

SOUTH CHESHIRE COLLEGE

MINUTES OF A MEETING OF THE AUDIT COMMITTEE HELD IN CONFERENCE CENTRE, ROOM 1 ON THURSDAY 23 NOVEMBER 2006 AT 4.00 PM

Present:

S Utting (Chair)
I Carruthers
B Dean
G Fyffe
G Martin

In Attendance:

G Bebbington (Director of Finance and Administration) (withdrawing as shown)
J Dowell (Deputy Director of Finance and Administration)
(from the point shown and withdrawing as shown)
R Pearson (KPMG, Financial Statements Auditors) (withdrawing as shown)
S Bower (KPMG, Financial Statements Auditors) (withdrawing as shown)
E Davies-Jones (Clerk to the Corporation)

The Clerk confirmed that the meeting was quorate.

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45/06 APOLOGIES FOR ABSENCE

No apologies for absence were received.

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46/06 DECLARATION OF INTERESTS

The Chair enquired whether any of the members attending this meeting considered that they held any personal interest in the items as listed on the agenda to be considered at this meeting. No declarations of interest were made by the members attending.

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47/06 MINUTES OF THE LAST MEETING AND MATTERS ARISING

The minutes of the meeting held on 5 October 2006 were considered.

IT WAS RESOLVED that they be approved as a true and accurate record and signed by the Chair.

Matter arising: Minute No. A 39/06 - Whistleblowing Code

Members were informed that the Internal Auditors have advised that there was no requirement for the personal contact details of the Chair to be included in the Code. The Financial Statements Auditors informed members of the change of name of the nominated KPMG contact.

IT WAS RESOLVED to recommend that the Corporation approve the Code with the amendments as marked and appended to these minutes.

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48/06 FINANCIAL STATEMENTS AUDITORS' REPORT 2005/6 AND MANAGEMENT LETTER AND AUDITED FINANCIAL STATEMENTS

Stephen Bower presented KPMG's eighth report as financial statements auditors in respect of the financial statements for the year ended 31 July 2006, in the form of a management letter dated 14 November 2006. The management letter was accompanied by the draft audited financial statements.

Stephen Bower informed members that the audit work undertaken by KPMG was substantially complete and that KPMG anticipate issuing unqualified opinions on both the financial statements and regularity audits. He informed members of the principal outstanding matters, set out on page 5 of the management letter, namely;

- Receipt of the final regularity 'briefing' from the LSC, which includes confirmation of the College's LSC funding position for the year;
- Review of the final version of the financial statements, including the members' report;
- Review of the information provided by Hyman Robertson LLP regarding the Cheshire Superannuation Fund;
- Completion of post-balance sheet events review; and
- Receipt of a signed letter of representation from the Corporation.

The Deputy Director of Finance joined the meeting at this point

In relation to specific observations set out in the management letter, Rachel Pearson went on to report as follows.

- The auditors consider that the college has a robust risk management system operating at senior management level and have recommended that this system should be cascaded down, embedding the process within the wider college management team, ensuring that there is a greater appreciation and focus on risk at the middle management level. This recommendation has been given a medium priority and has been agreed by the College to be implemented by the Director of Finance and Administration and the Staff Development Unit.
- Three further issues of low priority had been discussed with the Director of Finance and Administration and agreed by him. These were not material to the accounts and would not affect the audit opinion:
- Follow-up of previous management reports indicated that the recommendation relating to Trade Debtors had been implemented with the number of debts over 90 days being reduced to 6.8% compared to 38.7% in the previous year.

Rachel Pearson went on to appraise members of the changes in accounting and auditing developments brief details of which were set out in the management letter dated 14 November 2006.

The Director of Finance and Administration then presented the draft of the College's annual report and accounts for the year ended 31 July 2006, which will be considered by the Corporation at its meeting on 8 December 2006.

IT WAS RESOLVED to:

- ***receive the financial statements auditors' report and to advise the Corporation of its content;***
- ***note the content of the draft annual report and accounts which will be reviewed by the Corporation at its meeting on 8 December 2006.***

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49/06 TIMELY SUBMISSION OF LSC RETURNS

Members received a report confirming that two returns, the monthly student number monitoring returns for 2006-07 on 30 September and 31 October, were due for submission to the Learning and Skills Council between the date of despatch of the papers for the last meeting and 16 November 2006. He reported that both returns were submitted accurately and on time.

