



# Access to Corporate Information 2023

## Change Control

<b>Version:</b>	V6
<b>New or Replacement:</b>	Replacement
<b>Approved by:</b>	Corporation
<b>Date approved:</b>	05/07/2023
<b>Name of author:</b>	Director of Governance
<b>Name of responsible committee:</b>	N/A
<b>Name of Corporation committee:</b>	Corporation
<b>Date issued:</b>	July 2023
<b>Review date:</b>	July 2026

## Revision History

<b>Version</b>	<b>Type</b>	<b>Date</b>	<b>History</b>
V1	New	27/09/2011	New Policy
V3.1	Replacement	02/09/2013	Changes to incorporate the Framework for the Development of Strategies, Policies and Procedures.
V4	Replacement	07/04/2014	Change of title, incorporating the policy on public access to meetings, access to corporate information, governance information.
V5	Replacement	26/10/2021	Amendments to reflect ERC merger and change of institutions name to TEC Partnership.
V6	Replacement	13/06/2023	Amendments to reflect the new group governance structure and access to meetings.

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## **1 Introduction**

- 1.1. It is the policy of the Corporation to comply with the TEC Partnership's Instrument of Government and in so doing, to provide information to the public regarding the work of the Corporation, local boards and committees.

## **2 General Access to Governance Information**

- 2.1 The Corporation recognises that it has a duty under the Freedom of Information Act 2000, the Nolan Principles of Public Life and the Instrument and Articles of Government to be open and transparent in all its business. To that end, Governors will not make any matter confidential without good reason and such confidential matters will be kept to an absolute minimum. Information will be made available to the public in accordance with the principles of the Freedom of Information Act 2000. In particular:
- a) The TEC Partnership Corporation will publish its governance information on its website [www.tecpartnership.ac.uk/governors](http://www.tecpartnership.ac.uk/governors);
  - b) There will be no charge for documents that are already freely available as documents contained in the governance section of the TEC Partnership website;
  - c) Copies may be requested by email to the Director of Governance, for which there will be no charge for electronic transfer of such documents;
  - d) The cost of providing up to 10 sheets (twenty sides) of paper copies will be borne by the TEC Partnership provided that a stamped addressed envelope is provided for return. A scale of charges may apply for more than 10 sheets to cover staff time, photocopying, post and packing;
  - e) If any request for information is turned down on the grounds of confidentiality, the TEC Partnership will give the reasons for denying access in line with this policy;
  - f) The TEC Partnership will list on its website the documentation available for inspection during normal office hours via the Director of Governance's office.
- 2.2 Reports and documents circulated to Governors, co-optees and relevant members of College staff in relation to governance should be treated as confidential and not circulated, unless the information is already published on the TEC Partnership's website and therefore in the public domain.
- 2.3 All enquiries regarding circulation, access to, or obtaining copies of governance papers or information should be directed to the Director of

Governance in the first instance by Governors, College staff and members of the public.

### **3. Confidentiality of Governance Information**

- 3.1 This is a statutory policy on the publication and access to meeting papers used by Governors, levels of confidentiality that can be applied to Governors' information as well as public access to Governors' meetings.
- 3.2 On the occasions when a decision needs to be made on whether information needs to be in the public domain, the Board uses the following criteria for deciding on confidentiality:
- i) Personal information relating to an individual
  - ii) Information provided in confidence by a third party who has not authorised its disclosure
  - iii) Financial or other information relating to procurement decisions, including that relating to the Partnership's negotiating position, which could expose the Partnership to risks or loss.
  - iv) Information relating to the negotiating position of the Partnership in industrial relations matters.
  - v) Information relating to the financial position of the Partnership where the Corporation is satisfied, in good faith, that disclosure may harm the Partnership.
  - vi) Legal advice received from or instruction given to the Partnership.
  - vii) Information planned for publication, in advance of its publication.
  - viii) 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 of the Instrument of Government – see below)
- 3.3 The Instrument and Articles of Government of the TEC Partnership, which control how the Corporation will act, states the following about confidentiality and access to papers:

Instrument 17 Access to papers:

- '17.—(1)** The Corporation shall ensure that a copy of -
- (a) the agenda and the signed minutes for every meeting of the Corporation and its Committees; and
  - (b) any report, document or other paper considered at any such meetings, will 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 item made available for inspection any material 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; or
  - (d) any matter which, by reason of its nature, the Corporation is satisfied should be dealt with on a confidential basis.'

