

# Procedures Manual

**01.28.01**                      **FREEDOM OF INFORMATION – GUIDE TO THE  
PUBLIC SCHEME – EFFECTIVE FROM 6  
FEBRUARY 2009**

**PURPOSE**                      To provide a framework for the publication of information by the College in accordance with the guidelines provided by the Information Commissioners Office (ICO)

**SCOPE**

**RESPONSIBILITY**      Data Protection Lead

## PROCEDURE

### Introduction

This guide has been produced as a requirement of the Information Commissioner’s Office (ICO) and introduces a Model Publication Scheme to replace the Publication Scheme adopted by the College in 2004.

The new Model Publication Scheme and definition document provided by the ICO for Colleges of Further Education has been adopted by West Suffolk College (see **APPENDIX 1**)\_and the Corporation formally approved the detail and content of the Scheme at its meeting on 6 February 2009.

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The Model Publication Scheme provides a list of the information routinely published by colleges which the ICO expects them to make available unless:

- they do not hold the information;
- the information is exempt under one of the Freedom of Information (FOI) exemptions or Environmental Information Regulations (EIRs) exceptions, or its release is prohibited under another statute;
- the information is archived, out of date or otherwise inaccessible; or, it would be impractical or resource-intensive to prepare the material for routine release.

The ICO Model Publication Scheme and definition document for Further Education Colleges can be downloaded by following the links from <https://ico.org.uk/>

## Information to be made available by the College

The College is committed to making as much information about its activities as possible generally available to the public, either through published documents, or on request.

The information Colleges routinely publish falls into the following categories - these have been determined by the ICO:

- 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

## How to obtain information

- Via the College website – [www.westsuffolk.ac.uk](http://www.westsuffolk.ac.uk)

- By e-mail to [info@wsc.ac.uk](mailto:info@wsc.ac.uk)

- In writing to –

Data Protection Lead  
West Suffolk College  
Out Risbygate  
Bury St Edmunds  
Suffolk IP33 3RL

- Using the request form provided at the end of the Publication Scheme

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The College will make available information it holds, whether or not it is listed in the Publication Scheme, unless identified as not available under one of the exemptions provided for by the legislation listed above.

General information on the Freedom of Information Act and the Model Publication Scheme can be obtained from:

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

or via the internet at [www.ico.org.uk](http://www.ico.org.uk)

## Routinely published documents

Appended to the guide is a list of documents routinely published by the College and categorised in accordance with the ICO's model. Where indicated, these documents are available via the College website, free of charge. Other documents will be provided in hard copy on request.

### Legal Framework of FOI

- UK GDPR
- FOIA 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- This policy also has due regard to guidance, including, but not limited to, the following:
  - ICO 'Model publication scheme' 2016
  - ICO 'Duty to provide advice and assistance (section 16)' 2016

## Scope

- The Freedom of Information Act 2000 (FOI) joins the UK General Data Protection Regulation (UK GDPR) 2018 and the Environmental Information Regulations as legislation under which anyone is entitled to request information. Requests for personal data are still covered by the UK GDPR. 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 College or on College land, phone masts, car parks etc. would all

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be covered by the EIR. Requests under EIR are dealt with in the same way as those under FOI, but unlike FOI requests, they do not need to be written and can be verbal.

## Accepting requests for information

- Requests must be made in writing, (including email), and should include the enquirer's name and correspondence address and state what information they require. (See Appendix 1 for Process.)
- 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. (See Appendix 3 for Exemptions.)
- There is no need to collect data in specific response to an FOI enquiry.
- There is a time limit of twenty (20) days, excluding College holidays, for responding to the request.
- The College will only accept a request for information which meets all of the following criteria:
  - It is in writing
  - It states the name of the applicant and an address for correspondence
  - It describes the information requested
- A request will be treated as made in writing if it meets all of the following requirements:
  - It is transmitted by electronic means
  - It is received in legible form
  - It is capable of being used for subsequent reference

## Obligations and Duties

- The College recognises its obligation 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 2.

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- The College will meet its duty to adopt and maintain a publication scheme which specifies the information which it will publish on the College website, and whether the information will be available free of charge or on payment.
- The publication scheme will be reviewed and, where necessary, updated on an annual basis

