

# Freedom of Information (FOI) Policy and Publication Scheme

Version 3

**This policy applies to all NCLT institutions.**

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## **1.0 Introduction**

- 1.1 New Collaborative Learning Trust (the Trust) is committed to the Freedom of Information Act 2000 (FOIA), and to the principles of accountability and the general rights of access to information, subject to exemptions.
- 1.2 This policy outlines the Trust's response to the Freedom of Information Act and the framework for managing requests.

## **2.0 Legal Context**

- 2.1 This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:
  - Freedom of Information Act 2000
  - Data Protection Act 2018
  - UK General Data Protection Regulation (UK GDPR)
  - Environmental Information Regulations 2004

## **3.0 About the Freedom of Information Act**

- 3.1 The Freedom of Information Act gives a right of access to all types of recorded information held by public organisations and places a number of obligations on such organisations, one of which is to produce a Publication Scheme. This applies to the Trust and its schools and colleges.
- 3.2 The Act, which is enforced by the Information Commissioner, gives applicants rights:
  - to be told whether information is held by the Trust.
  - to receive the information, where possible in the manner requested, for example as a copy or summary, or in paper or electronic format
  - to be told whether or not the information is available free of charge.
- 3.3 The Trust promotes transparency and openness in relation to the information it holds and will seek to meet its obligations in law and in spirit, achieving an appropriate balance between the resources, confidentiality and other people's right to privacy and the purpose for which the information is held.

## **4.0 Publication Scheme**

- 4.1 A Publication Scheme describes the information the Trust publishes, or intends to publish. In this context, 'publish' means to make information available. There is no obligation to publish drafts, notes, older versions of documents that have been

superseded, emails or other correspondence. Actions and decisions in relation to specific individuals are also unlikely to be covered.

- 4.2 The Trust has adopted the model Publication Scheme from the UK Independent Authority, the Information Commissioner's Office (ICO), and has included descriptions using guidelines and best practice from within the Education sector.
- 4.3 These descriptions are called 'classes of information'. The scheme is a list of types of information which may change as new material is published or existing material revised. It is also the public organisation's commitment to make available the information described.
- 4.4 The Publication Scheme also makes clear how the information described can be accessed and whether or not charges will be made. This Publication Scheme is not an exhaustive list of information held and is a 'live' document and so may be subject to change. The FOIA only covers information held, it does not require us to create new information or to record information we do not need for our own business purposes.

## **5.0 Accessing Information Under The Freedom of Information Act**

- 5.1 Select information from the Publication Scheme will be published on our website, or through other public domains, and this will be freely available.
- 5.2 To request information not freely available, please put your request in writing stating as clearly as possible the type of information you require to:

**Freedom of Information Officer**  
New Collaborative Learning Trust  
c/o New College Pontefract, Park Lane, Pontefract  
WF8 4QR  
Email: [foi@nclt.ac.uk](mailto:foi@nclt.ac.uk)

- 5.3 All requests will be recorded on a register, which will include details about the Trust's response to each request.
- 5.4 The Trust will respond to requests within 20 working days, providing any fees have been met.

## **6.0 Fees**

- 6.1 The Trust reserves the right to charge a fee to cover any administration costs over £10 for the supply of information. If this is the case, a fee notice will be issued to the requester within 10 working days of the request being made. The fee notice will include the total cost of the fee, and details of how to pay. To proceed with the request, you must make the correct payment in advance.
- 6.2 If the request exceeds the current statutory limit of £450, the fee will cover additional staff time required to meet the request. This limit is based on 18 hours of work at £25 per hour. Where the costs of meeting the request does not exceed the current

statutory limit, the fee will only cover the costs of copying, collating and postage required.

- 6.3 In certain circumstances the Trust may waive the fee at its absolute discretion. If an administration fee applies we will supply the information within 10 working days of receiving your payment.

## **7.0 Exemptions**

7.1 The Freedom of Information Act creates a general right of access to information held by public organisations. However, it also sets out a number of exemptions where that right is either not allowed or is qualified. The exemptions relate to issues such as national security, law enforcement, commercial interests and data protection.

7.2 If the information you have requested is exempt from the Act we will contact you within 20 days and explain which exemption the information falls within.

## **8.0 Public Interest Test**

8.1 The principle behind the Freedom of Information Act is to release information unless there is a good reason not to. To justify withholding information, the public interest in maintaining the exemption would have to outweigh the public interest in disclosure. This is known as the 'Public Interest Test'.

8.2 A public interest test will be applied to any exemptions identified prior to the release of the requested information.

## **9.0 Information Not Covered By The Publication Scheme**

9.1 From 1 January 2005 members of the public have the right, under the Freedom of Information Act (2000), to request any information held by a public organisation which it has not already made available through its Publication Scheme.

