



NEW COLLEGE LEICESTER



Freedom of Information Policy

June 2024

Freedom of Information Policy and guide to information available from New College Leicester under the model publication scheme

1. Introduction

New College Leicester is committed to the Freedom of Information Act 2000(FOI) and to the principles of accountability and the general right of access to information, subject to legal exemptions. This policy outlines our response to the Act and a framework for managing requests.

2. Background

The Freedom of Information Act 2000 (FOIA) provides access to information held by Public Authorities. The FOIA came fully into force on January 1, 2005. Under the Act, any person has a legal right to ask for access to information held by the college. They are entitled to be told whether the college holds the information, and to receive a copy, subject to certain exemptions.

The information which the college routinely makes available to the public is included in the Publication Scheme. Requests for other information should be dealt with in accordance with the statutory guidance. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

The Act is fully retrospective, so that any past records which the college holds are covered by the Act. The DFE has issued a Retention Schedule produced by the Records Management Society of Great Britain, to guide colleges on how long they should keep college records. It is an offence to wilfully conceal, damage or destroy information in order to avoid responding to an enquiry, so it is important that no records that are the subject of an enquiry are amended or destroyed.

Requests under FOI can be addressed to anyone in the college; so all staff need to be aware of the process for dealing with requests. Requests must be made in writing, (including email), and should include the enquirers name and correspondence address, and state what information they require. They do not have to mention the Act, nor do they have to say why they want the information. There is a duty to respond to all requests, telling the enquirer whether or not the information is held, and supplying any information that is held, except where exemptions apply. There is no need to collect data in specific response to an FOI enquiry. There is a time limit of 20 days from receipt of the request for responding to the request. For schools and colleges, the standard time limit is 20 school days, or 60 working days if this is shorter.

For further information and guidance, see the Information Commissioner's Office website.

3. Scope

The FOI Act joins the Data Protection Act (2018) and the Environmental Information Regulations (2004) as legislation under which anyone is entitled to request information from the college.

Requests for personal data are still covered by the Data Protection Act (DPA). Individuals can request to see what information the college holds about them. This is known as a Subject Access Request and must be dealt with accordingly.

Requests for information about anything relating to the environment – such as air, water, land, the natural world or the built environment and any factor or measure affecting these – are covered by the Environmental Information Regulations (EIR). They also cover issues relating to Health and Safety. For example, queries about chemicals used in the college or on college land, phone masts, car parks etc. would all be covered by the EIR. Requests under EIR are dealt with in the same way as those under FOIA, but unlike FOIA requests, they do not need to be written and can be verbal.

If any element of a request to the college includes personal or environmental information, these elements must be dealt with under DPA or EIR. Any other information is a request under FOIA and must be dealt with accordingly.

4. Obligations and Duties

The college recognises its duty to:

- provide advice and assistance to anyone requesting information. We will respond to straightforward verbal requests for information and will help enquirers to put more complex verbal requests into writing so that they can be handled under the Act.
- tell enquirers whether or not we hold the information they are requesting (the duty to confirm or deny), and provide access to the information we hold in accordance with the procedures laid down in Appendix 1

5. Publication Scheme

New College Leicester has adopted the Model Publication Scheme for Colleges approved by the Information Commissioner.

The Publication Scheme and the materials it covers will be readily available from the College Office.

6. Dealing with Requests

We will respond to all requests in accordance with the procedures laid down in Appendix 1.

Requests under the Freedom of Information Act can be addressed to anyone in the college; all staff need to be aware that there is a process for dealing with such requests that legally need to be adhered to. Requests must be made in writing, (including email), and should include the enquirers name and correspondence address, and state what information they require. They do not have to mention the Act, nor do they have to say why they want the information. There is a time limit of 20 days from receipt of the request for responding to the request. For schools and colleges, the standard time limit is 20 school days, or 60 working days if this is shorter. Therefore if any such requests are received, no matter how tentative they must be forwarded to the Principal via Lynn Dawson, HR/Admin Manager without delay. Staff should not reply to the requests directly.

7. Exemptions

Certain information is subject to either absolute or qualified exemptions. The exemptions are listed in Appendix 2.

When we wish to apply a qualified exemption to a request, we will invoke the public interest test procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information.

8. Public Interest Test

Unless it is in the public interest to withhold information, it must be released. We will apply the Public Interest Test before any qualified exemptions are applied.

For information on applying the Public Interest Test see Appendix 3.

9. Charging

We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450.

The Governing Body will charge a fee for complying with requests for information under FOI. The fees will be calculated according to FOI regulations, (see below) and the person notified of the charge before information is supplied. Following the recommendations, the college will respond to most requests free of charge, and only charge where significant costs are incurred.

