



1.0 Policy Statement

- 1.1 The Freedom of Information Act (2000) requires publicly funded organisations to adopt and maintain a Publication Scheme. This requirement applies to Huddersfield New College. This Policy also incorporates the Data Protection Act 2018 (DPA 2018), and the General Data Protection Regulation (GDPR) as it applies in the UK).
- 1.2 The college has a publication scheme which follows guidance for the model publication scheme, issued by the Information Commissioner's Office. The document is a "living document" and is thus subject to change.
- 1.3 The Purpose of the Scheme is to let everyone know what information will be automatically, or routinely, published and/or made available by the College.
- 1.4 The College will make every effort to follow the spirit, as well as the legal requirements of the Freedom of Information Act.
- 1.5 The College will:
 - Look to provide as much information as possible on a routine basis.
 - Not normally publish information on a regular basis if it is impractical or resource-intensive to prepare such material for routine release.
- 1.6 Huddersfield New College promotes transparency and openness in relation to the information it holds.
- 1.7 This policy summarises the approach taken by the College to comply with its legal and regulatory obligations and to contribute to the effective overall management of Huddersfield New College. The College will seek to meet its obligations in law and in spirit and achieve an appropriate balance between the College's resources, confidentiality, other people's rights to privacy and the purpose for which the information is held.

2.0 Scope of Policy

- 2.1 The Freedom of Information policy applies to the following groups of people:
 - Job applicants and potential applicants
 - Current and former employees
 - Current and former students
 - Contract workers/suppliers
 - Agency workers
 - Trainee workers and students on work experience or placements
 - Volunteers
 - Governors
 - Members of the public

3.0 Publication Scheme Structure and Classes

3.1 The structure of the publication scheme follows the seven classes on information specified in the Model Publication scheme for Further Education, as provided by the Information Commissioner. These classes are:

1. Who we are and what we do

Organisational information, locations and contacts, constitutional and legal governance.

2. What we spend and how we spend it

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

3. What our priorities are and how we are doing

Strategy and performance information, plans, assessments, inspections and reviews.

4. How we make decisions

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

5. Our policies and procedures

Current written protocols for delivering our functions and responsibilities.

6. Lists and registers

Information held in registers required by law and other lists and registers relating to the functions of the authority.

7. The services we offer

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

3.2 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.

3.3 The description of information listed within each class may also refer to any exemptions, i.e. information that might fall within the broad definition that will not be routinely published. The information held under each class may, over time, be varied.

4.0 Public Interest and Rights to Information

4.1 In preparing this policy, the College has had regard to the public interest. It has taken notice of the sort of information that people normally ask us for and what they are interested in. We have also had regard overall to the public interest of disclosure of information in the interests of open and accountable educational establishments as well as having regard to information which is already published and the rights that the Freedom of Information Act 2000 brought to everyone when the public access provisions came in under the legislation in January 2005.

4.2 The scheme and this new legislation do not limit in any way other rights that people have previously had to information. The College has been and remains committed to openness and transparency.

5.0 Personal Information

5.1 A great deal of the information that we hold is personal and private to individuals. The Freedom of Information Act 2000 does not deal with this information. The relevant legislation pertaining to

personal and private information is the Data Protection Act 2018 (DPA 2018), and the General Data Protection Regulation (GDPR) as it applies in the UK.

5.2 The Freedom of Information Act 2000 does not allow the making public of private and confidential information regarding an individual's personal records. The individual concerned does have access, however, to that information under the Data Protection Act.

5.3 Therefore, your private affairs and business with the College as an individual are not the subject of this policy.

6.0 Overview of the Operation of the FOIA in the College

6.1 Details for each class of information included in the publication scheme are provided. This includes classes of information, associated descriptions of information, where the information may be obtained, and any fee that may be applicable.

The description of information listed within each class may also refer to any exemptions, i.e. information that might fall within the broad definition that will not be routinely published. The information held under each class may, over time, be varied.

7.0 Responsibility for the Policy and implementation

7.1 The College has designated a member of the Senior Leadership Team to be responsible for this Policy at the College. At date of revision, this is the Data Protection and Freedom of Information Officer.

