

## Freedom of Information Act

### Definition document for colleges of further education

For the avoidance of doubt, this document covers further education colleges in England, Wales and Northern Ireland that are subject to the Freedom of Information Act 2000 (FOIA). Sixth form colleges may opt to use either this definition document or the one for schools (there are separate documents for England, Wales or Northern Ireland) as appropriate to their constitution. They must make clear which document they are using.

The guidance is intended to assist colleges of further education (FE) and relevant sixth form colleges (together referred to here as colleges) by giving examples of the kinds of information that we would expect them to provide in order to meet their commitments under the FOIA model publication scheme. Colleges should note that they are not expected to routinely publish all information; for example, where they do not hold it or where it is publicly available elsewhere or is exempt. We list such circumstances below.

This guidance gives examples of the kinds of information that we would expect colleges to provide in order to meet their commitments under the model publication scheme. We would expect colleges to make the information in this definition document available unless:

- they do not hold the information;
- the information is exempt under one of the FOIA exemptions or Environmental Information Regulations 2004 (EIR) exceptions, or its release is prohibited under another statute;
- the information is readily and publicly available from an external website; such information may have been provided either by the college or on its behalf. The college must provide a direct link to that information;
- the information is archived, out of date or otherwise inaccessible; or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.

If the information is only held by another public authority, the college should provide details of where to obtain it.

The guidance is not meant to give an exhaustive or definitive list of everything that should be covered by a publication scheme. The legal commitment is to the model publication scheme, and colleges should look to provide as much information as possible on a routine basis.

As a minimum we expect colleges to make available information that is required by statute or by virtue of a funding agreement, financial memorandum or other arrangement.

### **Publishing datasets for re-use**

Public authorities must publish under their publication scheme any dataset they hold that has been requested, together with any updated versions, unless they are satisfied that it is not appropriate to do so. So far as reasonably practicable, they must publish it in an electronic form that is capable of re-use.

If the dataset or any part of it is a relevant copyright work and the public authority is the only owner, the public authority must make it available for re-use under the terms of a specified licence. Datasets in which the Crown owns the copyright or the database rights are not relevant copyright works.

The Datasets Code of Practice recommends that public authorities make datasets available for re-use under the [Open Government Licence](#).

The term 'dataset' is defined in section 11(5) of FOIA. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of FOIA. The ICO has published [guidance on the dataset provisions in FOIA](#). This explains what is meant by "not appropriate" and "capable of re-use".

**Who we are and what we do**

Organisational information, structures, locations and contacts.

We would expect information in this class to be current information only.

- **Legal framework / Instrument of Government / Articles of Association**

Information relating to the legal and corporate status of the institution.

- **How the institution is organised**

Information about the management structure of the institution, including a description of its governance arrangements and organisational structure, together with a description of the work of each unit and the names and responsibilities of key personnel. It is also expected that terms of reference, membership and description of all boards and committees would be provided under this heading. It should include department structures and identify senior personnel.

- **Lists of and information relating to organisations it works in partnership with and any companies wholly or partially owned by it**

On the basis that most of these bodies will be responsible for their own affairs, it is expected that this information need be only sufficient for the purposes of identifying the relationship between these bodies (such as business, the professions and the community) and the college.

- **Location and contact details**

If possible, named contacts should be given in addition to contact phone numbers and email addresses, via the college.

- **Student activities**

Information relating to the operation and activities of the Student Union or its equivalent and other clubs, associations and non-academic activities that are organised for or by the students may also be included, where this information is held by the college.

### **What we spend and how we spend it**

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

We would expect as a minimum that financial information for the current and previous two financial years should be available.

- **Funding / income**

Information on the sources of funding and income, such as funding grants, tuition fees, endowment, rents and investment income (including investment strategy), as well as income generation schemes.

- **Budgetary and account information; expenditure**

Annual statement of accounts and other information to allow the public to see where money is being spent, where it is or has been planned to spend it and the difference between one and another. We would expect revenue budgets and budgets for capital expenditure to be included.