## General right of access

- Provided that the request complies with the conditions in the section above - **Accepting requests for information** - the College will, no later than 20 working days from receipt of the request, comply with its duty to:
  - Confirm or deny to any person making a request for information to the College, whether it holds information of the description specified in the request.
  - Provide the documentation, if the College confirms that it holds the requested information.
- The College will **not** comply with requests where:
  - The College reasonably requires further information to meet a Freedom of Information request, has informed the applicant of this requirement, but was not subsequently supplied with that further information.
  - The information is no longer readily available as it is contained in files that have been The fee notice was not honoured.
  - placed in archive storage or is difficult to access for similar reasons.
  - A request for information is exempt under section 2 of the Freedom of Information Act 2000.
  - The cost of providing the information exceeds the appropriate limit.
  - The request is vexatious.
  - The request is a repeated request from the same person made within 60 consecutive working days of the initial one.
- Where information is, or is thought to be, exempt, the College will, within 20 working days, give notice to the applicant which:
  - States the fact.
  - Specifies the exemption in question.
- The information provided to the applicant will be in the format that they have requested, where possible.
- Where it is not possible to provide the information in the requested format, the College will assist the applicant by discussing alternative formats in which it can be provided.
- The information provided will also be in the language in which it is held, or another language that is legally required. If the College is required to translate any information, it will do so.

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- If, under relevant disability and discrimination regulations, the College is legally obliged to provide the information in other forms and formats, it will do so.

## Making information available

- 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, the College will indicate how information can be obtained by other means and provide it by those means (see - ***Means by which communication is to be made*** above).
- 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 for information

- The purpose of the Publication Scheme is to make the greatest amount of information readily available at minimum inconvenience and cost to the public.
- Charges made by the College for routinely published material will be justified and transparent and kept to a minimum.
- Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations (2015), where they apply, or with regulations made under FOI Section 11B, or with other statutory powers of the College.
- The College may make a reasonable charge for information which is not available on its website. Where a charge is to be made this will be based on the cost of putting the information into the requested format, including photocopying cost at 5p per sheet plus VAT, and postage where applicable. In certain circumstances, the College may waive the fee at its discretion.
- Where a charge is made, we will state what the charges will be for, e.g.:

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- Photocopying
- Postage and packaging
- Costs directly incurred as a result of viewing information
- Fees charged will not exceed the total cost to the College of:
  - Informing the person making the request whether we hold the information.
  - Communicating the information to the person making the request.
  - **N.B.** The College will not take into account any costs which are attributable to the time spent by persons undertaking any of the activities mentioned above.
- Where a fee is to be charged, the College will not comply with the request unless the requested fee is paid within a period of three months, beginning with the day on which the fees notice is given to the applicant.
- When calculating the 20th working day in which to respond to a freedom of information request, the period beginning the day on which the fee notice is given to the applicant and ending with the day on which the fee is received, will be disregarded.

## Appropriate limit

- The College will not comply with any freedom of information request that exceeds the statutorily imposed appropriate limit of £450.
- When determining whether the cost of complying with a freedom of information request is within the appropriate limit, the College will take account only of the costs we reasonably expect to incur in relation to:
  - Determining whether it holds the information.
  - Locating the information, or a document which may contain the information.
  - Retrieving the information, or a document which may contain the information.
  - Extracting the information from a document containing it.
  - Costs related to the time spent by any person undertaking any of the activities outlined above on behalf of the College, are to be estimated at a rate of £25 per person per hour.
- Where multiple requests for information are made to the College within 60 consecutive working days of each other, either by a single person or by different persons who appear to be acting in concert, the estimated cost of complying with any of the requests is to be taken to be the total costs to the College of complying with all of them.

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## Means by which communication is to be made

- Where, on making a request for information, the applicant expresses a preference for communication by any one of the following means, the College will, as far as is practicable, give effect to that preference:
  - The provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant.
  - The provision to the applicant of a reasonable opportunity to inspect a record containing the information.
  - The provision to the applicant of a digest, or summary of the information, in permanent form or in another form acceptable to the applicant.

## Response times to requests for information

- The College will respond to requests for information within 20 College days.
- Direct access to many documents is provided via the College website.
- If information has to be posted it will be sent promptly.
- If information has to be viewed at College premises, the individual making the request will be contacted within 10 working days to make a convenient appointment.

## Providing advice and assistance

- The College will meet its duty to provide advice and assistance, as far as is reasonable, to any person who proposes to make, or has made, requests for information to the College.
- The College may offer advice and assistance in the following circumstances:
  - If an individual requests to know what types of information the College holds and the format in which it is available, as well as information on the fee's regulations and charging procedures.
  - If a request has been made, but the College is unable to regard it as a valid request due to insufficient information, leading to an inability to identify and locate the information.
  - If a request has been refused, e.g. due to an excessive cost, and it is necessary for the College to assist the individual who has submitted the request.
- The College will provide assistance for each individual on a case-by-case basis; examples of how the College will provide assistance include the following:
  - Informing an applicant of their rights under the Freedom of Information Act 2000

