



# Freedom of Information Policy

## Document Control

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## **1. INTRODUCTION**

1.1. The Trust is subject to the Freedom of Information Act 2000 (FOI) as a public authority, and as such, must comply with any requests for information in accordance with the principles laid out in the Act. This policy should be read in conjunction with the Leger Education Trust Freedom of Information Model Publication Scheme which has been adopted in full by the Trust, from the Information Commissioner's Officer (ICO).

## **2. WHAT IS A REQUEST UNDER FOI**

2.1. Any request for any information from the Trust is technically a request under the FOI, whether or not the individual making the request mentions the FOI. However, the ICO has stated that routine requests for information (such as a parent requesting a copy of a policy) can be dealt with outside of the provisions of the Act.

2.2. In all non-routine cases, if the request is simple and the information is to be released, then the individual who received the request can release the information, but must ensure that this is done within the timescale set out below. A copy of the request and response should then be sent to the Academy Principal.

2.3. All other requests should be referred in the first instance to the Academy Principal, who may allocate another individual to deal with the request. This must be done promptly, and in any event within 3 working days of receiving the request.

2.4. When considering a request under FOI, you must bear in mind that release under FOI is treated as release to the general public, and so once it has been released to an individual, anyone can then access it, and you cannot restrict access when releasing by marking the information "confidential" or "restricted".

## **3. TIME LIMIT FOR COMPLIANCE**

3.1. The Trust must respond as soon as possible, and in any event, within 20 working days of the date of receipt of the request. For an Academy when calculating the 20 working day deadline, a "working day" is a school day (one in which pupils are in attendance), subject to an absolute maximum of 60 normal working days (not school days) to respond.

## **4. PROCEDURE FOR DEALING WITH A REQUEST**

4.1. When a request is received that cannot be dealt with by simply providing the information, it should be referred in the first instance to the Data Protection Officer, who may reallocate to an individual with responsibility for the type of information requested.

4.2. The first stage in responding is to determine whether or not the Trust "holds" the information requested. The Trust will hold the information if it exists in computer or paper format. Some requests will require the Trust to take information from different sources and manipulate it in some way. Where this would take minimal effort, the Trust is considered to "hold" that information, but if the required manipulation would take a significant amount of time, the requestor should be contacted to explain that the information is not held in the manner requested, and offered the opportunity to refine their request. For example, if a request required the Trust to add up totals in a spreadsheet and release the total figures, this would be information "held" by the Trust. If the Trust would have to go through a number of spreadsheets and identify individual figures and provide a total, this is likely not to be information "held" by the Trust, depending on the time involved in extracting the information.

4.3. The second stage is to decide whether the information can be released, or whether one of the exemptions set out in the Act applies to the information. Common exemptions that might apply include:

4.3.1. Section 40 (1) – the request is for the applicant's personal data. This must be dealt with under the subject access regime in the Data Protection Act (DPA), detailed in the Leger Education Trust Data Protection Policy;

4.3.2. Section 40 (2) – compliance with the request would involve releasing third party personal data, and this would be in breach of the DPA principles as set out in Data Protection Policy;

4.3.3. Section 41 – information that has been sent to the Academy (but not the Academy’s own information) which is confidential;

4.3.4. Section 21 – information that is already publicly available, even if payment of a fee is required to access that information;

4.3.5. Section 22 – information that the Academy intends to publish at a future date;

4.3.6. Section 43 – information that would prejudice the commercial interests of the Academy and / or a third party;

4.3.7. Section 38 – information that could prejudice the physical health, mental health or safety of an individual (this may apply particularly to safeguarding information);

4.3.8. Section 31 – information which may prejudice the effective detection and prevention of crime – such as the location of CCTV cameras;

4.3.9. Section 36 – information which, in the opinion of the chair of governors of the Academy, would prejudice the effective conduct of the Academy. There is a special form for this on the ICO’s Website to assist with the obtaining of the chair’s opinion.

4.4. The sections mentioned in italics are qualified exemptions. This means that even if the exemption applies to the information, you also have to carry out a public interest weighting exercise, balancing the public interest in the information being released, as against the public interest in withholding the information.

## **5. RESPONDING TO A REQUEST**

5.1. When responding to a request where the Trust has withheld some or all of the information, the Trust must explain why the information has been withheld, quoting the appropriate section number and explaining how the information requested fits within that exemption. If the public interest test has been applied, this also needs to be explained.

5.2. The letter should end by explaining to the requestor how they can complain – either by reference to an internal review by a governor, or by writing to the ICO.

## **6. FEES**

6.1 The Trust will not charge for the provision of information which is requested subject to the provisions of FOIA.

6.2 The Trust is not obliged to comply with a request for information if the cumulative time spent on locating, retrieving or, if necessary, extracting the information requested is estimated to exceed the Appropriate Limit.