The Governing Body can calculate the costs, taking account of staff time, as well as direct costs, but if the total is less than the statutory maximum, the Governing Body can only charge the direct costs (e.g. printing, postage etc.) If the cost exceeds the statutory maximum the Governing Body do not have to respond, but may choose to do so, either charging for time and direct costs or not. We will contact the enquirer, to see if they wish to reduce the request, thus reducing the time and costs to below the maximum.

10. Responsibilities

Governing bodies delegate the day-to-day responsibility for compliance with the FOIA to the Principal.

The Principal's PA will coordinate enquiries and the Principal will allocate a member of staff to respond to the enquiries.

11. Complaints

Any comments or complaints will be dealt with through the college's normal complaints procedure.

We will aim to determine all complaints within 10 working days of receipt. The college will maintain records of all complaints and their outcome.

If, on investigation, the college's original decision is upheld, then the college has a duty to inform the complainant of their right to appeal to the Information Commissioner's office.

Appeals should be made in writing to the Information Commissioner's office. They can be contacted at:

FOI/EIR Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Model Publication Scheme

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.

Classes of Information

Who we are and what we do.

Organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it.

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

What our priorities are and how we are doing.

Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions.

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures.

Current written protocols for delivering our functions and responsibilities.

Lists and Registers.

Information held in registers required by law and other lists and registers relating to the functions of the authority.

The Services we Offer.

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons.

The method by which information published under this scheme will be made available

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

Charges which may be made for Information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

Written Requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.


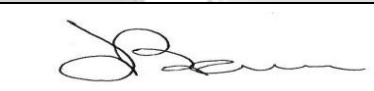
Guide to Information available from New College Leicester under the model publication scheme

Information to be published	How the information can be obtained	Cost
Class1 - Who we are and what we do (Organisational information, structures, locations and contacts) This will be current information only	(hard copy and/or website)	
Who's who in the school	Website	
Who's who on the governing body and the basis of their appointment	Website	
Instrument of Government	Website	
Contact details for the Principal and for the governing body (named contacts where possible with telephone number and email address (if used))	Website/on application	
School prospectus	Website	
Annual Report	On application	
Staffing structure	On application	
School session times and term dates	Website	
Class 2 – What we spend and how we spend it (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit) Current and previous financial year as a minimum	(hard copy and/or website)	
Annual budget plan and financial statements	Hard copy	
Capitalised funding	Hard copy	
Additional funding	Hard copy	
Procurement and projects	Hard copy	
Pay policy	Hard copy	
Staffing and grading structure	Hard copy	
Governors' allowances	Hard copy	
Class 3 – What our priorities are and how we are doing	(hard copy or website)	

(Strategies and plans, performance indicators, audits, inspections and reviews) Current information as a minimum		
School profile Government supplied performance data The latest Ofsted report - Summary - Full report	DFE.gov.uk Website	
Performance management policy and procedures adopted by the governing body.	Hard copy	
Schools future plans	Hard copy	
Every Child Matters – policies and procedures	Hard copy/Website	
Class 4 – How we make decisions (Decision making processes and records of decisions) Current and previous three years as a minimum	(hard copy or website)	
Admissions policy/decisions (not individual admission decisions)	Website	
Agendas of meetings of the governing body and (if held) its sub-committees	Website	
Minutes of meetings (as above) – n.b. this will exclude information that is properly regarded as private to the meetings.	Hard copy	
Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only	(hard copy or website)	
School policies including: Charging and remissions policy Health and Safety Complaints procedure Staff conduct policy Discipline and grievance policies Staffing structure implementation plan Information request handling policy Equality and diversity (including equal opportunities) policies Staff recruitment policies	Hard copy/Website	
Student and curriculum policies, including: Home-school agreement Curriculum Sex education Special educational needs Accessibility Race equality Collective worship Careers education Student discipline	Hard copy/Website	
Records management and personal data policies, including: Information security policies Records retention destruction and archive policies Data protection (including information sharing policies)	Hard copy	
Charging regimes and policies. This should include details of any statutory charging regimes. Charging policies should include charges made		

for information routinely published. They should clearly state what costs are to be recovered, the basis on which they are made and how they are calculated.		
Class 6 – Lists and Registers Currently maintained lists and registers only	(hard copy or website; some information may only be available by inspection)	
Curriculum circulars and statutory instruments	Hard copy	
Disclosure logs	Inspection	
Asset register	Hard copy	
Any information the school is currently legally required to hold in publicly available registers (THIS DOES NOT INCLUDE THE ATTENDANCE REGISTER)		
Class 7 – The services we offer (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses) Current information only	(hard copy or website; some information may only be available by inspection)	
Extra-curricular activities	Website	
Out of school clubs	Website	
School publications	Website	
Services for which the school is entitled to recover a fee, together with those fees	Website	
Leaflets books and newsletters	Website	
Additional Information This will provide schools with the opportunity to publish information that is not itemised in the lists above		

Reviewed and Agreed by Governors on

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Signed:		Principal: Jane Brown	Date:	13.06.24