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- Assisting an individual in the focus of their request, e.g. by advising of the types of information available within the requested category
  - Advising an applicant if information is available elsewhere and how to access this information
  - Keeping an applicant informed on the progress of their request
- In order to provide assistance as outlined above, the College will engage in the following good practice procedures:
    - Make early contact with an individual and keep them informed of the process of their request.
    - Accurately record and document all correspondence concerning the clarification and handling of any request.
    - Give consideration to the most appropriate means of contacting the applicant, taking into account their individual circumstances.
    - Discuss with the applicant whether they would prefer to receive the information in an alternative format, in cases where it is not possible to provide the information requested in the manner originally specified.
    - Remain prepared to assist an applicant who has had their request denied due to an exemption.
  - The College will give particular consideration to what level of assistance is required for an applicant who has difficulty submitting a written request.
  - In circumstances where an applicant has difficulty submitting a written request, the College will:
    - Make a note of the application over the telephone and then send the note to the applicant to confirm and return – the statutory time limit for a reply would begin here.
    - Direct the individual to a different agency that may be able to assist with framing their request.

**NB. This list is not exhaustive, and the College may decide to take additional assistance measures that are appropriate to the case. For example:**

- Where an applicant's request has been refused either because the information is accessible by other means, or the information is intended for future publication or research, the College, as a matter of good practice, will provide advice and assistance.
- The College will advise the applicant how and where information can be obtained, if it is accessible by other means.
- Where there is an intention to publish the information in the future, the College will advise the applicant of when this publication is expected.

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- If the request is not clear, the College will ask for more detail from the applicant in order to identify and locate the relevant information, before providing further advice and assistance.
- If the College is able to clearly identify the elements of a request, it will respond following usual procedures and will provide advice and assistance for the remainder of the request.
- If any additional clarification is needed for the remainder of a request, the College will ensure there is no delay in asking for further information.
- If an applicant decides not to follow the College's advice and assistance and fails to provide clarification, the College is under no obligation to contact the applicant again.
- If the College is under any doubt that the applicant did not receive the advice and assistance, the College will re-issue it.
- The College is not required to provide assistance where an applicant's request is vexatious or repeated, as defined under section 14 of the Freedom of Information Act 2000.
- The College is also not required to provide information where the cost of complying with a request exceeds the limit outlined in the Freedom of Information Act 2000. In such cases, the College will consider whether any information can be provided free of charge if the applicant refuses to pay the fee.

## Complaints

If information included in the scheme is not provided and you wish to make a complaint it will be dealt with in accordance with the College's Complaints Procedure which can be viewed on request, or found on the College's website.

For internal complaints, see Formal Complaint Form - [01.08.01F1 Formal Complaint Form.docx \(sharepoint.com\)](#)

Complaints, in writing, should be addressed to: The Principal Sixth Form Provision, West Suffolk College, Out Risbygate, Bury St Edmunds, Suffolk, IP33 3RL. The complaint will be acknowledged within 10 working days, naming the investigating manager and noting the appeals procedure.

If the College is unable to satisfactorily resolve the complaint, enquirers have the right to complain to the Office of the Information Commissioner at:

The Information Commission  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

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## APPENDIX 1

**1 Who we are and what we do**

*This category includes organisational information: Structures, locations, contacts*

Category	Description	Responsible Officer	Available on the College website? <a href="http://www.wsc.ac.uk">www.wsc.ac.uk</a>
1.1 Legal Framework	Further and Higher Education Act 1992	Clerk to the Corporation	X
	Education Act 2011 <a href="http://www.legislation.hms.gov.uk/acts.htm">http://www.legislation.hms.gov.uk/acts.htm</a> Instrument and Articles of Government July 2018	Clerk to the Corporation	✓
1.2 How the College is organised	Management/organisation structure	Group HR & Shared Services Director	X
	Board and Committee structure	Clerk to the Corporation	✓
	Board and Committee Standing Orders and Terms of Reference	Clerk to the Corporation	✓
	List of College Governors	Clerk to the Corporation	✓
	Register of Governors' Interests	Clerk to the Corporation	✓

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1.3 Information relating to organisations the College works in partnership with and any companies wholly owned by it	Engages with: ESFA, Local Authorities, Employers, Local Schools, UoS, other training providers, government agencies, sector skills councils	Chief Executive	X
1.4 Locations and contact details	<p>Switchboard 01284 701 301  Email: <a href="mailto:info@westsuffolk.ac.uk">info@westsuffolk.ac.uk</a>  Website: <a href="http://www.westsuffolk.ac.uk">www.westsuffolk.ac.uk</a></p> <p>Addresses:  West Suffolk College (Main Campus)  Out Risbygate  Bury St Edmunds, Suffolk, IP33 3RL</p> <p>West Suffolk College in Haverhill  Samuel Ward Academy Trust  Park Road, Haverhill, CB9 7YD  Telephone 01440 712 177  Email <a href="mailto:haverhill@wsc.ac.uk">haverhill@wsc.ac.uk</a></p> <p>West Suffolk College in Sudbury  18-20 Cornard Road  Sudbury, Suffolk, CO10 2XA  Telephone 01787 880 619  Email <a href="mailto:sudbury@wsc.ac.uk">sudbury@wsc.ac.uk</a></p> <p>Milburn Centre  Anglian Lane  Bury St Edmunds, Suffolk, IP32 6SR  Telephone 01284 701 301  Email <a href="mailto:info@wsc.ac.uk">info@wsc.ac.uk</a></p> <p>West Suffolk College Ipswich</p>	Head of Marketing and Communications	✓