7.2 The College has a duty to provide advice, assistance and guidance as far as it would be reasonable to expect the College to do so. Members of the public who need assistance in formulating these requests may also contact the Data Protection and Freedom of Information Officer.

7.3 Appropriate assistance might include:

- advising the person that another person or agency might be able to assist them
- providing an outline of the different kinds of information held by the College which might meet the terms of the request
- providing a general response to the request, setting out options for further information which could be provided on request

This is not an exhaustive list and we will be flexible in offering advice and assistance that is most appropriate to the circumstances of the applicant.

7.4 It should be noted that where information is being requested which appears to be part of an organised campaign, the College is not required to comply with a number of related requests by virtue of the Act and Regulations where the cumulative cost of compliance would exceed the appropriate limit, i.e. the cost threshold prescribed in the Regulations. In those circumstances the College will consider whether the information could be disclosed in another more effective manner, for example, via the College's website. The College is not obliged to respond to vexatious or repeated requests.

8.0 Individual Responsibilities

8.1 Every employee, student and other group identified in section 2.1 is required to assist the College to meet its commitment to this policy.

8.2 Employees and students can be held personally liable as well as, or instead of, the College for any breach of this policy. They would be subject to the College's disciplinary procedures for staff and students respectively.

9.0 Requests for information sent to the Freedom of Information Officer:

- 9.1 Requests for information under the Freedom of Information Act:
- Must be in writing (including via email)
 - Must include name and address of applicant
 - Must describe information requested
- 9.2 Requests for information not available on the College website will attract a charge for actual disbursements incurred such as:
- photocopying
 - postage and packaging
 - the costs directly incurred as a result of viewing information
- A minimum charge of £10 to cover these costs will usually apply.
- 9.3 We aim to respond in relation to specific requests for information within 20 working days.
- 9.4 Each request will be treated on its own merits and a time estimate will be given by which we expect to respond. In certain circumstances it may not be possible to deal with an application in full within the 20 working days.

10.0 Exemptions

- 10.1 The Freedom of Information Act creates a general right of access to information held by public bodies, but also sets out 23 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. In particular, information is exempt from the Act if it is accessible to the applicant by other means, such as from the Funding Councils.
- 10.2 A definitive list of exemptions can be reviewed by perusing the act on HMSO web site or by obtaining a copy of the act from Her Majesty's Stationery Office.
- 10.3 For guidance, the main exemptions in relation to supplying requested information under the Freedom of Information Act are in two categories; absolute exemptions and exemptions subject to a public interest test.
- 10.4 Absolute Exemptions:
- Information accessible to applicants by other means.
This will most commonly be information that is included in the Publication Scheme or is normally provided by other organisations.
 - Personal Information
Personal information will be dealt with as a Subject Access Request under the provisions of the Data Protection Act 2018 (DPA 2018), and the General Data Protection Regulation (GDPR) as it applies in the UK.
 - Information provided in confidence
This applies if releasing the information would amount to a breach of confidence at the time the request is made.
 - Prohibitions on disclosure
This applies to information the disclosure of which is prohibited by legislation, or European Community obligation, or the disclosure would be a contempt of Court.
- 10.5 Exemptions subject to a public interest test:
- Information intended for future publication.
This applies where the College plans to publish the information in the future, and it is reasonable at the time of the request, not to disclose it until then.
 - Investigations and proceedings conducted by public authorities.

This covers information relevant to criminal investigations and proceedings, and information obtained for criminal or civil proceedings.

- Law enforcement.

This applies to a wide range of investigations and conduct, for example, information which will prejudice the prevention or detection of crime.

- Health and Safety

This exemption applies to information which would, or would be likely to endanger the physical or mental health or safety of any individual.

- Environmental Information

This section operates as a gateway to revised environmental Information Regulations which will be introduced to implement the provisions of the Aarhus Convention.

- Personal Information (concerning a third party)

Request for personal information about someone else will be dealt with under the Freedom of Information Act 2000, but the principles of the Data Protection Act 1998 will be used to determine whether it should be disclosed.