IT WAS RESOLVED to note the timely submissions of the LSC returns.

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50/06 RISK MANAGEMENT ANNUAL REPORT 2005/6

The Director of Finance presented the College's annual report on risk management, highlighting in particular –

- how the College had dealt with specific risks in 2005/6, namely vandalism and theft; insufficient accommodation, building project overspends; potential loss of key personnel; possibility of fraud; failure to manage health and safety adequately; network problems; inability to recruit and retain competent personnel; failure to provide high quality teaching; and failure to maximise student potential and success rates;
- changes to the risk register for 2005/6 (development of a separate risk register to be introduced for 2006-7 to cover the Campus Development Project);
- satisfactory internal and financial statements audit opinions. The internal audit covering Risk Management had made no fundamental or significant recommendations.

Members considered the possible need to include an additional risk within the risk register relating to risk associated with any possible non-compliance with insurance warranties.

In answer to questions the Director of Finance and Administration informed members that the Risk register covering the risks related to the subsidiary company South Cheshire College were reviewed by the Board of Directors of that company with reports being made on a regular basis to the Corporation as shareholder at general meetings of the company.

IT WAS RESOLVED to:

- ***receive the annual report on risk management 2005/6, which will be submitted to the Corporation at its meeting on 30 November 2006;***
- ***recommend that the Corporation include an additional risk within the risk register dealing with non-compliance with insurance warranties;***
- ***seek confirmation from the Corporation that the process of monitoring of risks related to the subsidiary company was sufficient and adequate from the perspective of the Corporation as shareholder..***

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51/06 MONITORING OF OUTSTANDING RECOMMENDATIONS

Members considered the Committee's rolling schedule of outstanding recommendations. All recommendations were shown either to have been implemented or were being implemented.

IT WAS RESOLVED to receive the report.

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52/06 FREEDOM OF INFORMATION: PROCEDURE FOR HANDLING REQUESTS FOR INFORMATION

The Director of Finance and Administration presented the paper informing members of the draft procedure for handling requests made for information under the provisions of Freedom of Information Act 2000 ("the Act"). The Corporation Standing Orders include details of the College's Policy on Access to Information. The draft procedure has been prepared in response to a recommendation made by the Internal Auditors that a procedure for implementing the Policy should be in place to allow staff to maintain a system in the absence of key personnel.

IT WAS RESOLVED to recommend that the Corporation approve and adopt the Procedure for Handling Requests for Information made under the provisions of Freedom of Information Act, a copy of which is appended to these minutes.

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53/06 AUDIT COMMITTEE ANNUAL REPORT 2005/6

Members considered the final draft of the Committee's ninth annual report to be delivered to the Corporation. The following areas for development were proposed resulting from the responses of Corporation members to the self assessment questionnaire and the discussion which had taken place at the last Audit Committee meeting:

- (i) Continued development of the curriculum area links programme
- (ii) Development of an action plan to assist in succession planning, including approaches /methods to identify & recruit potential new members
- (iii) Development of papers with executive summaries highlighting the key points / areas for members' attention and consideration.
- (iv) Development of a Governors' Handbook to be updated annually

Members considered the response of the Chair of the Search Committee to point (ii) namely that this matter had been discussed by the Search Committee and it had been resolved by that committee to recommend that the matter should be reviewed as and when further changes to the Instrument and Articles of Government are enacted.

IT WAS RESOLVED to receive the final draft of the committee's annual report and recommend adoption of the draft self assessment report with the development plan to include:

- ***Continued development of the curriculum area links programme***
- ***Development of papers with executive summaries highlighting the key points / areas for members' attention and consideration.***
- ***Development of a Governors' Handbook to be updated annually***

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54/06 RISK REGISTER 2006/07

Members considered the current position in respect of the risks as set out in the College's complete risk register.

IT WAS RESOLVED to note the current position in respect of management of the risks in the risk register 2006/7 and advise the Corporation accordingly.

The Director of Finance and Administration and the Deputy Director of Finance withdrew from the meeting at this point.

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55/06 CONFIDENTIAL BUSINESS

Members and auditors had before them a list of questions which might be put to the financial statements auditors in the absence of management as recommended by CIPFA and a list of questions suggested by the Chartered Institute for Public Finance and Accountancy in their *Handbook for Audit Committee Members in Further and Higher Education* as suitable to be asked by audit committees in the absence of management. The financial statements auditors confirmed that there were no matters to which they wished to draw the attention of the Committee in management's absence. Stephen Bower informed members that management were co-operative and open in dealing with audit queries and were well prepared with accounts and a comprehensive set of papers presented for audit purposes on a timely basis.