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	<p>11 Fore Street Ipswich, Suffolk, IP4 1JW Telephone 01473 351 500 Email <a href="mailto:ipswich@wsc.ac.uk">ipswich@wsc.ac.uk</a></p> <p>West Suffolk College Thetford Charles Burrell Centre Staniforth Road Thetford Norfolk IP24 3LH Telephone 01842 760 150 Email <a href="mailto:thetford@wsc.ac.uk">thetford@wsc.ac.uk</a></p> <p>West Suffolk College Newmarket Memorial Hall 124 High Street Newmarket CB8 8JP Telephone 01440 712 177 Email <a href="mailto:newmarket@wsc.ac.uk">newmarket@wsc.ac.uk</a></p>		
1.5 Student activities	Student Representative Councils	Principal – Sixth Form Provision	X

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## 2. What we spend and how we spend it

*This category includes: income and expenditure, procurement, contracts and financial audit*

Category	Description	Responsible Officer	Available on the College website? <a href="http://www.wsc.ac.uk">www.wsc.ac.uk</a>
2.1 Funding/income	Annual budget approved by the Corporation Annual audited accounts	Chief Financial Officer	X ✓
2.2 Budgetary and account information	Minutes of Finance Committee Management accounts as reported to the Finance Committee	Clerk to the Corporation Clerk to the Corporation	✓ X
2.3 Financial Audit Reports	Annual financial audit report Annual regularity audit report Annual internal audit report	Clerk to the Corporation Clerk to the Corporation Clerk to the Corporation	X X X
2.4 Capital Programme	Property Strategy Reports on progress of capital projects	Chief Financial Officer Chief Financial Officer	X X
2.5 Financial Regulations and procedures	Financial Regulations	Chief Financial Officer	X
2.6 Staff pay and grading structures	Pay scales	Group HR & Shared Services Director	X

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2.7 Register of suppliers	Register of College suppliers	Chief Financial Officer	X
2.8 Procurement and tender Procedures	Contracting and tendering procedures	Group Operations Director	X

### 3. What our priorities are and how we are doing

*This category includes: Strategies and plans, performance indicators, audit, inspections and reviews*

Category	Description	Responsible Officer	Available on the College website? <a href="http://www.wsc.ac.uk">www.wsc.ac.uk</a>
3.1 Annual Report	Annual College report	Chief Executive	✓
3.2 Corporate and Business Plans	Strategic Plan	Chief Executive	X
3.3 Teaching and Learning strategy	Tutoring Policy	Principal – Sixth Form Provision	X

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3.4 Academic Quality and standards	Quality Improvement Plan	Principal – Sixth Form Provision	X
	Annual Self Assessment Report	Principal – Sixth Form Provision	X
	External Verifier report action plans	Principal – Sixth Form Provision	X
	Student Perception Survey	Principal – Sixth Form Provision	X
	Minutes of Educational Excellence Committee	Principal – Sixth Form Provision	X
	Clerk to the Corporation		✓
3.5 External review information	Ofsted/QAA reports (See <a href="http://www.ofsted.gov.uk">www.ofsted.gov.uk</a> )	Principal – Sixth Form Provision Executive Dean	✓
3.6 Corporate relations	Employers' Charter	Principal – Strategic Group & Partnerships	X
	Curriculum Strategy	Principal – Sixth Form Provision	X
3.7 Government and regulatory reports	Accreditation and monitoring reports by statutory or regulatory bodies	Principal – Sixth Form Provision	X

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## 4.How we make decisions

*This category includes: decision-making processes and records of decisions*

Category	Description	Responsible Officer	Available on the College website? <a href="http://www.wsc.ac.uk">www.wsc.ac.uk</a>
4.1 Corporation Minutes	Corporation Corporation Committees  <i>Note: Remuneration and Human Resources items of the Standards and Excellence Committee minutes are confidential under the Data Protection Law as are items deemed to be commercially sensitive. Occasionally, other reports and minutes of other meetings will be determined to be confidential, and not available for publication</i>	Clerk to the Corporation Clerk to the Corporation	✓ ✓
4.2 Teaching and learning committee Minutes	Corporation Minutes  Educational Excellence Committee Minutes	Clerk to the Corporation  Clerk to the Corporation	✓ ✓

