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## Annexe 3

### Access to Governance Information Policy

This policy comprises the following sections:

- Part A      General Access to Governance Information**
- Part B      Confidentiality of Governance Information**
- Part C      Public Access to Meetings of the Corporation and its Committees**
- Part D      Document Status and Revision History**

#### Part A

##### General Access to Governance Information

1. The Corporation recognises that it has a duty under the Freedom of Information Act 2000, the Nolan Principles and the Instrument and Articles of Government to be open and transparent in all its business. To that end, governors will not make any matter confidential without good reason and such confidential matters will be kept to an absolute minimum. Information will be made available to the public in accordance with the principles of the Freedom of Information Act 2000.

In particular:

- a) The College will publish as much governance information as possible on its website <http://www.westsuffolkcollege.ac.uk/about-us/governors.aspx>
  - b) There will be no charge for documents in electronic format that are already freely available on the College website and that can be downloaded.
  - c) Copies may be requested by email to the Clerk to the Corporation for which there will be no charge for electronic transfer of such documents.
  - d) The cost of providing up to 10 sheets (twenty sides) of paper copies will be borne by the College provided that a stamped addressed envelope is provided for return. A scale of charges may apply for more than 10 sheets to cover staff time, photocopying, post and packing.
  - e) If any request for information is turned down on the grounds of confidentiality, the College will give the reason for denying access in line with this policy.
  - f) The College will list on its website the documentation available for inspection during normal office hours via the Clerk to the Corporation.
2. The Clerk will prepare and publish a listing of all documents available to the public annually. This listing will include two sections:
- A Documents available within the Governance section of the College website
  - B Documents available for inspection purposes only

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3. Reports and documents circulated to Governors, co-opted and relevant members of College staff in relation to governance should be treated as confidential and not circulated, unless the information is already published on the College's website and therefore in the public domain.
4. All enquiries regarding circulation, access to, or obtaining copies of governance papers or information should be directed to the Clerk in the first instance by Governors, College staff and members of the public.

## Part B

### Confidentiality of Governance Information Policy

1. The Instrument and Articles of Government, which control how the Corporation will act, state the following about confidentiality and access to papers:

#### **Instrument 18 Publication of Minutes and Papers**

1 (a) Subject to paragraph (2), the Corporation will ensure that a copy of –

- (a) The agenda for every meeting of the Corporation;
- (b) The draft minutes of every such meeting, if they have been approved by the Chair of the meeting;
- (c) The signed minutes of every such meeting; and
- (d) Any report, document or other paper considered at any such meeting, will as soon as possible be made available during normal office hours at the institution to any person wishing to inspect them.

(2) There will be excluded from any item made available for inspection any material relating to

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- (a) a named person employed at or proposed to be employed at the institution;
- (b) a named student at, or candidate for admission to, the institution,
- (c) the Clerk; or
- (d) any matter which, by reason of its nature, the Corporation is satisfied should be dealt with on a confidential basis.

(3) The Corporation will ensure that a copy of the draft or signed minutes of every meeting of the Corporation, under paragraph (1), will be placed on the institution's website, and will, despite any rules the Corporation may make regarding the archiving of such material, remain on its website for a minimum period of 12 months.

(4) The Corporation will review regularly all material excluded from inspection under paragraph (2)(d) and make any such material available for inspection where it is satisfied that the reason for dealing with the matter on a confidential basis no longer applies, or where it considers that the public interest in disclosure outweighs that reason.

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## **Article 8 Access to Committees by non-members and publication of minutes**

The corporation will ensure that –

- (a) A written statement of its policy regarding attendance at committee meetings by persons who are not committee members; and
  - (b) The minutes of committee meetings, if they have been approved by the Chair of the meeting, are published on the institution's website and made available for inspection at the institution by any person, during normal office hours.
2. Under this Instrument and Article, the College is therefore obliged to do the following:
    - Make available the agenda, draft and final minutes and reports from each Corporation meetings available for inspection;
    - Publish the draft or final minutes of each Corporation meeting on its website and maintain their availability for at least 12 months;
    - Regularly review any excluded material;
    - Publish a written statement of its policy regarding attendance at meetings; and
    - Publish on its website and make available for inspection the minutes from committee and sub group meetings.
  3. In order to respond to these requirements, this policy document will detail how the College will meet these obligations, as follows:
    - The Clerk will ensure that required documentation is available for inspection from Corporation meetings.
    - The Clerk will ensure that the draft or final minutes from Corporation meetings on the College website are published and remain available for at least 12 months.
    - Under Part B Section 5 of this policy (below), all excluded material should either be permanently excluded or have a timeframe after which it can be made available, therefore little material should be outstanding and requiring review; and
    - This policy should be published on the College's website as the written statement on available of governance information as well as attendance at governance meetings (re: Part C of this policy document).
  4. Under this policy, the Corporation hereby establishes the following categories of material which will be deemed as confidential.

