member of the public asks for information, DNCG only needs to provide information it has already in recorded form. DNCG does not have to create new information or find the answer to a question from staff who may happen to know it.

Public authorities spend money collected from taxpayers and make decisions that can significantly affect many people's lives. Access to information helps the public make public authorities accountable for their actions and allows public debate to be better informed and more productive.

Public authorities include government departments, local authorities, the NHS, state schools and police forces. However, the Act does not necessarily cover every organisation that receives public money. For example, it does not cover some charities that receive grants and certain private sector organisations that perform public functions.

5.3 **Environmental Information Regulations 2004**

The EIR provide public access to environmental information held by public authorities. If you require more information, see www.ico.org.uk/EIR.

5.4 **Model Publication Scheme**

A publication scheme is a document which describes the information a public authority publishes or intends to publish. In this context, 'publish' means to make information routinely available. These descriptions are called 'classes of information' and the scheme is not a list of the actual publications because this will change as new material is published or existing material is revised. It is, however, DNCG's commitment to make available the information described.

A publication scheme must set out the classes or categories of information that is published. It must also make clear how the information described can be accessed and whether any charges will be made for the information.

To reduce duplication and bureaucracy and to ensure a consistent approach with regards to release of information, the Information Commissioner's Office (ICO) has developed a model publication scheme that any public authority can use.

Adopting the Model Publication Scheme is a requirement of the FOIA, the purpose of which is to promote greater openness and accountability across the public sector by requiring all "public authorities" to make information available proactively.

DNCG has adopted the model publication scheme developed for the Further Education sector and is therefore committed to publishing the information it describes. The model is designed for Further Education Colleges and Sixth Form Colleges across England, Wales and Northern Ireland.

The purpose of the model is to save institutions duplicating effort in producing individual schemes and to assist the public in accessing information from across the sector. However, to reflect the diversity in size and function of an institution, a number of optional classes of information are included.

As a result, models within the sector will vary slightly. Any option classes relevant to us have been included in our scheme. These classes are set out below:

1. Who we are and what we do
2. What we spend and how we spend it
3. What our priorities are and how we are doing
4. How we make decisions
5. Our policies and procedures
6. Lists and registers
7. The services we offer

You can access the ICO guide on the above classes by the following link:
<https://ico.org.uk/media/1131/definition-document-colleges-of-further-education.pdf>

5.5 Charges

Much of our information is available free of charge including copies of publications/ information listed in the publication scheme. Printed information on courses and services offered by DNCG is also available free of charge.

However, DNCG retains the right granted under the FOIA to charge fees where necessary and these will be in accordance with the Act and any other relevant legislation (including the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004).

Currently, the cost limit for complying with a request or a linked series of requests from the same person or group is set at £450. DNCG can refuse a request if the cost of compliance is estimated to exceed this limit. This provision is found at section 12 of the Act.

When estimating the cost of complying with a request for information DNCG will take into account the staff time involved, charged at a fixed rate (currently £25 per hour per person), the following criteria will be considered when determining costs:

- Identifying whether the college holds the information;
- Locating the information or documents containing the information;
- Retrieving such information or a document which may contain the information;
- Extracting the information from the document containing it (including editing or redirecting information).

In general, where the cost of responding to a request in full exceeds the £450 limit, DNCG will respond to the enquirer stating that we will not be providing the information requested and explain the reason (i.e. the cost would exceed £450). However, we may offer to proceed with the processing of the request in exchange for payment of the relevant costs in full plus VAT at the sole discretion of the Data Protection Officer.

For any requests estimated to cost less than £450 to fulfil, DNCG may charge only for disbursements (i.e. postage, photocopying and/or cost to preferred formats) incurred in the course of preparing and sending a response.

DNCG will exercise its discretion on a case by case basis dependant on whether the administrative costs of levying such charges would outweigh any charges generated.

VAT will be charged on any appropriate fees connected with an information access request, calculated at the standard rate applicable at the time of request.

Once DNCG has calculated any relevant fees which may be payable in connection with an information access request, enquirers will be issued with a letter called a 'fees notice' and will be required to pay the costs specified therein before DNCG will respond to the request in full.

After a period of three months, any such request for which the fees have not been received will be deemed to have been withdrawn the request will be closed.

