



Freedom of Information Policy

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Statement of intent

As an educational provider, Carmel College has an obligation to publish a freedom of information statement, outlining how we will meet our duties under the Freedom of Information Act 2000 and associated regulations. The development and effective implementation of this policy fulfils that requirement.

More specifically, this policy outlines the policy and procedures for:

- The release and publication of private data and public records.
- Providing applicants with advice and assistance throughout the duration of their requests.

It also clarifies our position regarding the appropriate limit to the costs incurred by the college in obtaining any requested information, and on charging fees for its provision.

1. Legal framework

This policy has due regard to the following legislation:

- The UK General Data Protection Regulation (UK GDPR)
- The Data Protection Act 2018
- The Freedom of Information Act 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:

- Cabinet Office (2018) 'Freedom of Information Code of Practice'
- ICO (2021) 'Definition document for the governing bodies of maintained and other state-funded colleges in England'
- ICO (2015) 'Model publication scheme'
- ICO (2016) 'Duty to provide advice and assistance (Section 16)'
- ICO (2023) 'Time limits for compliance under the Freedom of Information Act (Section 10)'

This policy will be viewed in conjunction with the following other college policies:

- Data Protection Policy
- Records Management Policy

2. Accepting requests for information

The college will only accept a request for information which meets all of the following criteria:

- It is in writing, this includes requests sent to the college's official social media accounts
- It states the name of the applicant and an address for correspondence
- It adequately 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

Where a request is submitted in a foreign language, the college is not expected to obtain a translation of the request. For the request to be processed, the college will ask the applicant to provide their request in English.

The college will publish details of its procedures for dealing with requests for information on the website, which includes the following:

- A contact address and email address
- A telephone number

- A named individual to assist applicants with their requests

3. General rights of access to information held by the college

Provided that the request meets the requirements set out in section 2 of this policy, the college will 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.

This will be completed no later than 20 college days, or 60 working days if this is shorter, from receipt of the request. Where a fee is charged, the timeframe within which the college has to respond to the request begins from the day the fee is received.

The college will not comply with this duty 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 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.
- A fee notice was not honoured.
- The requested information is not held by the college for the purposes of the college's business.

Where information is, or is thought to be, exempt, the college will, within 20 college days, give notice to the applicant which:

- States that fact.
- Specifies the exemption in question.

If information falls within scope of a qualified exemption and the college needs additional time to consider the public interest test, the college may extend the deadline. In most cases, the extension will exceed no more than a further 20 college days; however, the actual length of the extension will be decided on a case-by-case basis.

Where a public interest test extension is required, the college will write to the applicant to inform them of this, stating the following information:

- Which exemption(s) the extension relies on and why

- A revised deadline for when the applicant will receive their response

Where a deadline has to be further extended, the college will write to the applicant again, stating the information outlined above.

Requests for information that is not recorded by the college (e.g. requests for explanations, clarification of policy and comments on the college's business) will not be considered valid requests. In these cases, the applicant will be provided with an explanation of why their request will not be treated under the Freedom of Information Act 2000 and the college will respond to the applicant through other channels as appropriate.

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

In some cases, a request may be dealt with under more than one access regime, e.g. if the request involves both information about the college and personal information, it will be dealt with under the Freedom of Information Act 2000 and the Data Protection Act 2018.

Staff are made aware that it is a criminal offence to alter, deface, block, erase, destroy or conceal any information held by the college with the intention of preventing disclosure following a request.

4. The 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 in this policy on behalf of the college, are to be estimated at a rate of £25 per person per hour.

The college is not required to search for information in scope of a request until it is within the cost limit. If responding to one part of a request would exceed the cost limit, the college does not have to respond to any other parts of the request.

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.

5. Charging fees

The college may, within 20 college days, give an applicant who has requested information from the college, a written notice stating that a fee is to be charged for the college's compliance.

Charges may be made for disbursements, such as the following:

- Production expenses, e.g. printing and photocopying
- Transmission costs, e.g. postage
- Complying with the applicant's preferences about the format in which they would like to receive the information, e.g. scanning to a CD

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.

Where a fee is to be charged, the college will not comply with the [General rights of access to information held by the college](#) section of this policy 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.

Once a fee is received, the college will inform the applicant of the revised response deadline, i.e. an additional 20 college days (or 60 working days).

Where the college has underestimated the cost to be charged to an applicant, a second fees notice will not be issued; instead, the college will bear the additional costs. The college will not take into account any costs which are attributable to the time spent by persons undertaking any of the activities mentioned in the [Charging fees](#) section of this policy.