See Appendix One

- (3) The Corporation shall ensure that a copy of the minutes of every meeting of the Corporation and the Audit Committee 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 12 months.
- (4) The Corporation shall review every two years 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.

- 3.4 Under the Instrument 17, the TEC Partnership is obliged to:
- Make available the agenda and final minutes and reports from each Corporation meeting available for inspection; subject to confidentiality;
  - Publish the final minutes of each Corporation and Audit Committee meetings on its website and maintain their availability for at least 12 months;
  - Regularly review any excluded material on a two yearly cycle;
  - Publish a policy regarding attendance at meetings;
- 3.5 In order to respond to these requirements, this policy document shall detail how the TEC Partnership will meet these obligations, as follows:
- The Clerk will ensure that required documentation is available for inspection from Corporation and committee meetings; subject to confidentiality
  - The Clerk will ensure that the final minutes from Corporation and Audit Committee meetings are published on the TEC Partnership website and remain available for at least 12 months;
  - This policy will be published on the TEC Partnership's website as the written statement on availability of governance information as well as attendance at governance meetings (ref: Corporation Standing Order no 10 Attendance)
- 3.6 Matters discussed by the Corporation and committees will, from time to time, be of a confidential nature. In such instances or where the discussion relates to a report agreed as confidential, there will be a version of the minutes publicly available to demonstrate the Corporation's decision-making processes, which will be as detailed as possible within the restriction of confidentiality, in order that the Corporation and the TEC Partnership remains open and accountable for its actions. A more detailed set of minutes will be reserved to the Corporation.

#### **4. Confidentiality**

##### **Public Access to Meetings of the Corporation and its Committees**

- 4.1 In accordance with the Instrument and Articles of Government of the TEC Partnership, the Corporation has the absolute right to determine who shall be allowed to attend Corporation and Committee meetings.
- 4.2 Committee meetings relating to the Corporation's work will not be open to the public.

- 4.3 The members of the Corporation and the Director of Governance are entitled to attend all meetings of the Corporation, its committees and working groups, subject to restrictions under the Instrument and Articles of Government of the TEC Partnership.
- 4.4 Members of the Senior Management Team may be invited to attend meetings of the Corporation and appropriate Committee meetings, by the Chair of the Corporation or Committee.
- 4.5 Co-opted members of Committees:**
  - 4.5.1 may be invited to attend Corporation meetings by the Director of Governance, at which they may speak (on invitation from the Chair) but not vote.
  - 4.5.2 may be provided with a set of non-confidential papers at the Corporation meeting.
- 4.6 The Director of Governance shall be in attendance at any meeting of the Corporation, its committees and working groups, as per the provisions and restrictions of the Instrument and Articles of Government of the TEC Partnership.
- 4.7 The Director of Governance may, with the approval of the Chair of the meeting, arrange for a minute secretary to be in attendance.
- 4.8 Photography (still or video/ film) or the recording by electronic means of the proceedings of the Corporation and committees will be forbidden except by the expressed permission of the Chair of the meeting; those present at the meeting retain the right to refuse for their image to be captured against their wishes.

## **5. Policy Review**

This policy will be reviewed on a three yearly basis by the Corporation.



## Appendix One

### 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 the corporation or its committees. The code is clear on the issue of accessibility and confidentiality. (point 11 of the code – 17<sup>th</sup> edition), 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 records of discussion 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 Clerk and will be circulated in confidence to corporation members, save for those members who have a conflicting interest in the sensitive matter.

Some confidential items are likely to be of a sensitive nature for a certain period 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 reviewed regularly to consider whether the confidential status should be removed or whether the public interest outweighs that confidential status and the item is 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.

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 Instrument of Government.

### **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.



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