5.6 Refusing Requests

We are committed to being open and transparent, however, the FOIA recognises that there will be valid reasons why some kinds of information may be withheld, such as if its release would prejudice national security or damage commercial interests. For some exemptions we must consider whether the public interest in withholding the information outweighs the public interest in releasing it. If we decide that the information cannot be released, we will explain why.

We are not obliged to deal with vexatious or repeated requests or in some cases if the cost exceeds an appropriate limit (£450). In addition, the FOIA does not provide the right of access to personal information about yourself or others. This is instead available under the General Data Protection Regulation (GDPR) and Data Protection Act 2018 and is known as a Data Subject Access Request and again, subject to certain exemptions under Section 40 Exemption for Personal Data and any amendments made by the Data Protection Act 2018.

5.7 **Accessing information covered by the publication scheme**

DNCG will always aim to provide information that is covered by the model publication scheme on its websites. Where it is impracticable to make information available on the website or when an individual does not wish to access the information by the website, then DNCG will provide the information by another means (i.e. by post).

5.8 **Information not covered by the Publication Scheme**

Information held by DNCG that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the FOIA.

5.9 **Making a request for information**

For a request to be dealt with according to the FOIA, requests must be made:

- Directly to us, the ICO are unable to make requests on your behalf;
- In writing, for example in a letter or an email or verbal or written requests for environmental information;
- Stating your real name;
- Stating an address to which we can reply. This can be a postal or email address; and
- Describe the information which is requested.

You do not have to:

- Mention the Freedom of Information Act or Environmental Information Regulations,
- Know whether the information is covered by the Freedom of Information Act or the Environmental Information Regulations; or
- Say why you want the information, although it is helpful to us if you let us know what you intend to do with the information

DNCG has produced an electronic form to assist with Freedom of Information requests, this can be accessed via:

www.bit.ly/DNCGFOI

Or available in ***Appendix A- Freedom of Information Request Form***.

It is not a requirement to make a request using this form, but the form has been designed to ensure requests are dealt with as promptly as possible.

Please note that some information may, in some circumstances, be exempt from disclosure.

5.10 **Timescales**

DNCG will respond to any requests for information in accordance with the FOIA's requirement of 20 working days.

In cases where there is an absolute exemption or other qualified exemption together with a public interest reason for not releasing the information, DNCG will inform the requestor of the reasons in writing within the 20 working day limit.

5.11 Further information

DNCG will do everything in its power to meet enquirers' information needs. However, if we are unable to resolve any complaint, you can complain to the Information Commissioner, the independent body who oversees the Freedom of Information Act.

More information about the Freedom of Information Act is available on the Information Commissioner's website.

Contact details for the ICO are provided below:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Website: www.ico.org.uk
Phone: 0303 123 1113

6 Relevant Policies and Procedures

6.1 Data Protection Policy

6.2 Appendices:
Appendix A - Freedom of Information Request Form
Appendix B - Model Publication Scheme for Further Education Colleges

7 Who to Contact with Queries

7.1 Any queries regarding the contents of this Policy should be forwarded to one of the following:

Jason Barnard - Head of Student Services

Tel: 01724 294116

Email: Jason.barnard@northlindsey.ac.uk

Terry Hutchinson - Head of Registry

Tel: 01302 553967

Email: terry.hutchinson@dncolleges.ac.uk

Jo Garrison – Clerk to the Corporation

Tel: 01302 553503

Email: jo.garrison@don.ac.uk

8 Communication

8.1 This Policy will be communicated/be available via the DN Colleges Group website(s) and the DN Colleges Group staff intranet.

9 Authorisation

Policy Holder: Jason Barnard – Data Protection Officer
Approval Committee: Senior Leadership Team
Approval Date: 24 March 2021
Next Review Date: March 2023

Appendix B - Model Publication Scheme for Further Education Colleges

Who we are and what we do

Organisational information, structures, locations and contacts.