The Director of Finance and Administration and the Deputy Director of Finance rejoined the meeting at this point.

Stephen Bower and Rachel Pearson withdrew from the meeting at this point.

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56/06 MONITORING PERFORMANCE OF FINANCIAL STATEMENTS AUDITORS

Members received a report on the performance indicators adopted for the financial statements auditors. The report was accompanied by a satisfaction survey completed by the Director of Finance and Administration in respect of the audit, with comparative data for 2004/5 for benchmarking purposes. All issues had been assessed as 'good' in respect of the year 2005/6.

IT WAS RESOLVED that financial statements audit performance was shown by the satisfaction survey to be acceptable and subject to agreement of remuneration, to recommend reappointment of KPMG LLLP as the corporation's financial statements auditors for the year commencing 1 August 2006.

Stephen Bower and Rachel Pearson rejoined the meeting at this point.

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57/06 RISK AND FRAUD ASSESSMENT SCHEDULE

The Director of Finance presented the paper informing members that the International Standard of Auditing (ISA) 240 issued in March 2004 requires that it is the Auditor's responsibility to consider fraud in an Audit of Financial Statements.

The risk/fraud self assessment schedule was considered by members.

IT WAS RESOLVED to receive the schedule and note that copies of the Senior Managers signed statements regarding ISA 240 have been forwarded to the external auditors and to conclude that management has given adequate assurance that the 2005/06 Financial Statements are not materially misstated because of any known fraud.

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55/04 DATE OF NEXT MEETINGS: Thursday 8 March 2006 at 4.00 pm
Thursday 28 June 2006 at 4.00 pm

There being no further business, the meeting concluded at 5.25 pm.

(Chair)

Production: 26 November 2006
Chair's Approval: 27 November 2006
Committee's Approval: 8 March 2007
Reported to Corporation: 30 November 2006

South Cheshire College

Freedom of Information Act : Procedures for Handling Requests for Information

Contents

- Purpose, Aims and Scope
- Roles and Responsibilities
- Corporation Policy on Handling Requests (Extract from Corporation Standing Orders)

- FOI Request Handling Procedure Summary
- Step 1 Receiving Requests for information
- Steps 2 – 5 Request Handling Procedure
- Appeals Procedure

- Search Schedule Form

- Exemptions

- Template letters :
 - Letter 1: Transfer request to another authority (Full)
 - Letter 2: Transfer request to another authority (Partial)
 - Letter 3: Information not held – not transferable
 - Letter 4: Information already in the public domain
 - Letter 5: More detail required
 - Letter 6: Vexatious request
 - Letter 7: Legal proceedings ongoing
 - Letter 8: 3rd Party consultation notification to applicant
 - Letter 9: 3rd Party consultation Notification to consultee
 - Letter 10: Fee limit exceeded
 - Letter 11: Acknowledge request (no fee)
 - Letter 12: Acknowledge - exemption being claimed initially
 - Letter 13: Acknowledge request and request fee
 - Letter 14: Requested format unavailable
 - Letter 15: Release information
 - Letter 16: Acknowledge Request to review a decision (Appeal)

PURPOSE

This procedure supports the legislative framework for responding to requests for information under the statutory access regime established by the Freedom of Information Act (FOIA)

AIMS

The aims of the procedure are:-

- To provide a framework that ensures that the College complies with the requirements of the various statutory access regimes
- To promote transparency of decision making by the College
- To improve and enhance the democratic process
- To build public trust and confidence.

These aims will be balanced by:-

- The requirement to maintain high standards of care in ensuring the privacy of personal and commercially confidential information;
- The requirement to preserve confidentiality where disclosure would not be in the public interest, or would breach personal privacy or the confidences of a third party;
- The requirement to prohibit the disclosure of information as may be necessary by law.

SCOPE

The procedure sets out the general principles that will be adopted by the College in response to any requests for information under any statutory access regimes, with particular reference to:-

- responses to requests for information
- the provision of advice and assistance
- the application of exemptions
- consultation with third parties
- refusal or part refusal of requests
- complaints about responses to requests for information
- recording & monitoring requests for information.

