



**LEARNING DEVELOPMENT UNIT  
(QUALITY)**

## **Access to Corporation Information Policy**

Changes to the Dec 2003 version are highlighted

<b>POLICY NUMBER</b>	<b>POL/039/000</b>
<b>APPROVED BY</b>	<b>Stafford College Corporation</b>
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## ACCESS TO INFORMATION POLICY

### 1. Purpose

1.1 This document outlines the policy of Stafford College Corporation in relation to access to information on the work of the Corporation.

### 2. Aims and Objectives

2.1 Stafford College Corporation is committed to ensuring that:

- The proceedings of the Corporation are conducted in a spirit of openness , transparency and accountability; (see Appendix 2)
- Members of the public, learners and staff of the College shall have as much access as possible to information about the work of the Corporation
- The College complies with the requirements of legislation to support public access to information, specifically the Freedom of Information Act 2000 and the Data Protection Act 1998 (in respect of the processing of personal data);
- Any limitation to openness is carefully defined in order that the College does not act against the public interest.

### 3. Legislative background

3.1 The statutory Instrument and Articles of Government requires that a copy of the following items shall be made available during normal office hours at the College to any person wishing to inspect them:

- the agenda for every meeting of the Corporation,
- the draft minutes of every meeting of the Corporation (both unconfirmed draft minutes which have been approved by the Chair and signed minutes)
- any report document or other papers relating to meetings of the Corporation
- a register of interests of the members of the Corporation which are disclosed to the Corporation;
- The rules of conduct and remit of the Search and Governance Committee;

3.2 Corporation minutes or papers relating to a named individual or otherwise classed by the Corporation as confidential are excluded from public access (see paragraph 9).

3.3 Since February 2004 in accordance with the Freedom of information Act 2000 the College has established a Publication Scheme relating to the publication of information which includes a section on the College's Governance arrangements.

### 4. Access to Corporation meetings

4.1 A member of the public wishing to attend a meeting of the Corporation as an observer shall first contact the Clerk who will seek the approval of the Chair of the meeting before confirming whether the request can be approved. An observer has no right to speak unless invited to do so by the Chair.

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4.2 Members of the press or media wishing to attend a meeting of the Corporation must submit a request in writing to the Chair of the Corporation.

4.3 All Corporation members are entitled to attend as observers meetings of Committees of the Corporation of which they are not members, but should only participate in discussion if invited by the Chair to do so.

#### 5. Annual Report and Public Meeting

5.1 A Governors' Annual General Meeting (AGM) is arranged in the early part of the Spring term to publicise the work of the College and the Corporation at which an Annual Report on the performance of the College in the previous year is presented. Following the AGM the Annual Report is published and made widely available.

#### 6. Enquiries from the Public

6.1 Routine enquiries from members of the public about the business of the Corporation will be dealt with by the Clerk.

6.2 Enquiries from OfSTED inspectors or auditors will be dealt with by the Chair, Principal or Clerk, depending on the nature of the enquiry.

6.3 An enquiry from the national press or an MP on a potentially serious incident will be dealt with by the Chair, advised by the Principal and Clerk.

6.4 Members of staff wishing to contact individual governors should in the first instance be directed to the Clerk or to their Link Governor.

#### 7. Publication of Minutes

7.1 Draft minutes of Corporation meetings when cleared by the Chair of the meeting shall be classed as unconfirmed and are then in the public domain. The minutes are classed as confirmed when approved and signed by the Chair of the meeting.

7.2 Both unconfirmed and confirmed (non-confidential) minutes are made available using the following means:

- Distribution of copies to the College Libraries and Study Centres
- Distribution to College managers
- Posting onto the Corporation page of the College's web-site

#### 8. Access to College Publication Scheme

8.1 The majority of documents identified on the College's Publication Scheme will be available on the College's web-site. The Scheme identifies which documents can be accessed via the web-site and those which are only available on request from the College.

8.2 Any person wishing to inspect hard copies of College documents detailed on the Publication Scheme relating to the work of the Corporation may do so by contacting the Clerk during normal office hours. Details of any charges for supplying the documents are included on the Publication Scheme.

8.3 Any person making a written request for information (including by email) will receive the information within 10 working days and will be advised if a fee is to be charged. If a request

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for information is refused in reliance on an exemption under the FOI Act an explanation to the applicant will specify the exemption category. While details of exemptions are included in the College Publication Scheme where the information is considered commercially sensitive the College is required to consider whether the public interest in disclosing the information outweighs the public interest in maintaining the exemption.

## 9. Confidential Information

- 9.1 If an item of business falls within the one or more of the specified categories of confidential material as outlined in this policy the matter will be treated as confidential and will be withheld from public access (see Appendix 1). The decision to label a Corporation report as confidential should be made by the Chair in consultation with the Principal and Clerk during the preparation of the agenda. The Clerk will recommend a time limit for any item of business which is considered confidential by nature of its commercial sensitivity.
- 9.2 Confidential items of business will be minuted separately in order that access to information about other items of business taken at the same meeting is not inhibited. In accordance with Clause 15 of the Instrument where the Clerk or staff or student member has to withdraw from a meeting on any of the grounds specified in the Instrument a separate confidential minute will be taken in respect of that part of the meeting. Those members including the Clerk who may have been required to withdraw when a confidential item was discussed will not be entitled to see the minute(s) of that part of the meeting
- 9.3 The Corporation will review all confidential minutes and decisions of the Corporation on an annual basis having regard to any time limit as recommended by the Clerk. Minutes or papers relating to named individual staff or students will be retained indefinitely.
- 9.4 The Corporation will make items publicly available once they either cease to be confidential or where the Corporation considers that the public interest disclosure outweighs the reason for them remaining confidential. In undertaking this review the Corporation will consider whether the information referred to in the confidential minute would cause harm and or embarrassment to any individual or organisation, including the College if released for the public record.

## 10. Complaints

- 10.1 Any person with a complaint about the availability of information should submit their concerns in writing to the Clerk.

## 11. Review

- 11.1 A report on the operation of this policy will be presented to the Corporation by the Clerk on an annual basis.

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## Appendix 1

The criteria for determining whether any information relating to an item of Corporation business is to be excluded from public access are as set out in paragraph 7.4 of the Standing Orders of the Corporation and read as follows:

There may be excluded...any material relating to:

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

The Corporation will treat the following matters as confidential:

- Information provided in confidence by a third party who has not authorised its disclosure
- Financial or other information relating to procurement decisions, including information relating to the College's negotiating position, during the course of these negotiations
- Information relating to the negotiating position of the College in employee relations matters, during the course of these negotiations
- Information relating to the financial position of the College where the Corporation is satisfied in good faith that disclosure might harm the College or its competitive position.
- Legal advice received from or instructions given to the college legal advisers
- Info planned for publication in advance of that publication
- Matters not covered above, but considered to be commercially sensitive

## Appendix 2

### Nolan Committee Principles of Public Life:

Openness- holders of Public Office should be as open as possible about all the decisions and actions which they take. They should give reasons for their decisions and restrict information only when the wider public interest demands it.

Accountability: holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate for their office.

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