



west lothian
college

Freedom of Information Procedure

September 2023

Author: Vice Principal, Finance & Corporate Services

Impact Assessment Date: September 2023

Date: September 2023

Contents

History of Changes	1
1 Specific Requests for Information.....	2
2 Charges	2
3 Complaints and Appeals	3
4 Equality Impact Assessment	4
Appendix 1	8

History of Changes

Version	Description of Change	Authorised by	Date
1.1	Minor changes to original policy.	C Miller	April 2019
1.2	Minor changes to original policy.	J McLaren	September 2023

West Lothian College is an inclusive organisation and all policies, procedures, strategies, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services are assessed to consider the impact on staff and students covered by the Equalities Act 2010 by the completion of an Equalities Impact Assessment (EIA). Protected characteristics are defined as age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex, sexual orientation. All college policies and procedures can be provided in an accessible format.

1 Specific Requests for Information

1.1 Information not made available through the College's Publication Scheme will be accessible through a specific request for information. In this regard the Freedom of Information (Scotland) Act 2002 (FOISA) establishes two related rights:

- the right to be told whether information exists; and
- the right – subject to exemptions – to receive information.

Such requests will be handled by the Vice Principal, Finance & Corporate Services.

1.2 The FOISA provides that requests under 6.1 of the policy must be in permanent form e.g. written, email or other electronic means.

1.3 The college is required to respond to permanent requests within 20 working days although this can be reasonably extended if the college requires further information to enable it to respond.

1.4 The requestor may specify the format in which the information should be provided and the college must comply where this is "reasonably practicable".

1.5 The college has a duty to provide advice and assistance to applicants and those wanting to make requests. The Vice Principal, Finance & Corporate Services will be responsible for this function and will provide particular consideration to those with a disability or with communication difficulties.

1.6 This Policy details the college's response to the FOISA. The Policy should be read in conjunction with the college's Data Protection Policy.

2 Charges

2.1 Information made available through the publication scheme is free of charge.

2.2 Fees for other information will be made in accordance with the guidance issued by the Scottish Information Commissioner.

3 Complaints and Appeals

Any applicant who considers that their request for information under the above legislation has not been properly handled, or who is otherwise dissatisfied with the outcome of the consideration of their request and is unable to resolve the issue informally in discussion with the person dealing with the request, is entitled to require the college to review its decision.

- 3.1 The Vice Principal, Finance & Corporate Services will co-ordinate any complaints received in respect of the college's operation of the FOISA.
- 3.2 Complaints should be addressed to the Vice Principal, Finance & Corporate Services in the first instance. The complaint will be responded to within 30 days.
- 3.3 If the applicant is not satisfied with the reply they should write to the college Principal.

If applicants are dissatisfied with the outcome of the Principal's decision they should write to: The Scottish Information Commissioner,
Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

- 3.4 Any appeal against a decision not to disclose information should be made to the college Principal, who will respond within 30 days. An appeal should be lodged within 40 days of the applicant's receipt of the college's response.
- 3.5 On receipt of an appeal the Principal will delegate a review of the request to a member of the Executive Leadership Team (not the Vice Principal, Finance & Corporate Services).
- 3.6 The appointed member of the Executive Leadership Team will review the decision made and communicate with the applicant within 30 working days. If the outcome of the review is that the requested information should be available, this information will be passed to the applicant as soon as is practicable. If the outcome of the review upholds the initial decision this will be communicated to the applicant with information as to their right of appeal to the Information Commissioner.
- 3.7 If the applicant is not satisfied with the reply they should write to the college Principal.
- 3.8 If applicants are dissatisfied with the outcome of the Principal's decision they should write to: The Scottish Information Commissioner,
Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

4 Equality Impact Assessment

Equality Impact Assessment

Before carrying out an EIA, you should familiarise yourself with the college's EIA Policy Statement and Guidance, along with further information and resources which are available on Sharepoint.

EIA covers **strategies, policies, procedures, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services**, but will be referred to hereinafter as 'policy/practice'.