- Legal professional privilege

This applies where a claim to legal professional privilege could be maintained in legal proceedings.

- Commercial Interests

This exemption applies to trade secrets and information, the disclosure of which would, or would be likely to, prejudice the commercial interests of any person. This would include the College.

11.0 Complaints

11.1 Huddersfield New College has a complaints procedure. This may be used by any person who considers that the College is not complying with this policy. In order to access the College's internal Complaints Procedure, you should contact the College's Reception, who will be able to supply you with the appropriate information.

11.2 The opportunity to complain to the College does not limit any rights people have to complain to the Freedom of Information Commissioner (again, either about Freedom of Information Act 2000 or Data Protection Act) at the following address:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow, Cheshire
SK9 5AF
Tel: 0303 123 1113

12.0 Access to the Policy

12.1 This policy is available to all staff and students via the College's website.

12.2 The policy will be made available in alternative formats on request to the Data Protection and Freedom of Information Officer.

13.0 Monitoring and Review

13.1 The College will monitor this policy at least every two years, or more frequently if required, to judge its effectiveness and it will be updated in accordance with changes in the law. If changes are required, the College will implement them.

13.2 Information provided by job applicants, student applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 2018 (DPA 2018), and the General Data Protection Regulation (GDPR) as it applies in the UK.

14.0 Other Relevant Policies

14.1 This policy should be read in conjunction with the following policies/schemes:

- Disciplinary Policy and Procedure (Staff and Students)
- Staff Code of Conduct
- Publication Scheme

The Freedom of Information Officer’s contact details are:

Julie Pryce
 Email: j.pryce@huddnewcoll.ac.uk
 Tel: 01484 652341

| v | Date | Policy Owner | Comments | Approval Route and Date | Provenance | Date of Next Review |
|----------|--------------|---------------------|-----------------|--------------------------------|--|----------------------------|
| 1. | January 2005 | SLT | New policy | | New policy | - |
| 2. | April 2015 | Julie Pryce | Full re-write | SLT May 2015 | Updated job titles and references to other policy documents. Fundamental revision to include legal requirements of the FoI Act 2000. | April 2017 |
| 3. | May 2018 | Julie Pryce | Update | SLT May 2018 (AWS) | Revision to include new General Data Protection Regulations | May 2020 |



EQUALITY IMPACT ASSESSMENT



INTRODUCTION

The purpose of carrying out an Equality Impact Assessment (EIA) is to provide the basis for creating equality objectives and performance indicators that will drive improvement and change in ensuring the College meets the needs of different groups of people with different protected characteristics, as defined in the Equality Act 2010.

What is an impact assessment?

An EIA is a systematic and thorough consideration of how every aspect of the College's functions (i.e. policies, procedures, practices and plans) is affecting, or is likely to affect different people. EIAs should be reviewed a part of a rolling programme and the Action Plan updated accordingly.

All colleges have a duty to carry out EIAs. We must explicitly consider impact on students, staff and other key groups in terms of race, disability, gender (including gender identity), sexuality, age, and religion and belief, and publish the results. Consultation with your customers and potential customers, external clients, staff and students will be part of the EIA procedure and will also link to the Self-Assessment Report (SAR) and strategic plan for the College. The involvement of different stakeholders will evidence our commitment to embedding equality and diversity within all our services and the curriculum. The EIAs will be led and monitored by the Equality and Diversity Manager.

What needs to be impact assessed?

The EIA process will encompass all policies, procedures, practices and plans. When and where these are identified, each will need an EIA or review as part of a rolling programme, to determine whether they have a differential impact in relation to equality.

Findings of EIAs

The findings of an EIA may provide a number of possible outcomes:

1. The EIA shows that employment practices or services have a different impact measured by one or more protected characteristic.
2. The EIA shows a different impact which is demonstrated to be adverse impact.
3. The EIA shows no differential impact in employment practices or service delivery.
4. There is insufficient evidence to judge whether there is differential impact.
5. The EIA indicates that there are needs that are not being met.