9.2 Responses will include confirmation that the Trust holds the data requested, unless there is an exemption (known as 'Neither Confirm nor Deny' exemption).

9.3 Requests will have to be made in writing and, in general, the college will have 20 working days to respond. A fee may be charged (see 6.0), and if we are unable to supply the information you have requested due to a valid exemption then the reason will be explained to you.

## **10.0 Feedback**

10.1 It is important that this publication scheme meets your needs. If you find the scheme difficult to understand, please let us know. Any questions, comments or complaints about this scheme should be directed to the Freedom of Information Officer:

**Freedom of Information Officer**  
New Collaborative Learning Trust

c/o New College Pontefract, Park Lane, Pontefract  
WF8 4QR  
Email: [foi@nclt.ac.uk](mailto:foi@nclt.ac.uk)

10.2 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:

**Information Commissioner**  
Wycliffe House, Water Lane  
Wilmslow  
Cheshire, SK9 5AF

## **11.0 Further Information**

11.1 More information about the Freedom of Information Act is available on the Information Commissioner's website at: [www.ico.org.uk](http://www.ico.org.uk).

## Appendix 1

### Freedom of Information Act Publication Scheme

#### **GUIDE TO DOCUMENTS AVAILABLE UNDER THE PUBLICATION SCHEME**

(all requests via the Director of Human Resources)

**Many documents can be found electronically on the Trust/college website.**

*This is not an exhaustive list but indicative of the types of document held. If a document you require is not shown in this guide please contact us. Some information may, in some circumstances, be exempt from disclosure.*

<b>SECTION ONE - WHO ARE WE AND WHAT WE DO</b>		
<b>Class</b>	<b>Name of Document/Description</b>	<b>Manner ie paper or electronic</b>
Legal framework	<ul style="list-style-type: none"> <li>Instruments and Articles of Government</li> <li>Legal status – we are an approved academy as deemed by the Academies Act 2010</li> <li>Charitable status – the Trust is a charitable company limited by guarantee</li> </ul>	Electronic Paper  Paper
How the institution is organised	<ul style="list-style-type: none"> <li>Organisation chart/Trust structure</li> <li>Calendar and term dates</li> <li>Trust/College/School policies</li> <li>Governance Plan (including Standing Orders)</li> <li>Staff job descriptions</li> </ul>	All Electronic
List of and information relating to organisations it works in partnership with and any companies wholly or partly owned by it	<ul style="list-style-type: none"> <li>Funding Agencies</li> <li>Ofsted</li> <li>Examining Boards</li> <li>Partner Schools and other schools</li> <li>Employers</li> <li>Local Authorities</li> <li>FE Colleges</li> <li>Universities - information on formal partnerships with HE Institutions</li> <li>Teaching School Alliance</li> </ul>	All Paper
Location and contact details	New Collaborative Learning Trust (NCLT) c/o New College, Park Lane, Pontefract, WF8 4QR Telephone: 01977 702139 Email: <a href="mailto:Reception@nclt.ac.uk">Reception@nclt.ac.uk</a> Website: <a href="http://www.nclt.ac.uk">www.nclt.ac.uk</a>	Paper
Student/Pupil Activities	<ul style="list-style-type: none"> <li>Student Executive Constitution</li> <li>Student Handbook</li> </ul>	Electronic Electronic
<b>SECTION TWO - WHAT WE SPEND AND HOW WE SPEND IT</b>		
Funding/Income	<ul style="list-style-type: none"> <li>Funding Agreement</li> <li>Financial Regulations</li> <li>Insurance Certificate</li> </ul>	All Electronic
Budgetary and account information; expenditure	<ul style="list-style-type: none"> <li>Annual audited financial statements</li> <li>Financial Regulations</li> <li>Remuneration of senior staff – detailed in the annual accounts</li> </ul>	All Electronic
Financial Audit Reports	<ul style="list-style-type: none"> <li>Annual Financial Statements and Regularity Audit Report</li> <li>Annual Internal Audit Report</li> </ul>	Electronic Electronic
Capital Programme	<ul style="list-style-type: none"> <li>Estates Manager reports to senior managers on progress of capital projects</li> </ul>	Paper
Financial Regulations and Procedures	<ul style="list-style-type: none"> <li>Financial Regulations Policy</li> </ul>	Electronic
Pay Policy	<ul style="list-style-type: none"> <li>Remuneration and Pay Progression Policy</li> </ul>	Electronic

Staff Pay and Grading Structures	<ul style="list-style-type: none"> <li>Salary grades and pay</li> </ul>	Electronic
Staff/Director Allowances and Expenses	<ul style="list-style-type: none"> <li>Details of the allowances and expenditure that can be claimed</li> <li>Details of any staff/governor allowances and expenses paid</li> </ul>	Electronic Electronic
Register of Suppliers	<ul style="list-style-type: none"> <li>List of approved suppliers</li> </ul>	Electronic
Procurement and Tender Procedures and Reports	<ul style="list-style-type: none"> <li>Financial Regulations</li> </ul>	Electronic
Contracts	Detail of any contracts valued over £100,000 is available on request - subject to confidentiality and commercial sensitivity restrictions.	Electronic