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4.3 Minutes of student consultation meetings	Minutes of Student Council Meetings	Principal – Sixth Form Provision	X
4.4 Appointment procedures	Recruitment and selection procedures	Group HR & Shared Services Director	X

## 5. Our Policies and Procedures

*This category includes: protocols, policies and procedures for delivery of College services*

Category	Description	Responsible Officer	Available on the College website? <a href="http://www.wsc.ac.uk">www.wsc.ac.uk</a>
5.1 Policies and procedures for conducting College business	Financial Memorandum	Chief Financial Officer	X
	Corporation Standing Orders	Clerk to the Corporation	✓
	Procedures for requests for Information	College Secretary	✓
			X

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	College Policies and Procedures <i>(Various – availability and access arrangements to be confirmed on request)</i>	Executive Director for Quality Improvement	
5.2 Procedures and policies relating to academic services	Assessment – Internal Verification & Moderation (including appeal procedure) Assessment Policy/Appeals Procedure	Principal – Sixth Form Provision	X
	Assessment Malpractice on Edexcel programmes procedure	Principal – Sixth Form Provision Principal – Sixth Form Provision	X X
	Student Application and Enrolment policy Complaints Procedure and appeals Student Disciplinary procedure	Group Vice Principal - Students Group Vice Principal - Students Group Vice Principal - Students	X ✓ ✓
5.3 Procedures and policies relating to student services	Student Handbook Including information on: Welfare/Advice services, Careers & Guidance services, Transport, Admissions, Examinations, Learning Support, Sports and Recreational facilities, Equal Opportunities, Finance, Library and IT facilities/guide	Group Vice Principal - Students	✓
	HR policies and procedures		X

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5.4 Procedures and policies relating to Human Resources	(Including: Generic terms and conditions of Employment, Grievance, Discipline, Harassment and Bullying, Absence, Public interest disclosure)	Group HR & Shared Services Director	
5.5 Procedures and policies relating to recruitment	Recruitment Policy (Including: DBS, Disclosure and Barring Service)	Group HR & Shared Services Director	X
5.6 Code of Conduct for governing body	Corporation Code of Conduct	Clerk to the Corporation	✓
5.7 Equality, Diversity and Inclusivity	Equal Opportunities Policy and Procedures (Gender, Disability and Race) Culture Religion and Belief Policy Policy on Sexual Orientation of Students Policy and Procedure for Dealing with Bullying Single Equality Scheme Age Equality Scheme Bullying and Harassment Policy Annual Impact Assessment Monitoring reports	Principal – Sixth Form Provision	✓
5.8 Health and Safety	Health and Safety Policy	Health and Safety Manager	X

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5.9 Estate Management	Disposals policy	Chief Financial Officer	X
	Facilities management	Chief Financial Officer	X
	Grounds and building maintenance	Chief Financial Officer	X
5.10 Complaints policies and procedures	Complaints Policy	Principal – Sixth Form Provision	✓
	Whistle-blowing policy	Group Director of HR and Shared Services	✓
5.11 Records Management and personal data policies	Freedom of Information – Publication Scheme	Data Protection Lead	✓
	General Data Protection policy	Data Protection Lead	X
5.12 Charging regimes and policies	Fees Policy	Vice Principal Employer Engagement	X
	Charges for information routinely published	College Secretary	✓

## 6. Lists and Registers (current information only)

Category	Description	Responsible Officer	Available on the College website? <a href="http://www.wsc.ac.uk">www.wsc.ac.uk</a>
	Members of the Corporation	Clerk to the Corporation	✓

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6.1 Information legally required to be held in publicly available registers	Register of Interests	Clerk to the Corporation	✓
6.2 Asset registers	Land and Buildings assets register	Chief Financial Officer	X
6.3 Disclosure logs	FOI/Data Protection/Disclosure logs	Data Protection Lead	X