Roles and Responsibilities

Principal :

The Principal has ultimate responsibility for ensuring compliance with the current applicable legal framework

All Staff :

All staff have a duty to provide advice and assistance to anyone requesting information. All requests received under the Freedom of Information Act must be immediately notified to the Director of Finance.

Director of Finance and Administration :

The Director of Finance and Administration (DOFA) is responsible for:

- Ensuring operational compliance with the College's corporate standards in relation to the management of and access to information in all its forms including:
 - Providing advice to staff on receiving requests for information
 - Making arrangements for the search, retrieval and copying of requested information
 - Assessment of possible exemptions that may be applied when information is requested.

- Applying the legislation and making decisions on disclosure of information including:
 - Making decisions on disclosure of information in response to an FOIA request and assessing exemptions that may be applied
 - Contacting and consulting 3rd Parties (where the information requested relates directly to their area of work) regarding disclosure of information
 - Arranging for copying of requested information including ensuring that exempt information is removed from 3rd party viewing

- Providing advice and guidance in respect of compliance with the access to information regimes under the DPA & FOIA including:
 - Overseeing requests for access to information throughout the College
 - Monitoring and tracking requests to ensure that deadlines are met
 - Applying the exemptions appropriately in accordance with the legislation
 - Ensuring that information is released in accordance with the procedures
 - Administering appeals

EXTRACT FROM CORPORATION STANDING ORDERS : **APPENDIX 9**
[Policy on Access to Information]

Introduction

1. This framework sets out the policy of South Cheshire College in relation to access to information.

Policy

2. Information about college activities is generally available to the public on request. In particular, the College has adopted a publication scheme in accordance with the Freedom of Information Act 2000. The publication scheme describes the information which the College publishes. This policy should be read together with the Freedom of Information Act 2000 and in the event of any inconsistency, the Act shall prevail.

Access to College Documentation and Fees

3. Any person seeking access to college information may do so by applying in writing to the Principal at South Cheshire College, Dane Bank Avenue, Crewe, Cheshire CW2 8AB.

4. Copies of the documents asterisked at Annex 1 are available free of charge.

5. Other documents or information are available free of charge from the College website. A fee will be charged (£25 as at 1 August 2004) for each individual item sent by email or in paper form by post.

Confidential Information

6. Some college information is exempt under the Freedom of Information Act. This information will be withheld from any material generally provided. Information falling into the categories listed in Annex 2 would normally be withheld.

7. If any request is turned down on grounds of exemption, the College will give reasons for denying access.

Response to Enquiries

8. The College will provide information which it is obliged to supply and which is not exempt on request within 20 working days. The College reserves the right not to respond to vexatious or repeated requests or to requests where the estimated cost of compliance would exceed the limit specified by the Freedom of Information Act.

Feedback and Complaints

9. Any questions, comments or complaints about access to information should be sent in writing to:

The Principal
South Cheshire College
Dane Bank Avenue
Crewe
Cheshire CW2 8AB

If the College is unable to resolve any complaint, a further complaint can be made to the Information Commissioner, the independent body who oversees the Freedom of Information Act:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow

Cheshire
SK9 5AF

Further information

More information about the Freedom of Information Act is available on the Information Commissioner's website at:

www.informationcommissioner.gov.uk

ANNEX 1

Documents Generally Available

Agendas*, papers and minutes* of the Corporation and the Audit, Finance, Organisational Development and Quality and Standards and Search Committees

Statement of policy on attendance at Corporation and Committee meetings*

Annual financial statements and annual report *

College Charter *

College prospectus *

Summary of the College inspection report *

Information on examination results *

Register of members and members' interests *

Instrument and Articles of Government *

Freedom of Information Act 2000 Publication Scheme *

Policy on access to information *

Procedure on whistleblowing *

Standing Orders

ANNEX 2

Criteria for Exemption under the Freedom of Information Act 2000

Personal information relating to an individual (including personal data within the meaning of the Data Protection Act 1998)

Information provided in confidence by a third party who has not authorised its disclosure

Information the disclosure of which might prejudice the commercial interests of the College or any other person

Information the disclosure of which might prejudice the mental or physical health or safety of any person

Information the disclosure of which is prohibited by law

Certain information relating to the investigation of criminal offences

Information which is the subject of legal professional privilege, including legal advice received from or instructions given to the college legal advisers

FOI Request Handling Procedure Summary

Compiled with reference to the Lord Chancellor's Code of Practice on Section 45 of the Freedom of Information Act 2000

1 Day - Step 1: Receive Request

2 Days - Step 2: Check / clarify

5 Days - Step 3: Search / fees notice / acknowledge

10 Days - Step 4: Retrieve / apply exemptions / 3rd parties consulted

2 Days - Step 5: Release

Appeal / Review

NB. The time scales above are the **upper limits** for all requests, however simpler requests will pass through a number of stages much quicker.