- **Legal framework / Instrument of Government / Articles of Association**
Information relating to the legal and corporate status of the institution.
- **How the institution is organised**
Information about the management structure of the institution, including a description of its governance arrangements and organisational structure, together with a description of the work of each unit and the names and responsibilities of key personnel. It is also expected that terms of reference, membership and description of all boards and committees would be provided under this heading. It should include department structures and identify senior personnel.
- **Lists of and information relating to organisations it works in partnership with and any companies wholly or partially owned by it**
On the basis that most of these bodies will be responsible for their own affairs, it is expected that this information need be only sufficient for the purposes of identifying the relationship between these bodies (such as business, the professions and the community) and the college.
- **Location and contact details**
If possible, named contacts should be given in addition to contact phone numbers and email addresses, via the college.
- **Student activities**
Information relating to the operation and activities of the Student Union or its equivalent and other clubs, associations and non- academic activities that are organised for or by the students may also be included, where this information is held by the college.

What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit.

We would expect as a minimum that financial information for the current and previous two financial years should be available.

- **Funding / income**
Information on the sources of funding and income, such as funding grants, tuition fees, endowment, rents and investment income (including investment strategy), as well as income generation schemes.
- **Budgetary and account information; expenditure**
Annual statement of accounts and other information to allow the public to see where money is being spent, where it is or has been planned to spend it and the difference between one and another. We would expect revenue budgets and budgets for capital expenditure to be included.

Details of items of expenditure over £15,000, including costs, supplier and transaction information. This should be published at least annually and, where practical, we would also expect it to be published on a half yearly or quarterly basis.
- **Financial audit reports**
- **Capital programme**
Information on major plans for capital expenditure, including any private finance initiative and public / private partnership contracts.
- **Financial regulations and procedures**
- **Pay policy**
The statement of the college's policy and procedures regarding staff pay.
- **Staff pay and grading structures**

This may be provided as part of the organisational structure and should include, as a minimum, the salaries for senior staff which, for the purposes of this document, means staff on the Senior Management / Leadership Team or senior post holders or equivalent level, or above, whose basic actual salary is at least £60,000 per annum. The salaries should be stated in bands of £10,000. For more junior posts, levels of pay should be identified by salary range.

- **Staff allowances and expenses**

Details of the allowances and expenses that can be incurred or claimed. It should include the total of the allowances and expenses paid to individual senior staff members (as defined above) by reference to categories. These policies should be produced in line with the college's policies, practices and procedures and must at least include travel, subsistence and accommodation.

- **Governors' allowances**

Details of allowances or expenses that can be claimed or incurred, and a record of total payments made to individual governors.

- **Register of suppliers**

- **Procurement and tender procedures and reports**

Details of procedures used for the acquisition of goods and services. Contracts available for public tender and reports of successful tenders.

- **Contracts**

We would expect normally that it should be necessary only to publish details of contracts that are of sufficient size to have gone through a formal tendering process.

What our priorities are and how we are doing

Strategies and plans, performance indicators, audits, inspections and reviews.

We would expect information in this class to be available at least for the current and previous three years.

Below is a list of the types of information that we would expect colleges to have readily available for publication. Any other reports or recorded information demonstrating the college's planned or actual performance should normally be included.

- **Annual report**
- **Self-assessment report**
- **Corporate and business plans**
- **Teaching and learning strategy**
- **Academic quality and standards**
- **Most recent Ofsted inspection report**
- **Privacy impact assessments (in full or summary format)**

Information, or a direct link to publicly available information, on the college's internal procedures for assuring academic quality and standards and qualitative data on the quality and standards of learning and teaching.

- **External review information**

This will include information such as the annual monitoring and review process together with a statement of roles, responsibilities and authority of different bodies within the institution involved in programme approval and review.

- **Corporate relations**

Information relating to the college's links with employers and sponsors, in both the public and private sectors, and the development of learning programmes.

- **Government and regulatory reports**

For example accreditation and monitoring reports by professional, statutory or regulatory bodies and information that an institution is legally obliged to make available to its funding and /or monitoring bodies. Where information provided to such bodies is publicly available, the college may instead provide a direct link to that information.

How we make decisions

Decision making processes and records of decisions.

We would expect information in this class to be available at least for the current and previous three years.

- **Minutes, agendas and papers from governing body, council, academic boards, steering groups and committees.**

We would expect minutes of meetings where key decisions are made about the operation of the college, excluding material that is properly considered to be private, to be readily available to the public. These may include, but are not limited to, such items as teaching and learning committee minutes, minutes of staff / student consultation meetings and appointment committees.