## 7. The Services we offer

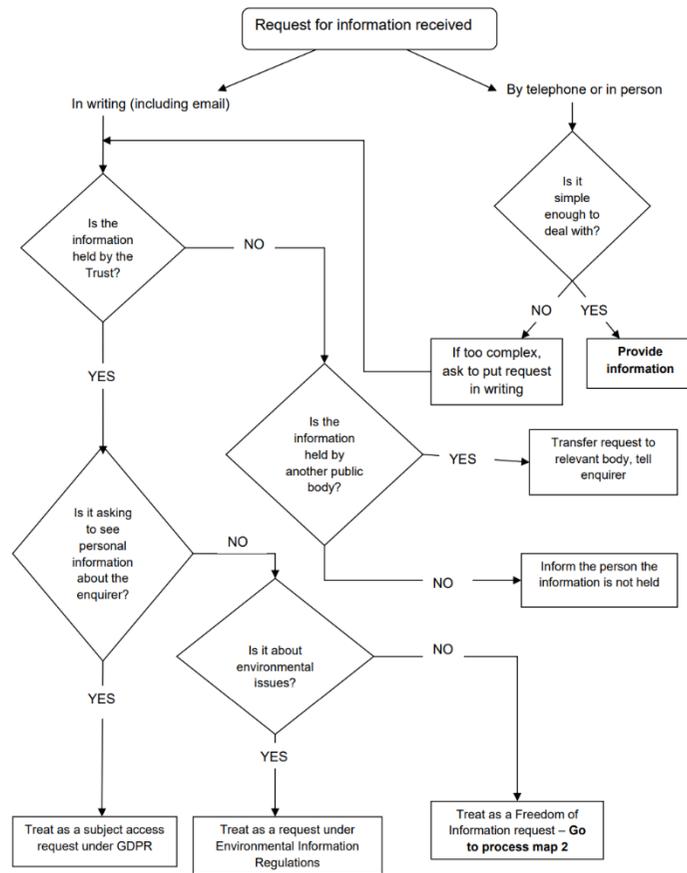
*This category includes: information not provided elsewhere in other categories*

Category	Description	Responsible Officer	Available on the College website? <a href="http://www.wsc.ac.uk">www.wsc.ac.uk</a>
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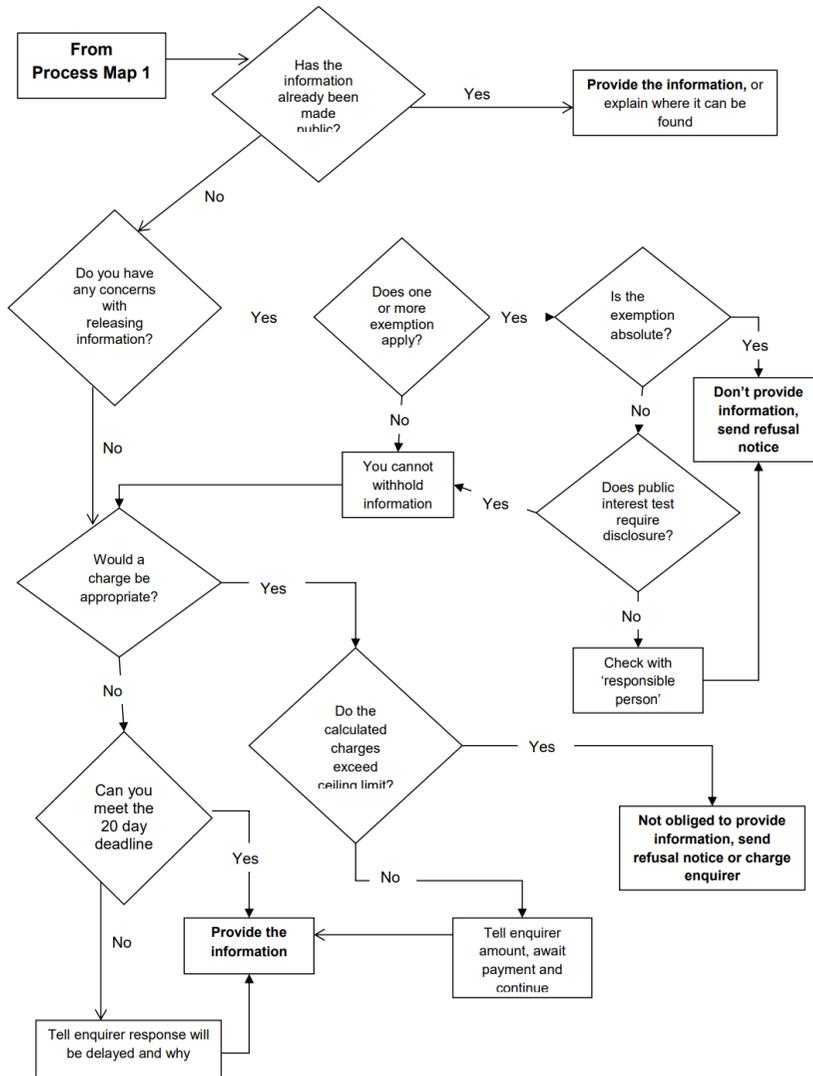
# APPENDIX 1

Process Map 1 for Dealing with Requests



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**Process Map 2 for Dealing with Requests**



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## APPENDIX 2

### Absolute exemptions

There are eight absolute exemptions listed in the Act. Even where an absolute exemption applies:-

- it does not mean that you can't disclose in all cases; it means that disclosure is not required by the Act. A decision could be taken to ignore the exemption and release the information taking into account all the facts of the case.
- there is still a legal obligation to provide reasonable advice and assistance to the enquirer.