When calculating the 20th college 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.

6. Means of communication

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.

Where a preference is not stated by the applicant, the college will communicate by any means which are reasonable under the circumstances.

7. 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 fees 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
- 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

Where the college wishes to ask a different public authority to deal with a request by transferring it to them, this will only be done with the agreement of the applicant.

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.

Please note: This list is not exhaustive, and the college may decide to take additional assistance measures that are appropriate to the case.

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. 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 believes the applicant has not provided their real name, the college will inform the applicant that the request will not be responded to until further information is received from the applicant.

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.

Applicants are given two months to provide any requested clarification. 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.

Where the college has already sent a refusal request in relation to a previous vexatious request, the college is not obliged to send another notice for future vexatious requests.

An ongoing evidence log is kept, recording relevant correspondence or behaviour that has been taken into account when a request has been classed as vexatious.

The college is 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 firstly provide the applicant with advice and assistance to help them reframe or refocus their request with a view of bringing it within the cost limit. Then the college will consider whether any information can be provided free of charge if the applicant refuses to pay the fee.

If a request is refined, it will be treated as a new request.

A record will be kept by the VP (Finance, Strategy and Resources) of all the advice and assistance provided.

8. Consultation with third parties

The college may need to consult third parties about information held in scope of a request to consider whether it would be suitable to disclose the information. Situations where third parties may need to be consulted include the following:

- When requests relate to persons or bodies who are not the applicant and/or the college
- When the disclosure of information is likely to affect the interests of persons or bodies who are not the applicant or the college

The college will consider if a third party needs to be directly consulted about a request, particularly, if there are contractual obligations that require consultation before information is disclosed.

Third parties will also be consulted where the college is proposing to disclose information relating to them or information that is likely to affect their business or private interests.

The views of third parties will be given appropriate weighting when deciding how to respond to a request. For example, if the third party created or provided the information, they may have a better understanding of its sensitivity.

It is ultimately the college's decision as to whether information in scope of a request will be released following any relevant consultation.

Where the college decides to release information following consultation with a third party, the third party will be informed in advance that the information is going to be disclosed.

Where the college intends to release information that relates to a large number of third parties, the college will consider whether it would be more appropriate to contact a representative organisation who can express views on behalf of the third parties, rather than contacting each party individually. If no representative organisation exists, the college may also consider only notifying or consulting a sample of the third parties relating to the disclosure. Decisions will be made on a case-by-case basis.

9. Internal reviews

When responding to requests for information, the details of the college's internal review process will be set out, including information about how applicants can request an internal review. Applicants will also be informed of their right to complain to the ICO if they are still dissatisfied following the outcome of the college's internal review.

Requests for an internal review should be made in writing to the college.

For a request for an internal review to be accepted, it must be made within 40 college days from the date the college issued an initial response to the request.

Upon receipt of an application, the college will acknowledge an application and inform the applicant of the intended response date. Responses will usually be delivered within 20 college days of receipt of the application.

If an internal review is complex, requires consultation with third parties or the relevant information is of high volume, the college may need to extend the usual response timeframe. In these cases, the college will inform the applicant and provide an alternative response date. In most cases, the extension will exceed no more than a further 20 college days; however, the actual length of the extension will be decided on a case-by-case basis.

Where clarification is needed from an applicant regarding the review, the normal response period will not begin until clarification is received. Wherever possible, the review will be undertaken by a different member of staff than the person who took the original decision. During a review, the college will evaluate the handling of the request; particular attention will be paid to concerns raised by the applicant.

The applicant will be informed of the outcome of the review and a record will be kept of such reviews and the final decision that is made. If the outcome of the review is to disclose information that was previously withheld, the information will be provided to the applicant at the same time they are informed of the response to the review, where possible. If this is not possible, the applicant will be informed of when the information will be provided.

Within the response to a review, the applicant will be informed again of their right to complain to the ICO.

10. Publication scheme

The college will meet its duty to adopt and maintain a publication scheme which specifies the information which it will publish on the college's website, and whether the information will be available free of charge or on payment.

Adopting a publication scheme is a requirement of Section 19 of the Freedom of Information Act 2000. The purpose of the Act is to promote greater openness by public authorities, which includes Sixth Form Colleges.

Carmel College has adopted the Model Publication Scheme produced by the Information Commissioner's Officer for further education colleges. The Scheme provides a description of

the 'classes' or types of information that the Information Commissioner expects colleges of further education to make available.