6.3 The Trust may decide to provide information requested in excess of the Appropriate Limit without charging a fee where it considers it reasonable and within the public interest to do so.

6.4 Where it appears that responding to a request for information will result in the Trust exceeding the Appropriate Limit and the Trust does not waive the fee for complying with the request, the Trust may provide the Requester with a Fee Notice. The Trust will also inform the Requester as to how it has estimated that the Appropriate Limit will be exceeded, what information it could provide within the Appropriate Limit, and provide the Requester with the opportunity to narrow their request.

6.5 Where the Trust has issued a Fee Notice and the Requester indicates they are not prepared to pay the fee as set out in the Fee Notice or does not pay the fee as set out in the Fee Notice within three months, the Trust is not obliged to comply with the original request. The Trust will however consider any narrowed or amended request.

6.6 A School day is any day on which there is a School session. A working day means any other day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday.

6.7 The Trust may charge for requests where it incurs a costs in photocopying, printing or otherwise reproducing the requested information and/or where the Trust will incur a significant fee for providing the requested information in the format requested by the Requester. There may also be a charge where the Trust has issued a Fee Notice and the Requester has agreed to pay the fee as set out in the Fee Notice. The Trust will not charge for email responses.

## **7. DEALING WITH VEXATIOUS OR REPEATED REQUESTS**

Should an applicant make a 'vexatious' or 'repeated' request for identical or substantially similar information, the academy/trust will inform the applicant in writing that they will not fulfil the request. When responding in this manner we will offer assistance to the individual, by indicating why they consider the request is vexatious or repeated.

## **8. CONTACT**

8.1. Any questions about this policy should be directed in the first instance to the Data Protection Officer.

8.2 If a requester is unhappy with the outcome of their complaint or the way a request for information has been handled can complain to the Information Commissioner at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Tel: 01625 545 700.

## APPENDIX - FREEDOM OF INFORMATION PUBLICATION SCHEME

The Freedom of Information Act 2000 (FOIA) requires all public authorities (including schools) to adopt and maintain a publication scheme. In 2008 the Information Commissioner's Office (ICO) changed the emphasis in the approval and operation of publication schemes to a generic model, with effect from 1 January 2009. The model commits a public authority to *'produce and publish the method by which the specific information will be available so that it can be easily identified and accessed by members of the public'*.

<b>Information to be published. This includes datasets where applicable</b>	<b>How the information can be obtained</b>	<b>Cost</b>
<b>Class 1 - Who we are and what we do</b> (Organisational information, structures, locations and contacts) Only current information will be made available.	Website	Free
Who's who in the school	Staff list/Website	Free
Who's who on the governing body /board of governors and the basis of their appointment	Staff Handbook/Website Student/Parent/Staff Portals	Free
Instrument of Government / Articles of Association	Website	Free
Contact details for the Headteacher/Principal and for the governing body, via the school (named contacts where possible).	Website/Headed Paper/Compliment slips	Free
School prospectus (if any)	Hard copy from school office On-line version on the Website	Free
Annual Report (if any)	Website –Governor section	5p per sheet
Staffing structure	Hard Copy	5p per sheet
Address of school and contact details, including email address.	Website/letter headed paper Student/Parent/Staff Portals	Free
School session times and term dates	Website/Hard copy/ Student Planner Student/Parent/Staff Portals	5p per sheet

A school will breach the FOIA if it has not adopted the model scheme or is not publishing in accordance with it by this date.

Leger Education Trust has adopted the ICO Model Publication Scheme in full, unedited. The Guide to Information below should be read together with the ICO Model Publication Scheme which can be found at: <https://ico.org.uk/media/for-organisations/documents/1153/model-publicationscheme.pdf>

**The Academy Governing Bodies are responsible for maintenance of this scheme and have delegated to the Headteacher/Principal the day-to-day responsibility for FOI policy and the provision of advice, guidance, publicity and interpretation of the school's policy.**

<p><b>Class 2 – What we spend and how we spend it</b>  (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)  Information from the current and previous financial year will be made available</p>	Trust	5p per sheet
Trust Annual Accounts	Website/Hard Copy	5p per sheet
Annual budget plan and financial statements	Hard Copy	5p per sheet
Capital funding	Hard Copy	5p per sheet
Financial audit reports	Hard Copy	5p per sheet
Details of expenditure items over £2000 – published at least annually but at a more frequent quarterly or six-monthly interval where practical.	Hard Copy	5p per sheet
Procurement and contracts the school has entered into, or information relating to / a link to information held by an organisation which has done so on its behalf (for example, a local authority or diocese).	Hard Copy	5p per sheet
Pay policy	Website/Hard Copy	5p per sheet
Staff allowances and expenses that can be incurred or claimed, with totals paid to individual senior staff members (Senior Leadership Team or equivalent, whose basic actual salary is at least £60,000 per annum) by reference to categories.	Hard copy	5p per sheet
Staffing, pay and grading structure. As a minimum the pay information should include salaries for senior staff (Senior Leadership Team or equivalent as above) in bands of £10,000; for more junior posts, by salary range.	Trust Annual Report	5p per sheet