1. Information accessible to the enquirer by other means (Section 21) If information is reasonably accessible to the applicant by another route than the Act, it is exempt information. This is the case even if the enquirer would have to pay for the information under that alternative route. This exemption includes cases where you are required to give information under other legislation, or where the information is available via the Publication Scheme.

2. Information dealing with security matters (Section 23) (see also qualified exemption under Section 24 on national security) This applies to information directly or indirectly supplied by, or relating to, bodies dealing with security matters such as GCHQ, MI5, MI6, Special Forces and the National Criminal Intelligence Service.

3. Court records (Section 32) – (see also the qualified exemption under Section 30 concerning investigations and proceedings conducted by public authorities). This applies to information related to proceedings in a court or tribunal or served on a public authority for the purposes of proceedings.

4. Parliamentary Privilege (Section 34) This exempts information if it is required for the purpose of avoiding an infringement of the Parliamentary privilege. Parliamentary privilege is an immunity whereby MPs cannot be prosecuted for sedition or sued for libel or slander over anything said during proceedings in the House.

5. Prejudice to the effective conduct of public affairs (Section 36) - see also the qualified exemption part of Section 36 This relates to the maintenance of the collective responsibility of Ministers.

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6. Personal information (Section 40) - see also the qualified exemption part of Section 40. Where enquirers ask to see information about themselves, this is exempt under the Act because it is covered by the GDPR. Consult the College Data Protection Policy.
7. Information provided in confidence (Section 41) This relates to information obtained from a person if its disclosure would constitute a breach of confidence actionable by that, or another person.
8. Prohibitions on disclosure (Section 44) Information is exempt where its disclosure is prohibited under any other legislation by order of a court or where it would constitute a contempt of court or where it is incompatible with any EC obligation.

## Qualified exemptions

With qualified exemptions, even if it is decided that an exemption applies, there is a duty to consider the public interest in confirming or denying that the information exists and in disclosing information. Guidance on carrying out the public interest test is at Appendix 4 The qualified exemptions in the Act are set out below:

1. Information intended for future publication (Section 22) If at the time the request was made, information is held with a view to publication, then it is exempt from disclosure if it is reasonable that it should not be disclosed until the intended date of publication. This could apply, for instance, to statistics published at set intervals, for example annually or where information is incomplete and it would be inappropriate to publish prematurely. Remember, you still have a legal duty to provide reasonable advice and assistance.
2. National security (Section 24) (see also absolute exemption 23) Information is exempt for the purposes of safeguarding national security.
3. Defense (Section 26) Information is exempt if its disclosure would prejudice the defence of the UK.
4. International relations (Section 27) Information is exempt if its disclosure would, or would be likely to, prejudice relations between the UK and any other state or international organisation.

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5. Relations within UK (Section 28) Information is exempt if its disclosure would, or would be likely to, prejudice relations between any administrations in the UK, ie the Government, Scottish Administration, Northern Ireland Assembly or the National Assembly of Wales.

6. The Economy (Section 29) Information is exempt if its disclosure would, or would be likely to, prejudice the economic or financial interests of the UK.

7. Investigations and proceedings conducted by public authorities (Section 30) Information is exempt if it has at any time been held by the College for the purposes of criminal investigations or proceedings, such as determining whether a person should be charged with an offence or whether a charged person is guilty or investigations which may lead to a decision to institute criminal proceedings. The duty to confirm or deny does not apply to such information.

8. Law enforcement (Section 31) Information which is not exempt under Section 30 Investigations and Proceedings, may be exempt under this exemption in the event that disclosure would, or would be likely to, prejudice the following among others:-

- the prevention or detection of crime
- the apprehension or prosecution of offenders
- the administration of justice the exercise of functions such as ascertaining if a person has broken the law, is responsible for improper conduct, whether circumstances justify regulatory action, ascertaining a person's fitness or competence in relation to their profession, ascertaining the cause of an accident or protecting or recovering charities or its properties
- any civil proceedings brought by or on behalf of the College which arise out of an investigation carried out for any of the purposes mentioned above

9. Audit Functions (Section 33) Information is exempt if its disclosure would, or would be likely to, prejudice the exercise of an authority's functions in relation to the audit of the accounts of other public authorities. It does not apply to internal audit reports.

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10. Formulation of government policy (Section 35) Information held is exempt information if it relates to the formulation or development of government policy, ministerial communications, advice by Law Officers (eg the Attorney General) and the operation of any Ministerial private office.

11. Prejudice to the conduct of public affairs (Section 36) (excluding matters covered by the absolute exemption part of Section 36) Information likely to prejudice the maintenance of the convention of the collective responsibility of Ministers or likely to inhibit the free and frank provision of advice or exchange of views.

12. Communications with the Queen (Section 37) Information is exempt if it relates to communications with the Queen, the Royal Family or Royal Household or if it relates to the award of honours. The duty to confirm or deny does not arise where this exemption applies.