Can I assess my own policies, procedures, practices and plans?

EIAs will usually be completed by the owner of the policy, procedure, practice and plan in conjunction with another colleague who is familiar with the process of conducting EIAs. The nominated person should not be involved with the design, maintenance or enforcement of the policy, plan, practice or procedure. This is to ensure that the EIA process is objective and robust, as a neutral party is more likely to highlight elements that will lead to positive change.

Part One – The Impact Assessment

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| Date of last assessment (if applicable) | |
| Date this assessment commenced | |
| Name of policy/procedure/practice/plan being assessed | |
| Name and job title of policy/procedure/practice/plan owner | |
| Name(s) of independent colleague(s) appointed to contribute to the assessment | |
| Is this a new or existing policy/procedure/practice/plan? | |

INITIAL SCREENING

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| 1. Please summarise the main aims of the policy/procedure/practice/plan. Include the intended benefits. | |
| 2. What consultation has been undertaken in the development of the policy/procedure/practice/plan? | |
| 3. What evidence, data or information is available to indicate how the policy/procedure/practice/plan might affect equality? | |

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| <p>4. In what areas could the policy/procedure/practice/plan have a significant adverse differential impact?</p> <p>If you have selected one or more boxes for question 4, please go straight to question 5.</p> <p>If you have not selected any of the boxes for question 4 there is no need to complete the rest of this documentation. However, you must write the reasons why you believe there will be no differential impact, in respect of any of the protected characteristics listed, in the space opposite.</p> | <p>Disability <input type="checkbox"/></p> <p>Race <input type="checkbox"/></p> <p>Gender (including Gender Identity) <input type="checkbox"/></p> <p>Sexual Orientation <input type="checkbox"/></p> <p>Age <input type="checkbox"/></p> <p>Religion or belief <input type="checkbox"/></p> | |
| | | |

ASSESSING IMPACT AND STRENGTHENING THE POLICY/PROCEDURE/PRACTICE/PLAN

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| <p>5. What general concerns are there that the policy/procedure/practice/plan could have a differential impact on the protected characteristics you have indicated in question 4? Please give details.</p> <p>What relevant evidence is available to support these concerns? Please use data/statistics where possible.</p> | |
| <p>6. What are the risks associated with the effectiveness of the policy/procedure/practice/plan in relation to the differential impact?</p> | |
| <p>7. What are the expected benefits of the policy/procedure/practice/plan?</p> | |

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| <p>8. Who are the 'interested parties' (i.e. adversely affected groups) in relation to this policy/procedure/practice/plan?</p> | |
| <p>9. How will these interested parties be consulted and communicated with?</p> | |
| <p>10. Which relevant experts and/or equality groups have been approached to explore the issues with which the policy/procedure/practice/plan is concerned?</p> <p>How have the views of these experts/groups been sought? (Please be as specific as possible, e.g. by letter, meetings, interviews, workshops, questionnaires, or any other method.)</p> | |
| <p>11. Please give details of the views of the experts/groups on the issues involved.</p> | |

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| <p>12. Taking into account these views, and the available evidence, please outline the risks associated with the policy/procedure/practice/plan weighed against the benefits.</p> | |
| <p>13. What changes/modifications will now be made to the policy/procedure/practice/plan in the light of this Impact Assessment?</p> | |
| <p>14. How will these changes/modifications be communicated to interested parties (i.e. the groups which were adversely affected) and those consulted? (This should form part of the Action Plan.)</p> | |
| <p>Signed (completing officer 1)</p> | <p>Print Name and Job Title</p> |
| <p>Signed (completing officer 2)</p> | <p>Print Name and Job Title</p> |
| <p>Date of completion of Impact Assessment</p> | <p>4th November 2014</p> |

Actions arising from screening

(R = Race/Ethnicity, R&B – Religion and Belief, D – Disabled People, G – Gender (including gender identity), SO – Sexual Orientation, A – Age)

| R | R&B | D | G | SO | A | Action Required | By Whom | By When | Intended Outcome | Change resulting from EIA and date (include evidence if possible) |
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