Step 1 - Receiving Requests for information (phone)

Request for information received by any member of staff via a phone call

Is the applicant requesting potentially sensitive information?

- if YES

- Ask the applicant to put their request in writing, discuss with your manager and if necessary contact DOFA
- The FOIA Request Handling Procedure (steps 2 – 5) will be followed when the written request is received.

- if NO – Is the information available on the website or elsewhere in the public domain?

- if YES - Provide the applicant with the information location. - END

- if NO - Can all the information be provided within 5 working days?

- if YES - Deal with request as normal course of business –END

- if NO - Ask the applicant to put their request in writing, and contact DOFA
The FOIA Request Handling Procedure (steps 2 – 5) will be followed when the written request is received.

➤ If an applicant is unable to put their request in writing record the details over the phone and then contact DOFA if necessary.

➤ Where a caller has phoned the wrong dept. they should be transferred to the correct dept. as usual. FOI should not be seen as a way to bureaucratise the provision of information.

Step 1 - Receiving Requests for information (written)

Request for information received by any member of staff by Letter / Fax / E-mail

*****Make sure the date of receipt is marked on the request for information*****

Is the applicant requesting any potentially sensitive information?

-if YES - Log the request with DOFA- by hand, fax or e-mail.

Internal mail should not be used. The FOIA Request Handling Procedure will be followed

- if NO - Is the information available on the College web site or elsewhere in the public domain?

- if YES - Phone the applicant and advise them of the Information location. Confirm this in writing.

▪ **When FOIA has been quoted or referred to pass the details of the request to DOFA with details of phone call so this can be recorded**

- if NO - Can all the information be provided within 5 working days?

-if YES - Provide the information - END

- if NO - Log the request with DOFA - by hand, fax or e-mail. Internal mail should not be used.

The FOIA Request Handling Procedure will be followed

➤ Where requests for information are dealt with through normal course of business the 20 day response time should still be borne in mind. If the request is not dealt with within 20 days the applicant may return and apply the FOIA. Where an applicant has referred to the FOIA in their request, but it can be easily dealt with through normal course of business – you must notify DOFA of this request so it can be recorded.

Steps 2- 5 : FOI Request Handling Procedure

Step 2- Check and clarify the request for information - 2 Days

STEP	ACTION:		Applicable Template Letters	RESPONSIBLE PERSON:
2.1	Log Request	Staff member contacts DOFA who opens a file for this request and logs the request on the Fol tracking system		Staff member/initial contact / DOFA
2.2	Check request is complete	Has all necessary information has been provided to enable request to be dealt with. If not DOFA contacts staff members to obtain further information		DOFA / Staff member
2.3	Should the request have been sent to another authority?	A request can be transferred where the College receives a request for information it does not hold but which is held by another authority. DOFA should check that the information is held by the other authority first and then notify the applicant. The transfer should be carried out without delay and with regard to any views expressed by the applicant (e.g. whether the applicant is likely to have any grounds to object). If in doubt DOFA should contact the applicant. In instances whether the College does hold some of the information requested this partial request should be dealt with in the normal way and the other authority notified.	Letter 1 Letter 2 Letter 3	DOFA
2.4	Check the Publication scheme	Is the information in the model publication scheme adopted by the College or elsewhere in the public domain. If Yes then an exemption can be claimed and the applicant notified in writing	Letter 4	DOFA
2.5	Check previous requests	Has the request been answered before and if Yes then skip to Step 5. If previous requests have been received from the same person this could be considered as a vexatious request	Letter 6 Letter 7	DOFA
2.6	Legal Advice	Is the applicant involved in a related legal issue elsewhere in the College. If yes this may inform who contacts the applicant to clarify the request or whether further legal advice is required before proceeding		DOFA
2.7	Initial Search	Liaise with relevant staff members should undertake a quick review of the scope of the information which the College is likely to hold in relation to the request and try to identify any major issues affecting the ability to respond to the request eg: sensitivity; retrieval difficulties affecting the time-scale; cost	Letter 10	DOFA to identify where information is
2.8	Contact applicant	Contact the applicant by phone if clarification is required		DOFA