Policy/Practice (name or brief description):	Freedom of Information Procedure
Strategy/Policy includes Equalities Statement of Inclusiveness? Yes	<p>Text to be included in strategy/policy:</p> <p>Statement of Inclusiveness</p> <p>West Lothian College is an inclusive organisation and all policies, procedures, strategies, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services are assessed to consider the impact on staff and students covered by the Equalities Act 2010 by the completion of an Equalities Impact Assessment (EIA). Protected characteristics are defined as age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex, sexual orientation.</p>
Reason for Equality Impact Assessment (choose from the following options):	
<ul style="list-style-type: none"> • Proposed new policy/practice • Proposed change to an existing policy/practice • Undertaking a review of an existing policy/practice • Other (please give detail): 	Undertaking a review of existing policy

Person responsible for the policy area or practice:	
Name:	Jennifer McLaren
Job title:	Vice Principal, Finance & Corporate Services
An Equality Impact Assessment must be carried out if the policy/practice:	
<ul style="list-style-type: none"> • affects operational or strategic functions of the college • is relevant to the promotion of equality (in terms of the Public Sector Equality Duty 'needs' as set out in the Policy and Guidance) 	
Why the EIA is being carried out	The policy will affect operational functions of the college.
Equality Groups	
Relevant to the Policy/Practice, identify which of the undernoted equality groups are impacted upon:	
<ul style="list-style-type: none"> • Age • Disability • race (including ethnicity and nationality) • religion or belief • sex • sexual orientation • gender reassignment • pregnancy and maternity • marriage or civil partnership 	All

Record your assessment against the following statements:

Statement	Equality assessment
Detail the evidence of the needs of the identified equality groups and any gaps in information	The policy is in place to protect individuals' rights. This applies to all groups of people.
Will application of this policy/practice lead to discrimination (direct or indirect), harassment, victimisation, less favourable treatment for particular equality groups?	No
If yes, how will the policy/practice be changed to contribute to advancing equality of opportunity	
State how this policy/practice will foster good relations:	Good relations with staff and learners will be formed since the policy aligns with current legislation, and is fair to all.
Will the policy/practice create any barriers for any other groups?	No
If yes, how will the policy/practice be changed to contribute to advancing equality of opportunity	
Which equality groups or communities have been consulted in the development and review of this policy/practice?	Consultation with Executive Leadership Team since it aligns with statutory requirements.

Equality Impact Assessment Outcome	
Select one of the four options below to indicate how the development/review of the policy/practice will be progressed and state the rationale for the decision. (Delete the options that do not apply):	
<p>Option 1: No change required – the assessment is that the policy/practice is/will be robust.</p> <p>Option 2: Adjust the policy or practice – this involves taking steps to remove any barriers, to better advance equality and/or to foster good relations.</p> <p>Option 3: Continue the policy or practice despite the potential for adverse impact, and which can be mitigated</p>	Option 1

<p>Option 4: Stop the policy or practice as there are adverse effects cannot be prevented/mitigated against.</p>	
<p>Monitoring</p>	
<p>When will the policy/practice next be reviewed?</p>	<p>April 2024 when responsibility for FOI transfers from Vice Principal Finance & Corporate Services</p>
<p>Publication of EIA</p>	
<p>Can this EIA be published in full, now? Please state Yes or No</p> <p>If No – please specify when it may be published or indicate restrictions that apply:</p>	<p>Yes</p>
<p>Sign-off</p>	
<p>EIA undertaken by</p> <p>Name:</p> <p>Date:</p> <p>Accepted by person responsible for the policy/practice named above:</p> <p>Name:</p> <p>Date:</p> <p>Approved by Equalities Committee</p> <p>Date:</p>	<p>Jennifer McLaren September 2023</p>

Retain a copy of this form for your own records and send a copy to lbyrne@west-lothian.ac.uk

Appendix 1

Responding to FOI Requests

The steps below shows in outline to which the college will follow. This involves logging the key steps in a tracking system, for which valid requests should be actioned within 20 working days.

Step 1 Qualification of request is required

Requests for personal data should be referred to Vice Principal, Finance & Corporate Services, Data Protection guidelines take precedence.

Requests for information already published should be handled by referring the requestor to the Publication scheme.

If the request is unclear, more information should be sought from the requestor.

Step 2 The college should establish if it holds in the information

If so, start to collect it.

Some or all of the information may be exempt; the college must decide whether to release it anyway, in line with guidelines on absolute and qualified exemptions.

Step 3 Where fees apply

If a fee is due from the requestor, the process is suspended from the point the payment request is made until it is received, or the request lapses.

Responses to requests:

Where practicable, the information should be supplied in the manner requested, for example as a report or in machine-readable format.

Requestor satisfaction

If not satisfied, the requestor can invoke the college's review and complaints process, and eventually appeal to the Information Commissioner.