<b>Class 3 – What our priorities are and how we are doing</b> (Strategies and plans, performance indicators, audits, inspections and reviews)	Website/Hard copy	5p per sheet
School profile (if any) and in all cases: Performance data supplied to the English Government, or a direct link to the data The latest Ofsted report	Website	Free  If copies required 5p per sheet
Performance management policy and procedures adopted by the governing body.	Website/Hard Copy	5p per sheet
Performance data or a direct link to it	Website	Free
The school's future plans; for example, proposals for and any consultation on the future of the school, such as a change in status	3 yr plan – Hard Copy Website	5p per sheet
Safeguarding and child protection policies and procedures, including	Website	Free
<b>Class 4 – How we make decisions</b> (Decision making processes and records of decisions) Current and previous three years as a minimum	Website/Hard Copy	5p per sheet
Admissions policy/decisions (not individual admission decisions) – where applicable	Website/Hard Copy	5p per sheet
Agendas and minutes of meetings of the governing body and its committees. (NB this will exclude information that is properly regarded as private to the meetings).	Website/Hard Copy	5p per sheet
<b>Class 5 – Our policies and procedures</b> (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information will be made available only.	Website/Hard Copy	Free
School policies	Website/Hard Copy	
Records management and personal data policies	Hard Copy	5p per sheet
Charging regimes and policies	Website/Hard Copy See Charging and remissions policy	5p per sheet



<b>Class 6 – Lists and Registers</b> Currently maintained lists and registers will be made available only (this does not include the attendance register).	(hard copy or Website; some information may only be available by inspection)	5p per sheet
Curriculum circulars and statutory instruments	Website	Free
Disclosure logs	Unnamed statement	5p per sheet
Asset register	Viewing only	Free
Any information the school is currently legally required to hold in publicly available registers (This does not include the attendance registers)	Website	Free
<b>Class 7 – The services we offer</b> (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses) Current information will be made available only	(Website/Hard Copy; some information may only be available by inspection)	Free
Extra-curricular activities	Website	Free
Out of school clubs	Website	Free
Services for which the school is entitled to recover a fee, together with those fees	Website	Free
School publications, leaflets, books and newsletters	Website	Free

## HOW TO REQUEST INFORMATION

You can request a copy of the information you want from the school office.

If the information you are looking for is not available via our publication scheme and is not on our Website, you may still ask if we have it. Please contact the school in writing, by email, fax or letter. Please state that this is a Freedom of Information Request

## PAYING FOR INFORMATION

Information published on our Website is free, (apart from any connection costs payable to your internet service provider). If you do not have Internet access, you can access our Website using a local library or an Internet café. Single printed copies of information covered by this publication are provided free unless stated otherwise. If your request means that we have to do a lot of photocopying or printing, or pay a large postage charge, or is for a priced item such as some printed publications or DVDs we will let you know the cost before fulfilling your request.

## SCHEDULE OF CHARGES

This describes how the charges set out in the Guide to Information above have been arrived at.

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
<b>Disbursement cost</b>	Photocopying/printing @ 5p per sheet (black & white)	Actual cost 5p
	Photocopying/printing @ 12p per sheet (colour)	Actual cost 12p
	Postage	Actual cost of Royal Mail standard 2 <sup>nd</sup> class
<b>Statutory Fee</b>		In accordance with the relevant legislation (quote the actual statute)
<p><b>e-licensing the use of datasets</b></p> <p>(No personal data will be disclosed)</p>	<p>If the dataset is a relevant copyright work, the school will provide it under the terms of a specified licence.</p> <p>A relevant copyright work is one for which the school owns the copyright and database rights, and which is not a Crown copyright or Parliamentary copyright work.</p> <p>The Open Government Licence (OGL) is the default licence for datasets that can be re-used without charge; other licences (the Non-Commercial Government Licence and the Charged Licence) are available where that is not appropriate.</p> <p>The school may charge a fee for communicating the information and a fee for making the dataset available for reuse if this requires cost and effort in publishing this in a re-usable form.</p> <p>Under our publication scheme the school will publish datasets that have been requested, and any updated versions it holds, unless it is satisfied that it is not appropriate to do so.</p> <p>Factors that can be taken into account when deciding whether it is not appropriate include whether the information is exempt and the cost and effort of publishing in a re-usable form.</p> <p>Complaints that the school has not met its duties under the dataset provisions will be dealt with by the Information Commissioner, in consultation with the National Archives as appropriate.</p>	<p>There is no re-use fee if the dataset is provided under the OGL or the Non-Commercial Government Licence.</p>
<b>Other</b>	£2 which includes research for each item.	