		<p>regarding :</p> <ul style="list-style-type: none"> • Any ambiguities in the request; • To outline the possible types of information available; • To discuss possible costs; • To discuss time-scales and staged release of information; • To consider focusing the scope of the request; • To discuss the preferred format for the delivery of the information <p>(The applicant is not obliged to explain why the information is required but if they are willing to do so it might assist the search. Care must be taken not to give the applicant the impression that they will be treated differently if they do not give reasons for the request)</p> <p>Make and file a telephone attendance note.</p>		
2.9	Write to applicant if unable to contact by phone	Send letter to the applicant covering the issues (step 2.8) and inform the applicant that the 20 day response time is suspended until they provide the required details.	Letter 5	DOFA

Step 3- Search for information/calculate fees and acknowledge – 5 Days

STEP:	ACTION:		RESPONSIBLE PERSON:
3.1	Initiate search – 1 day maximum	Liaise with staff members and initiate a search to find where relevant information is	DOFA
3.2	Undertake search	<p>Complete the search and log the summarized results on the Search Schedule including details of:</p> <ul style="list-style-type: none"> • Date of the record/information; • Author / owner of the information; • Title or person(s) it is addressed to; • Brief description of the record or its content 	DOFA
3.3	Initial consideration of exemptions	Consider if the request is likely to be exempt on cost grounds / policy in progress / confidentiality or other reason.	DOFA
3.4	Calculate fees notice (if applicable)	Estimate the time required to retrieve the information and approx number of photocopies etc. Apply this information to the fees regulation guidance and calculate a fees notice.	DOFA
3.5	Respond to applicant in writing	Write to the applicant listing what information is held, whether an exemption is being claimed and include the fees notice (if applicable)	Letter 11 Letter 12 Letter 13

Step 4- Retrieve information/apply exemptions/consult third parties– 10 Days

STEP:	ACTION:		RESPONSIBLE PERSON:
4.1	Receive fee (if applicable)	Retrieval of information may commence in anticipation of the fee being paid. However where the applicant indicates that they are not prepared to pay the fee the College should consider whether there is any information that may be of interest to the applicant that is available free of charge.	DOFA
4.2	Retrieve & copy information	Retrieve the information and make a paper copy available. Collate all the information.	DOFA
4.3	Decision on disclosure/application of exemptions	Identify any information which should not be disclosed stating the relevant exemption being applied. Complete the exemptions box on the Search Schedule.	DOFA
4.4	Contact 3 rd parties if required	Where the requested information includes references to 3 rd parties (whether organizations or individuals) consider whether the release of that information could constitute an actionable breach of confidence- <ul style="list-style-type: none"> • if YES – consent should be obtained before disclosure where possible • if NO – the College should consult the 3rd party where: <ul style="list-style-type: none"> ➢ the views of the 3rd party would assist in deciding whether an exemption applies; or - the views of the 3rd party may assist in determining whether the public interest lies. <p>(the time-scale for disclosure continues whilst consultation is underway – with it may be extended where there are complex public interest considerations;</p> <ul style="list-style-type: none"> • it is the College not the 3rd party who determines whether information should be disclosed – even where consent is withheld) 	Letter 8 Letter 9
4.5	Photocopy	All pages should be numbered and photocopied	DOFA
4.6	Further review	Identify potential areas for full or partial removal of information based on the exemptions. Note the reasons for partial removal on the photocopied pages and ensure the document is photocopied again to completely obliterate the exempt information. Complete the details in the exemptions box on	DOFA

		the Search Schedule. A clean complete copy of all papers including the exempt information should be kept in case a review is required.	
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Step 5- Release information – 2 Days

STEP:	ACTION:		RESPONSIBLE PERSON:
5.1	Preferred format	Transfer information to preferred format if “reasonable” to do so	DOFA
5.2	Issue information with explanation of exemptions	Refer for approval by appropriate level staff within the College where an issue of considerable public interest is at stake Write to the applicant with the information requested clearly explaining the reasons for any information which is not being disclosed detailing the exemption applied and its interpretation and include details of the College’s review/appeals process.	DOFA
5.3	Procedure and publication scheme	Consider any amendment to the Procedure and/or the Model Publication Scheme	DOFA
5.4	File papers and Central Log of Requests	Retain all the information and papers relating to the request to ensure that they are available until the time limit for completion of the appeals process has expired	DOFA

Step 6 - Review / appeals procedure

In the event that an applicant considers that their request has not been properly handled or is dissatisfied with the outcome they may request to have the decision reviewed / appealed. This review will be carried out in accordance with the College’s Complaints Policy.

