

## **POLICY ON ACCESS TO COLLEGE AND CORPORATION INFORMATION**

<b>Document Status</b>	
Author	Governance Executive
Date of Origin	March 2009
Version	Final
Review requirements	Every 3 years
Date of next review	March 2012
Approval Body	Board of Governors
Ratified by	
Publication	Staff Intranet and Website

This policy and procedure is subject to The Equality Act 2010 which recognises the following categories of individual as Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual orientation, Disability.

## Policy

Milton Keynes College recognises its duty to be held publicly accountable and the importance of conducting its business openly and transparently. The policy of Milton Keynes College is to ensure that, as a general principle, students, staff and the general public have free access to information about the proceedings of the Corporation (Board of Governors), and about all other aspects of the work of the College.

### Code of Conduct

All members of the Board agree to adhere to the terms of the Code of Conduct when they accept appointment to the Board of Governors. The Code is clear on the issue of accessibility and confidentiality (point 11 of the Code) and reads as follows:

#### 11. OPENNESS AND CONFIDENTIALITY

- 11.1 *Because of the Board of Governors' public accountability, Governors should ensure that, as a general principle, students and staff of the College have free access to information about the proceedings of the Board of Governors. Accordingly, agendas, minutes and other papers relating to meetings of the Board of Governors are normally available for public inspection, or are published on the College website, when they have been approved for publication by the Chair.*
- 11.2 *There will be occasions when the record of discussions and decisions will not be made available for general publication or inspection, for example, when the Board of Governors considers sensitive issues or named individuals and for other good reasons. Such excluded items, will be kept in a confidential folder by the Governance Executive and will be circulated in confidence to Governors.*
- 11.3 *However, staff and student Governors have no right of access to minutes dealing with matters in respect of which they are required to withdraw from meetings under the College's Instrument of Government.*

The Board also endorses the principles laid down by the Committee on Standards in Public Life (Nolan Committee) for those holding public office, two of which refer to accountability and openness.

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

**Openness** - *holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.*

### Confidential matters

On the occasions when a decision needs to be made about whether information should be in the public domain, the Board uses the following criteria for deciding on confidentiality:

1. Personal information relating to an individual
2. Information provided in confidence by a third party who has not authorised its disclosure
3. Financial or other information relating to procurement decisions, including that relating to the College negotiating position, which could expose the College to risks or loss.

4. Information relating to the negotiating position of the College in industrial relations matters.
5. Information relating to the financial position of the College where the Corporation is satisfied in good faith disclosure might harm the College.
6. Legal advice received from or instruction given to the College legal advisors
7. Information planned for publication in advance of that publication
8. Exceptionally, information which by reason of its nature the Corporation or its committees are satisfied should be dealt with on a confidential basis (Clause 17 (2) (d) of the Instrument of Government – see below)

*Publication of Minutes and Papers – Clause 17 of the Instrument of Government*

- (1) *Subject to paragraph (2), the Corporation shall ensure that a copy of:*
  - (a) *the agenda for every meeting of the Corporation;*
  - (b) *the draft minutes of every such meeting, if they have been approved by the Chair of the meeting*
  - (c) *the signed minutes of every such meeting; and*
  - (d) *any report, document or other paper considered at any such meeting,*

*shall, in each case as soon as may be, be made available during normal office hours at the institution to any person wishing to inspect them*
- (2) *There shall be excluded from any item required to be made available in pursuance of paragraph (1), any materials relating to:*
  - (a) *a named person employed at or proposed to be employed at the institution;*
  - (b) *a named student at, or candidate for admission to, the institution;*
  - (c) *the Governance Executive (Clerk to the Corporation), and*
  - (d) *any matter which, by reason of its nature, the Corporation are satisfied should be dealt with on a confidential basis.*
- (3) *the Corporation shall ensure that a copy of the draft or signed minutes of every meeting of the Corporation, under paragraph (1), shall be placed on the institution's website, and shall, despite any rules the Corporation may make regarding the archiving of such material, remain on its website for a minimum period of twelve months*
- (4) *The Corporation shall review regularly all material excluded from inspection under paragraph (2) (d) and make any such material available for inspection where it is satisfied that the reason for dealing with the matter on a confidential basis no longer applies, or where it considers that the public interest in disclosure outweighs that reason.*

The Board will agree, at each meeting, which items, if any, should be kept confidential, bearing in mind the criteria for confidentiality listed above. As a general rule, confidential papers will come into the public domain within one year of their first publication. However there will be papers which must remain confidential - either because they contain information relating to individuals, or contain information which the Board has decided for specific reasons should not yet be made public.