Details of items of expenditure over £15,000, including costs, supplier and transaction information. This should be published at least annually and, where practical, we would also expect it to be published on a half yearly or quarterly basis.

- **Financial audit reports**

- **Capital programme**

Information on major plans for capital expenditure, including any private finance initiative and public / private partnership contracts.

- **Financial regulations and procedures**

- **Pay policy**

The statement of the college's policy and procedures regarding staff pay.

- **Staff pay and grading structures**

This may be provided as part of the organisational structure and should include, as a minimum, the salaries for senior staff which, for

the purposes of this document, means staff on the Senior Management / Leadership Team or senior post holders or equivalent level, or above, whose basic actual salary is at least £60,000 per annum. The salaries should be stated in bands of £10,000. For more junior posts, levels of pay should be identified by salary range.

- **Staff allowances and expenses**

Details of the allowances and expenses that can be incurred or claimed. It should include the total of the allowances and expenses paid to individual senior staff members (as defined above) by reference to categories. These policies should be produced in line with the college's policies, practices and procedures and must at least include travel, subsistence and accommodation.

- **Governors' allowances**

Details of allowances or expenses that can be claimed or incurred, and a record of total payments made to individual governors.

- **Register of suppliers**

- **Procurement and tender procedures and reports**

Details of procedures used for the acquisition of goods and services. Contracts available for public tender and reports of successful tenders.

- **Contracts**

We would expect normally that it should be necessary only to publish details of contracts that are of sufficient size to have gone through a formal tendering process.

### **What our priorities are and how we are doing**

Strategies and plans, performance indicators, audits, inspections and reviews.

We would expect information in this class to be available at least for the current and previous three years.

Below is a list of the types of information that we would expect colleges to have readily available for publication. Any other reports or recorded information demonstrating the college's planned or actual performance should normally be included.

- **Annual report**
- **Self-assessment report**
- **Corporate and business plans**
- **Teaching and learning strategy**
- **Academic quality and standards**
- **Most recent Ofsted inspection report**
- **Privacy impact assessments (in full or summary format)**

Information, or a direct link to publicly available information, on the college's internal procedures for assuring academic quality and standards and qualitative data on the quality and standards of learning and teaching.

- **External review information**

This will include information such as the annual monitoring and review process together with a statement of roles, responsibilities and authority of different bodies within the institution involved in programme approval and review.

- **Corporate relations**

Information relating to the college's links with employers and sponsors, in both the public and private sectors, and the development of learning programmes.

- **Government and regulatory reports**

For example accreditation and monitoring reports by professional, statutory or regulatory bodies and information that an institution is legally obliged to make available to its funding and /or monitoring bodies. Where information provided to such bodies is publicly available, the college may instead provide a direct link to that information.

### **How we make decisions**

Decision making processes and records of decisions.

We would expect information in this class to be available at least for the current and previous three years.

- **Minutes, agendas and papers from governing body, council, academic boards, steering groups and committees.**

We would expect minutes of meetings where key decisions are made about the operation of the college, excluding material that is properly considered to be private, to be readily available to the public. These may include, but are not limited to, such items as teaching and learning committee minutes, minutes of staff / student consultation meetings and appointment committees.

#### **Our policies and procedures**

Current written protocols, policies and procedures for delivering our services and responsibilities.

We would expect information in this class to be current information only.

- **Policies and procedures for conducting college business**

Codes of practice, memoranda of understanding, procedural rules, standing orders and similar information should be included. Procedures for handling requests for information should be included. In Wales this will include the Welsh Language Scheme in accordance with the Welsh Language Act 1993, and in Northern Ireland the equality scheme / statement produced in accordance with section 75 of the Northern Ireland Act 1998.