13. Health and Safety (Section 38) Information is exempt if its disclosure would, or would be likely to, endanger the safety or physical or mental health of any individual. The duty to confirm or deny does not arise where prejudice would result.

14. Environmental information (Section 39) Information is exempt under FOI where it is covered by the Environmental Information Regulations. Environmental information can cover information relating to air, water, land, natural sites, built environment, flora and fauna, and health. It also covers all information relating to decisions or activities affecting any of these.

15. Personal information (Section 40) – see also the absolute exemption part of Section 40 Where an individual seeks information about themselves, GDPR powers apply. Where the information concerns a third party, it is exempt if its disclosure would contravene the GDPR, or its principles; or if the person to whom the information relates would not have a right of access to it because it falls under one of the exemptions to the GDPR. The duty to confirm or deny does not arise in relation to this information if doing so would be incompatible with any of the above.

16. Legal professional privilege (Section 42) Legal professional privilege covers any advice given by legal advisers, solicitors and barristers. Generally such information will be privileged. A College wishing to disclose the information will need to seek consent from the provider of the advice. This exemption covers all such information where a claim to legal professional privilege can be maintained in legal proceedings. The duty to confirm or deny does not arise where to do so would involve the disclosure of such information.

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17. Commercial interests (Section 43) Information is exempt if it constitutes a trade secret or would be likely to prejudice the commercial interests of any person or body (including the College). The duty to confirm or deny does not arise where prejudice would result to commercial interests but not where the information constitutes a trade secret.

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## APPENDIX 3

### What is a Publication Scheme?

The Freedom of Information Act (2000) (FOI) requires all Public Authorities (including Colleges) to produce a register of the types of information it will routinely make available to the public. This publication scheme follows a template approved by the Information Commissioner.

The scheme commits our College to:

- Proactively/ routinely publish information which is held by us falling within the “Classes” below, in line with this scheme.
- Specify the information
- Explain how it will be made available
- Review and update information on a regular basis
- Explain any fees to be charged for the information
- Make this scheme publicly available
- Publish information held by the College that has been requested (unless not appropriate to do so)
- Publish information in a digital form that is capable of being re-used (under FOI Section 19 and the Re-use of Public Sector Information Regulations (2015))
- Make clear if any information is a relevant copyright work (under FOI Section 19(8)) and the College is the only owner

### Classes of information

There are 7 classes of information we hold:

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.

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5. Our policies and procedures.
6. Lists and registers.
7. The services we offer.

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.

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## APPENDIX 4

### Public interest test

- You can withhold information only if it is covered by one of the exemptions and, for qualified exemptions, the public interest in maintaining the exemption outweighs the public interest in disclosure – see **APPENDIX 3**. You must follow the steps in this order, so you cannot withhold information because you think it would be against the public interest without first identifying a specific exemption.
- Similarly, when considering whether you should disclose information, you will need to weigh the public interest in disclosure against the public interest in maintaining the exemption. You must bear in mind that the principle behind the Act is to release information unless there is a good reason not to.

### Arguments in maintaining exemption:

- To justify withholding information, the public interest in maintaining the exemption would have to outweigh the public interest in disclosure. Note that the wording of the test refers to the public interest in maintaining the exemption (or exclusion). In other words, you cannot consider all the arguments for withholding the information (or refusing to confirm whether it is held), only those which are inherent in the exemption or exclusion i.e. relate directly to what it is designed to protect.
- The FOIA requires the authority to consider whether “in all the circumstances of the case”, the public interest in maintaining the exemption outweighs the public interest in disclosure. This means that although an authority may have a general approach to releasing certain types of information, and this may be helpful from an administrative point of view, this should not prevent them from considering the balance of public interest in the individual circumstances of each request.

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## Arguments in favour of disclosure:

- **General public interest in transparency.** The public interest arguments in favour of maintaining an exemption must relate specifically to that exemption, but this is not necessarily the case when considering the arguments in favour of disclosure.
- There is a general public interest in promoting transparency, accountability, public understanding and involvement in the democratic process. FOIA is a means of helping to meet that public interest, so it must always be given some weight in the public interest test.
- **Public interest in the issue.** As well as the general public interest in transparency, which is always an argument for disclosure, there may also be a legitimate public interest in the subject the information relates to. If a particular policy decision has a widespread or significant impact on the public, for example changes to the education system, there is a public interest in furthering debate on the issue. So, this can represent an additional public interest argument for disclosure. If a major policy decision is being taken, there may also be a contrary argument that information should not be disclosed because of the need for a safe space in which to formulate and develop policy.
- **Public interest in the information.** In addition to the general public interest in transparency and accountability, and any public interest arising from the issue concerned, there may be a specific public interest in disclosing the information in question. This will of course depend on the circumstances of the case.

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