

Access to College and Corporation Information Policy

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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.

ACCESS TO COLLEGE AND CORPORATION INFORMATION

1. 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 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.

2. 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 18th Edition) and reads as follows:

OPENNESS AND CONFIDENTIALITY

Because of the Corporation's public accountability and the importance of conducting its business openly and transparently, Corporation Members should ensure that, as a general principle, students and staff of the College have free access to information about the proceedings of the Corporation. Accordingly, agendas, minutes and other papers relating to meetings of the Corporation are normally available for public inspection when they have been approved for publication by the Chair.

There will be occasions when the record of discussions and decisions will not be made available for public inspection, e.g. when the Corporation considers sensitive issues or named individuals and for other good reasons. Such excluded items will be kept in a confidential folder by the Governance Professional and will be circulated in confidence to Corporation Members save for those Members who have a conflicting interest in the particular sensitive matter. Some confidential items are likely to be of a sensitive nature for a certain period of time only (for example information relating to a proposed commercial transaction or collaboration with another institution). The Corporation should specify how long such items should be treated as confidential or, if this is not possible, such items should be regularly reviewed to consider whether the confidential status should be removed or whether the public interest in disclosure outweighs that confidential status and the item made available for public inspection.

The Corporation Members must also consider the personal data that is contained within the excluded items in accordance with the Corporation's obligations under the UK GDPR and the Data Protection Act 2018 ("Data Protection Laws") and whether or not disclosure of that personal data would be

in breach of the Data Protection Laws or the rights and freedoms of the individual(s) in question.

When considering such issues the Corporation Members must also consider the College's publication scheme issued under the Freedom of Information Act 2000 and Environmental Information Regulations 2004. Nothing in this section overrides the College's obligation to disclose in response to a request received under these information law regimes (unless an appropriate exemption applies in each case). [Refer to any College policy on Access to Information, if appropriate].

Staff and student Corporation Members have, however, 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.

It is important that the Corporation and its committees have full and frank discussions in order to take decisions collectively. To do so, there must be trust between Corporation Members with a shared corporate responsibility for decisions. Corporation Members should keep confidential any matter which, by reason of its nature, the Chair, or members of any committee of the Corporation are satisfied should be dealt with on a confidential basis.

3. Standards in Public Life (Nolan Committee)

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.*

4. Confidential matters

On the occasions when a decision needs to be made on 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's 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, that 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, as soon as possible, be made available during normal office hours at the institution to any person wishing to inspect them

- (2) *There shall be excluded from any made available for inspection, 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 Clerk, and*
 - (d) *any matter which, by reason of its nature, the Corporation is 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.

5. Publication of Minutes

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 Head of Governance.

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

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

6. 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 Head of Governance at least 15 working days prior to the date of the meeting. The Head of Governance can be contacted on 01908 637006 or karen.brown@mkcollege.ac.uk
- Right of access is at the sole discretion of the Chair of the Board or Committee in consultation with the CEO and Group Principal. The Head of Governance 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 Head of Governance 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).

7. 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. This has been updated by the ICO, with the latest guidance being version 1.2, dated 23 October 2015.

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 in draft form.
- The disclosure of the information is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- 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.

The Milton Keynes College Publication Scheme can be accessed from its website:

<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, constitutional and legal governance.

2 What we spend and how we spend it

Published accounts, 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

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 or by contacting:

Data Protection Officer
Milton Keynes College
Chaffron Way Campus
Leadenhall
Milton Keynes
MK6 5LP

Email dpo@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

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 advised or identified in the detailed Scheme.