- **Procedures and policies relating to academic services**

Some of these policies may already be covered in class 3 'What our priorities are and how we are doing' in the context of external review and academic quality and standards. Additional policies under this heading may include such matters as policies and procedures relating to changing course, regulations and policy on student assessment, appeal procedures and policy on breach of assessment regulations.

- **Procedures and policies relating to student services**

This will include relevant policies and procedures as they apply, for example, to student admission and registration, accommodation, management of the student records system, internal student complaints and appeals, student support services and code of student discipline.

- **Procedures and policies relating to human resources**

This will include the full range of human resources policies and procedures such as generic terms and conditions of employment, collective bargaining and consultation with trade unions, grievance, disciplinary, harassment and bullying, public interest disclosure, staff development (such as induction, probation, appraisal, promotions).

- **Procedures and policies relating to recruitment**

If vacancies are advertised as part of recruitment policies, details of current vacancies will be readily available.

- **Code of Conduct for members of governing bodies**

- **Equality and Diversity policies; Equality Scheme**

This will also include policies, statements, procedures and guidelines relating to equal opportunities.

- **Health and Safety**

- **Estate management**

This will include disposals policy, estates strategy and plan, facilities management policies, grounds and building maintenance.

- **Complaints policies and procedures**

Complaints procedures will include those covering requests for information and operating the publication scheme.

- **Records management and personal data policies**

This will include information security policies, records retention and archive policies, and data protection (including data sharing) policies.

- **Fileplans**



- **Charging regimes and policies**

Details of any statutory charging regimes should be provided. Charging policies should include charges made for information routinely published and clearly state what costs are to be recovered together with the basis on which they are made and how they are calculated.

If the college charges a fee for licensing the re-use of datasets, it should state in its guide to information how this is calculated and whether the charge is made under the Re-use Fees Regulations or under other legislation. It cannot charge a re-use fee if it makes the datasets available for re-use under the Open Government Licence.

### **Lists and registers**

We expect this to be information contained only in currently maintained lists and registers.

- **Any information the college is currently legally required to hold in publicly available registers**
- **Asset registers**
- **Information asset register**

We would not expect colleges to publish all details from all asset registers. We would, however, expect the location of public land and building assets and key attribute information that is normally recorded on an asset register to be available, along with some other information from capital asset registers.

- **CCTV**

Details of the locations of any overt CCTV surveillance cameras operated by or on behalf of the college. The college should decide on the level of detail which is appropriate. This could be by building or more general geographic locations eg postcodes or partial postcodes, depending on the security issues raised.

- **Disclosure logs**

Where a college produces a disclosure log indicating the information that has been provided in response to requests, it should be readily available. Disclosure logs are themselves recommended as good practice.

- **Any register of interests kept in the college**
- **Senior staff's declaration of interests**

This should include the names, departments and job titles of all senior staff who have made entries. The definition of senior staff is as stated above.

- **Register of gifts and hospitality provided to senior staff**

This should include details of gifts given or received; details of any hospitality afforded and by which organisation.

### **The services we offer**

Information about the services we offer, including leaflets, guidance and newsletters.

Generally this is an extension of part of the first class of information. While the first class provides information on the roles and responsibilities of the college, this class includes details of the services which are provided by the college as a result of them. It will also relate to information covered in other classes. Examples of other services that could be included are:

- **Prospectus and course content**
- **Services for outside bodies**
- **Health including medical services**
- **Welfare and counselling services**
- **Funding, such as grants and bursaries, available to students from the college**
- **Careers advice**
- **Chaplaincy services and multi-faith provision**
- **Services for which the college is entitled to recover a fee together with those fees**
- **Sports and recreational facilities**
- **Facilities relating to music, art and other cultural activities**
- **Museums, libraries, special collections and archives**

It is expected that this will include guides to collections and scope and availability of catalogues. (Further guidance is available in that provided for bodies responsible for managing museums, collections and archives.)

- **Conference facilities**

- **Advice and guidance**
- **Media releases**