### SECTION THREE - WHAT OUR PRIORITIES ARE AND HOW WE ARE DOING

<ul style="list-style-type: none"> <li>Mission Statement</li> <li>Strategic Plan</li> <li>College/school Self-Assessment Report and Quality Improvement Action Plans (SAR/QUIP)</li> <li>Teaching and Learning Policy</li> <li>Quality assurance guidance</li> <li>Ofsted Inspection Report</li> <li>Annual accounts</li> <li>Teaching results</li> <li>Assessment Policy</li> <li>Strategic Planning</li> <li>Student Perception of Course/Pupil feedback</li> <li>Equal opportunities monitoring data</li> <li>Equal opportunities objectives, action plan and progress</li> <li>Provider Access Policy</li> </ul>	All Electronic
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### SECTION FOUR - HOW WE MAKE DECISIONS

Meeting Minutes/Papers	<ul style="list-style-type: none"> <li>Board of Directors' Meeting Agendas, Minutes and Papers</li> <li>Trust Executive Team Meeting Agendas, Minutes and Papers</li> <li>E&amp;D, Health and Safety and Safeguarding Meeting Minutes and Papers</li> </ul> <p>Many papers and minutes of such meetings are confidential under data protection or commercial sensitivity issues.</p>	All Electronic
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### SECTION FIVE – OUR POLICIES AND PROCEDURES

Policies and Procedures	<ul style="list-style-type: none"> <li>All College/School Staff and Student/Pupil Policies</li> <li>Governance Plan</li> </ul>	Electronic Electronic
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### SECTION SIX - LISTS AND REGISTERS

<ul style="list-style-type: none"> <li>A Register of Interests held</li> <li>An asset register is held</li> <li>FOI requests log</li> <li>Register of any gifts/hospitality provided to senior staff.</li> <li>Location of any overt CCTV cameras.</li> </ul>	All Electronic
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### SECTION SEVEN - THE SERVICES WE OFFER

Information and Services	<ul style="list-style-type: none"> <li>Prospectus</li> <li>Course/subject leaflets/information</li> <li>Counselling Handbook/Policy</li> <li>Student/Pupil Handbook</li> <li>Examinations Policy</li> <li>Bursary Information</li> <li>Lettings Information/Facilities</li> </ul>	All Electronic
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	<ul style="list-style-type: none"><li>• Press Releases</li><li>• Work experience procedures</li><li>• Bus route information</li><li>• Careers Programme</li></ul>	
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## Policy Status

<b>Policy Lead (Title)</b>	HR Director	<b>Review Period</b>	Every 3 year (Publication Scheme Annually in November)
<b>Reviewed By</b>	Trust Executive Team/ Board of Directors	<b>Equality Impact Assessment Completed (Y/N)</b>	N

### POLICY AMENDMENTS

Version	Approval Date	Page No./Paragraph No.	Amendment	Audience	Plan for Communicating Amendments
1	29/11/2019				
2	TET 08/02/2021  BoD 20/03/2021	Pg 3, Para 1.2  Pg 5, Para 7.1 Pg 6, Publication Scheme Pg 7, Section Three  Throughout	Clarification that this procedure applies to NCLT college staff only. Updated ICO website address. Approved date updated. EO Action Plan added. Provider Access Policy added. Change of name of FOI Lead for the Trust	NCLT College Staff	Policy uploaded onto Moodle and staff will be notified in HR newsletter
3	TET 09/11/2021 BoD 13/12/2021	Title  Added new sections    Pg.3, Para 1.1  Pg.4, Para 2.2   P.5, Para 3.0   Pg. 5 Para 5.0  Pg. 5 Para 6.1  Publication Scheme	Removed the line that states the policy only applies to the colleges.  Added 2.0 'Legal Context', 3.0 'About the Freedom of Information Act', 6.0 'Fees', 8.0 'Public Interest Test'. Changed the wording on 9.0 to 'Information Not Covered by the Publication Scheme. 6.0 Fees section includes more detail about when we will and will not charge an admin fee. 8.0 introduces the concept of applying a Public Interest Test to exemption.  Included a commitment to the FOIA  Changed wording to state that the model publication scheme is provided by the ICO, and includes descriptions from the education sector  Stated some Publication Scheme information will be available on the website Added that all requests will be added to a register. Changed contact details.  Updated to include occasions where we neither confirm or deny exemption  Updated contact details.  Added Agendas and Minutes from Trust Executive Team meetings, Bus route information and Careers Programme.	NCLT College Staff	Policy uploaded onto Moodle and staff will be notified in HR newsletter