Our policies and procedures

Current written protocols, policies and procedures for delivering our services and responsibilities.

We would expect information in this class to be current information only.

- **Policies and procedures for conducting college business**

Codes of practice, memoranda of understanding, procedural rules, standing orders and similar information should be included.

Procedures for handling requests for information should be included. In Wales this will include the Welsh Language Scheme in accordance with the Welsh Language Act 1993, and in Northern Ireland the equality scheme / statement produced in accordance with section 75 of the Northern Ireland Act 1998.

- **Procedures and policies relating to academic services**

Some of these policies may already be covered in class 3 'What our priorities are and how we are doing' in the context of external review and academic quality and standards. Additional policies under this heading may include such matters as policies and procedures relating to changing course, regulations and policy on student assessment, appeal procedures and policy on breach of assessment regulations.

- **Procedures and policies relating to student services**

This will include relevant policies and procedures as they apply, for example, to student admission and registration, accommodation, management of the student records system, internal student complaints and appeals, student support services and code of student discipline.

- **Procedures and policies relating to human resources**

This will include the full range of 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).

- **Procedures and policies relating to recruitment**

If vacancies are advertised as part of recruitment policies, details of current vacancies will be readily available.

- **Code of Conduct for members of governing bodies**

- **Equality and Diversity policies; Equality Scheme**

This will also include policies, statements, procedures and guidelines relating to equal opportunities.

- **Health and Safety**

- **Estate management**

This will include disposals policy, estates strategy and plan, facilities management policies, grounds and building maintenance.

- **Complaints policies and procedures**

Complaints procedures will include those covering requests for information and operating the publication scheme.

- **Records management and personal data policies**

This will include information security policies, records retention and archive policies, and data protection (including data sharing) policies.

- **Fileplans**
- **Charging regimes and policies**

Details of any statutory charging regimes should be provided. Charging policies should include charges made for information routinely published and clearly state what costs are to be recovered together with the basis on which they are made and how they are calculated.

If the college charges a fee for licensing the re-use of datasets, it should state in its guide to information how this is calculated and whether the charge is made under the Re-use Fees Regulations or under other legislation. It cannot charge a re-use fee if it makes the datasets available for re-use under the Open Government Licence.

Lists and registers

We expect this to be information contained only in currently maintained lists and registers.

- **Any information the college is currently legally required to hold in publicly available registers**
- **Asset registers**
- **Information asset register**

We would not expect colleges to publish all details from all asset registers. We would, however, expect the location of public land and building assets and key attribute information that is normally recorded on an asset register to be available, along with some other information from capital asset registers.

- **CCTV**
Details of the locations of any overt CCTV surveillance cameras operated by or on behalf of the college. The college should decide on the level of detail which is appropriate. This could be by building or more general geographic locations eg postcodes or partial postcodes, depending on the security issues raised.
- **Disclosure logs**
Where a college produces a disclosure log indicating the information that has been provided in response to requests, it should be readily available. Disclosure logs are themselves recommended as good practice.
- **Any register of interests kept in the college**
- **Senior staff's declaration of interests**
This should include the names, departments and job titles of all senior staff who have made entries. The definition of senior staff is as stated above.
- **Register of gifts and hospitality provided to senior staff**
This should include details of gifts given or received; details of any hospitality afforded and by which organisation.

The services we offer

Information about the services we offer, including leaflets, guidance and newsletters.

Generally this is an extension of part of the first class of information. While the first class provides information on the roles and responsibilities of the college, this class includes details of the services which are provided by the college as a result of them. It will also relate to information covered in other classes. Examples of other services that could be included are:

- **Prospectus and course content**
- **Services for outside bodies**
- **Health including medical services**
- **Welfare and counselling services**
- **Funding, such as grants and bursaries, available to students from the college**
- **Careers advice**
- **Chaplaincy services and multi-faith provision**
- **Services for which the college is entitled to recover a fee together with those fees**

- **Sports and recreational facilities**
- **Facilities relating to music, art and other cultural activities**
- **Museums, libraries, special collections and archives**

It is expected that this will include guides to collections and scope and availability of catalogues. (Further guidance is available in that provided for bodies responsible for managing museums, collections and archives.)

- **Conference facilities**
- **Advice and guidance**
- **Media releases**