The above guidance on confidentiality is subject to the College's commitment to comply with Freedom of Information legislation.

Board of Governors' meeting papers are published on the College website after they have been signed by the Chair of the Meeting and approved by the Board. Signed copies of the

minutes of all Board and Committee meetings, together with supporting papers, and the Register of Members' Interests are available for public scrutiny in the office of the Governance Executive.

Requests to see, or acquire, copies of any Corporation documents (which are not currently available electronically via the website) should be addressed to:

Governance Executive  
Milton Keynes College  
Bletchley Campus  
Sherwood Drive  
Bletchley  
Milton Keynes  
MK3 6DR  
(telephone 01908 637006, or e-mail [karen.brown@mkcollege.ac.uk](mailto:karen.brown@mkcollege.ac.uk))

### **Attendance at Corporation Meetings by non-members**

In accordance with the Instrument & Articles of Government and, subject to the provisions of Clause 17 (2), (detailed above)

- Members of the Public may be given access to Milton Keynes College Corporation Board (including Committee) meetings subject to prior approval.
- Members of the public wishing to attend a meeting should contact the Governance Executive at least 15 working days prior to the date of the meeting. The Governance Executive can be contacted on 01908 637006.
- Right of access is at the sole discretion of the Chair of the Board or Committee in consultation with the Principal. The Governance Executive shall communicate the decision to the member of the public at least 5 working days before the date of the meeting.
- Members of the public will not be allowed to raise agenda items or speak at the meeting.
- Members of the Corporation and the Governance Executive are entitled to attend all meetings of the Corporation and its Committees (subject to the Instrument and Articles of Government) but should only participate in discussion if invited by the Chair to do so.
- There is a standing invitation to all senior post holders and co-opted members of Committees to attend meetings of the Corporation and all its Committees (subject to the provisions of the Instrument and Articles of Government).

### **FREEDOM OF INFORMATION ACT 2009 Model Publication Scheme**

The 2009 Model Publication Scheme and definition document provided by the ICO for colleges of Further Education has been adopted by Milton Keynes College with effect from 1 January 2009.

The Model Publication Scheme provides a list of the information routinely published by colleges which the ICO expects to be made available unless:

- The information is not held
- The information is exempt under one of the FOI exemptions or Environmental Information Regulations (EIRs) exceptions, or its release is prohibited under another statute
- 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

The Milton Keynes College Publication Scheme can be accessed from its website:  
[www.mkcollege.ac.uk](http://www.mkcollege.ac.uk)

### **Information to be made available by the College**

The information colleges routinely publish falls into the following categories - these have been determined by the ICO:

#### **1 Who we are and what we do**

Organisational information – structures, locations, contacts

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

Published accounts

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

Strategies and plans, performance indicators, inspections and reviews

#### **4 How we make decisions**

Decision-making processes, records of decisions

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

Current written protocols, policies and procedures for delivery of College services and responsibilities

#### **6 Lists and registers**

Information legally required to be held in publicly available registers and logs

#### **7 The Services we offer**

Prospectuses, leaflets, advice and guidance, newsletters

### **How to obtain information**

Via the College website – [www.mkcollege.ac.uk](http://www.mkcollege.ac.uk) or by contacting:

Jason Watson, Registrar  
Milton Keynes College  
Chaffron Way Campus  
Leadenhall  
Milton Keynes  
MK6 5LP

Tel: 01908 684444, Fax: 01908 684399

Email [jason.watson@mkcollege.ac.uk](mailto:jason.watson@mkcollege.ac.uk)

General information on the Freedom of Information Act and the Model Publication Scheme can be obtained from –

The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow

Cheshire SK9 5AF

or via the internet at [www.ico.gov.uk](http://www.ico.gov.uk)

### **Charges for information**

The College may make a reasonable charge for information which is not available on its website. Where a charge is to be made this will be identified in the detailed Scheme.