These criteria apply to Corporation reports and are the only means by which they can be excluded from being available for inspection; all reports from Committee meetings remain confidential to the College.

### **Category A Personal information relating to**

- A1 a named person employed at or proposed to be employed at the College;
- A2 a named student at, or candidate for admission to, the College;
- A3 the Clerk to the Corporation

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Information in this category will be subject to **Permanent Restriction** as per 18(2) of the Instrument of Government.

### **Category B Financial and Commercially Sensitive Information**

- B1 Financial or other information relating to procurement and estates decisions including information relating to the College's negotiating position (during the course of those negotiations);
- B2 Information relating to the negotiating position of the College in industrial relations matters (during the course of those negotiations);
- B3 Information relating to the financial or strategic position of the College where the Corporation is satisfied, in good faith, that disclosure might harm the College or its competitive position;
- B4 Information provided in confidence by a third party who has not authorised its disclosure; and
- B5 Legal and professional advice received from or instructions given to the College's legal advisers and its accountants, auditors or other professional advisors.

Information in this category will be deemed as confidential on a report-by-report basis and the confidential restriction lifted at the point that disclosure will no longer impede negotiations or cause harm to the competitive position of the College or third party approval to disclose has been sought, after which it will be automatically available for inspection. This process will be managed by the Clerk, and items of a confidential nature clearly noted in the minutes.

5. Matters discussed by the Corporation and its Committees will, from time to time, be of a confidential nature. In such instances or where the discussion relates to a Corporation report agreed as confidential, there will be a version of the minutes publicly available to demonstrate the College's decision-making processes, which will be as detailed as possible within the restriction of confidentiality, in order that the College remains open and accountable for its actions. The detailed set of minutes will be reserved to the Corporation and its Committees.

## **Part C**

### **Public Access to Meetings of the Corporation, its Committees and Sub Groups**

In the following "the public" is defined as all persons other than Governors of the College.

1. The Corporation will at all times strive to uphold and meet the Nolan Principles of openness, accountability and transparency.
2. Corporation and Committee meetings will not be open to the public.
3. The dates of meetings of the Corporation and its Committees will be published by the Clerk on the College website.
4. In accordance with the Instrument and Articles of Government the Corporation has the absolute right to determine who will be allowed to attend Corporation and its Committee meetings.

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5. The members of the Corporation and the Clerk to the Corporation are entitled to attend all meetings of the Corporation and its Committees and Task and Finish Groups, subject to the restrictions in section 15 of the Instrument of Government.
6. There will be a standing invitation to all senior post holders and co-opted members to attend meetings of the Corporation and committee meetings, subject to the provisions of the Instrument and Articles of Government and the Terms of Reference of that Committee.
7. Co-opted members:
  - 7.1. Will have a standing invitation to attend Corporation meetings at which they may speak (on invitation from the Chair) but not vote.
  - 7.2. are expected to raise with the Clerk any matters of concern before the meeting wherever practicable so that the Chair might consider inviting them to speak.
8. The Clerk may be in attendance at any meeting of the Corporation and its Committees subject to the provisions and restrictions of the Instrument and Articles of Government;
9. Photography (still video/film) or the recording by electronic means of the proceedings of the Corporation and its Committees will be forbidden except by the expressed permission of the Chair of the meetings; those present at the meeting retain the right to refuse for their image to be captured against their wishes.

## **Part D**

### **Document Status and Revision History**

1. This is a policy document of West Suffolk College and is binding on all Governors and staff of the College.
2. This document forms the required published statements on access to governance information, confidentiality or governance papers and public access to governance meetings.
3. This document will be reviewed at least annually by the Clerk to the Corporation.