The main classes of Information are:

- Who we are and what we do
- What we spend and how we spend it
- What our priorities are and how we are doing
- How we make decisions
- Our policies and procedures
- Lists and registers
- The services we offer

The Model Publication Scheme is available via the ICO website:

<https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>

11. Contracts and outsourced services

The college will make clear what information is held by third party contractors on behalf of the college.

Where a contractor holds information relating to a contract held with the college on behalf of the college, this information is considered in the same way as information held by a public authority and so is subject to the Freedom of Information Act 2000.

When entering into a contract, the college and contractor will agree what information the college will consider to be held by the contractor on behalf of the college, this will be indicated in the contract.

Appropriate arrangements will be put in place for the college to gain access to information held by the contractor on the college's behalf, in the event that a freedom of information request is made. These arrangements will be set out in a contract, and will cover areas including, but not limited to, the following:

- How and when the contractor should be approached for information and who the points of contact are
- How quickly information should be provided to the college
- How any disagreement about disclosure between the college and contractor will be addressed
- How requests for internal reviews and appeals to the ICO will be managed
- The contractor's responsibility for maintaining record keeping systems in relation to the information they hold on behalf of the college
- The circumstances under which the college must consult with the contractor about disclosure and the process for doing so
- The types of information which should not be disclosed and the reasons for this confidentiality, where appropriate

In some situations, the college may offer or accept confidentiality arrangements that are not set out within a contract with a third party. The college and the third party will both be aware of the legal limits placed on the enforceability of expectations of confidentiality and the public interest in transparency. Such expectations will only be created where it is appropriate to do so.

Contractors must comply with requests from the college for access to information they hold on behalf of the college. Requests for information held by a contractor on behalf of the college will be responded to by the college. If a contractor receives a request, this will be passed onto the college for consideration.

12. Monitoring and review

This policy will be reviewed on a biennial basis.

File Name/Path	O:\Policies\2023-24 Policies			
Intranet Path	CONNECT>>DEPARTMENTS>>COLLEGE POLICIES>			
Circulation List	Principalship	✓	College Union Representatives	✓
	Full Governing Body	✓	HR Department	✓
Author / Responsibility	Vice Principal (Finance, Resources & Systems)			
Reviewed by:	Audit Committee			
Approved by:	Full Governing Body			
Date of last Policy approval:	July 2024			
Review interval:	Every two years			
Date next review due:	July 2026			

Appendix A

FOI Request Evidence Log

Date of request	Format (e.g. email or in writing)	Location (Where is the correspondence stored?)	Requester	Repeated request? (Yes/No)	Deemed vexatious or repeated? (Yes/No)	Comments

Appendix B

Guide to the Publication Scheme

Class of Information	Description	Range of Information	Availability
1. What we are and what we do.	<p>The section covers information relating to the way the College is organised.</p> <p>It includes information on the legal status of the College, which individual member of staff or group within the College is responsible for specific functions and where they fit in the overall structure of the College.</p> <p>In some instances information will be exempt from disclosure where it contains: personal information, information that may damage the commercial interests of the College, or that may threaten the health and safety of specific individuals.</p>	<p><u>Legal Status</u> The College was conferred by the Further and Higher Education Act of 1992 and the Education (Designated Sixth Form Colleges) (Incorporation)(England) Order 2001.</p> <p><u>College Mission</u></p> <ul style="list-style-type: none"> • Mission Statement • Ethos Position Statement <p><u>College Organisation</u></p> <ul style="list-style-type: none"> • Guide to the Governing Body • Membership of the full Governing Body • College Organisational Chart • Roles of Senior Staff • Contact details for the College <p><u>Employment Activities</u></p> <ul style="list-style-type: none"> • Staff job descriptions • Staff Handbook • HR policies & procedures relating to staff 	<p>HMSO Website: (www.legislation.gov.uk/acts.htm)</p> <p>Carmel Internet Carmel Internet</p> <p>Carmel Internet Carmel Internet Apply to College Apply to College Carmel Internet</p> <p>Apply to College Apply to College Apply to College</p>

Class of Information	Description	Range of Information	Availability
2. What we spend and how we spend it.	<p>This section covers information on the College's strategy and management of financial resources.</p> <p>Information that may damage the College's commercial interests will be excluded from publication.</p>	<p><u>Control frameworks</u></p> <ul style="list-style-type: none"> • Financial Regulations • ESFA Accountability Agreement • College Financial Handbook <p><u>Financial Performance</u> Audited Members' report and Financial Statements</p>	<p>Apply to College Apply to College</p> <p>Apply top College</p> <p>Carmel Internet</p>