STEP:	ACTION:		RESPONSIBLE PERSON:
6.1	Log the request for review/appeal	Log the request for review and open file	DOFA
6.2	Acknowledge the request	Write to the applicant to acknowledge the request.	DOFA
6.3	Pass complaint file and original request file to the reviewing officer	The reviewing officer should be an appropriate level within the College and someone who has not been involved in the initial decision	DOFA
6.4	Undertake review	Review the original decision, taking into account the comments of the applicant, within 10 days. If the review will take longer than 10 days notify the applicant immediately and give an estimated completion date.	Reviewing Officer

Absolute and Qualified Exemptions

Exemptions where the public interest test does not apply ('absolute exemptions')

- Section 21 Information accessible to applicant by other means
- Section 23 Information supplied by, or relating to, bodies dealing with security matters (a certificate signed by a Minister of the Crown is conclusive proof that the exemption is justified. There is a separate appeals mechanism against such certificates)
- Section 32 Court records, etc
- Section 34 Parliamentary privilege (a certificate signed by the Speaker of the House, in respect of the House of Commons, or by the Clerk of the Parliaments, in respect of the House of Lords is conclusive proof that the exemption is justified.)
- Section 36 Prejudice to effective conduct of public affairs (only applies to information held by House of Commons or House of Lords)
- Section 40 Personal information (where the applicant is the subject of the information. The applicant already has the right of 'subject access' under the Data Protection Act 1998; where the information concerns a third party and disclosure would breach one of the Data Protection Principles)
- Section 41 Information provided in confidence.
- Section 44 Prohibitions on disclosure where a disclosure is prohibited by an enactment or would constitute contempt of court.

Exemptions where the public interest test applies (qualified exemptions)

- Section 22 Information intended for future publication
- Section 24 National security (other than information supplied by or relating to named security organisations, where the duty to consider disclosure in the public interest does not arise.)
- Section 26 Defence
- Section 27 International relations
- Section 28 Relations within the United Kingdom
- Section 29 The economy
- Section 30 Investigations and proceedings conducted by public authorities
- Section 31 Law enforcement
- Section 33 Audit Functions
- Section 35 Formulation of government policy, etc
- Section 36 Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords)
- Section 37 Communications with Her Majesty, etc and honours
- Section 38 Health and safety
- Section 39 Environmental information as this can be accessed through the Environmental Information Regulations.
- Section 40 Personal information People cannot access personal data about themselves under the FOI Act as there is already access to such information under the Data Protection Act 1998. Personal data about other people cannot be released if to do so would breach the Data Protection Act.
- Section 42 Legal professional privilege
- Section 43 Commercial interests

The Public Interest Test

Where the public interest test applies to exemptions the circumstances of each particular case and the exemption that covers the information will require careful consideration.

The Freedom of Information Act does not define 'the public interest' and the following information is merely indicative.

Some examples of the kinds of public interest considerations that might be taken into account include:

In favour of disclosure -

- (i) The right of the public to have access to information;
- (ii) Disclosure will reveal reasons for decisions;
- (iii) The accountability of administrators and scrutiny of decision making processes;
- (iv) The need for the public to be better informed and more conversant on public affairs;
- (v) The information will make a valuable contribution to the public debate on an issue;
- (vi) Accountability for the use of public funds.

In favour of non-disclosure

- (i) The need to preserve confidentiality having regard to the subject matter and the circumstances of the information;
- (ii) Where release of the records could impair a future decision;
- (iii) Where premature release could contaminate the decision making process;
- (iv) Where release of the records could impair the integrity and viability of the decision making process to a significant or substantial degree without a compensating benefit to the public;
- (v) When broader community interests must be considered, as distinct from those of the applicant and the subject of the information;
- (vi) The need to avoid serious damage to the proper working of government at the highest level.