		<ul style="list-style-type: none"> Minutes of the Governing Body committees with respect to financial updates and Financial Commentary. <p><u>Property/Resource Strategy</u></p> <ul style="list-style-type: none"> College Property Strategy College IT Strategy Minutes of Governing Body committees relating to the Accident Report <p><u>Financial Policies</u></p> <ul style="list-style-type: none"> A range of financial policies covering student finance, tendering and procurement, and insurance. 	<p>Carmel Internet</p> <p>Apply to College</p> <p>Apply to College</p> <p>Carmel Internet</p> <p>Apply to College</p>
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Class of Information	Description	Range of Information	Availability
3. What our priorities are and how we are doing.	This section covers strategies and plans, performance indicators, audits, inspections and reviews. Information that may damage the College's commercial interests will be excluded from publication as would any information relating to identifiable individuals.	<p><u>Planning</u></p> <p>Minutes of Governing Body committees relating to:</p> <ul style="list-style-type: none"> College Operating Plan College Strategic Plan College Risk Register and Risk Management Action Plan College Business Continuity Plan <p><u>Teaching and learning</u></p> <ul style="list-style-type: none"> A range of policies and procedures to assure academic quality and standards, covering areas such as assessment, exams, English and Mathematics, and student views. <p><u>Quality Assurance</u></p> <ul style="list-style-type: none"> Whole College SAR process Quality framework <p><u>Regulation and Inspection</u></p> <ul style="list-style-type: none"> Ofsted Inspection Report HE provision Inspection 	<p>Carmel Internet</p> <p>Carmel Internet</p> <p>Carmel Internet</p> <p>Carmel Internet</p> <p>Apply to College</p> <p>Apply to College</p> <p>Carmel Internet</p> <p>Apply to College</p>

Class of Information	Description	Range of Information	Availability
4. How we make decisions.	This section covers information about decision making processes and records of decisions.	<u>Governors</u> <ul style="list-style-type: none"> • Code of Conduct • Calendar of Governors' Meetings • Minutes of Governing Body meetings: <ul style="list-style-type: none"> ○ Full Governing Body ○ Finance and Resources ○ Audit ○ Quality and Standards ○ Search • Governor Visits Protocol • Governing Body Contact Details 	Apply to Carmel Apply to Carmel Carmel Internet Carmel Internet Apply to Carmel Carmel Internet

Class of Information	Description	Range of Information	Availability
5. Our policies and procedures.	Policies are reviewed and updated in accordance with the College's Cycle of Review and on any changes in procedures or legislation. All policies are approved by the Senior Leadership Team and relevant Governing Body Committees before final publication.	<u>Key Policies</u> <ul style="list-style-type: none"> • A range of policies and procedures exist covering areas such as admissions, computer usage, data protection, equality and diversity, exams, financial, health and safety, human resources, safeguarding, students, and teaching and learning. 	Carmel Internet or Apply to College

Class of Information	Description	Range of Information	Availability
6. Lists and registers.	Any information we are currently legally required to hold in currently maintained lists and registers. [It is not expected that colleges will publish all details from all asset registers.]	<ul style="list-style-type: none"> • Asset Registers • Disclosure Logs – FOI / data Protection Requests 	Apply to College Apply to College

Date Request Received (Official use only)	
Date to be Processed by (Official use only)	

Freedom of Information Access Request

Please read the College Freedom of Information Policy before completing this form. In order for us to process your request promptly please complete this form as fully as possible.

Your details

Name:

Address:

Telephone number:

Email:

Description of the information you require

Please provide a description of the information you would like the College to provide. Please provide as much detail about the information and be as concise and as clear as possible in order that we can identify and process your request promptly.

If the information you have asked for requires a fee, we will let you know on receipt of your request. If you chose to accept this fee charge, we will process your request upon receipt of payment.

Written requests should be sent to:

Freedom of Information Access Request

Data Protection Officer
Carmel College
Prescot Road
St. Helens
WA10 3AG
Tel 01774 452200

The information you provide on this form will be used to process your request. Summary information may be retained for statistical or audit purposes. By providing this information you consent to Carmel College storing your information for these purposes. Carmel College will process your data in accordance with the Data Protection Act.

Please sign and date below:

Signed

Date