

# Freedom of Information Policy & Procedure

| Document Control               |   |
|--------------------------------|---|
| Policy Ref                     | S-MW-12   |
| Supersedes                     | Freedom of Information Policies prior to 01/09/2019   |
| Amendments                     | Includes reference to Subject Access Requests and the Data Protection Policy  |
| Process for Sign Off           | COO to draft, F&RC to contribute, BoD to approve  |
| Approved by Board of Directors | October 2019  |
| Review Date                    | September 2022  |
| Author                         | COO   |
| Responsibility                 | <ul style="list-style-type: none"> <li>• Board of Directors and EP to review the level of information routinely made public</li> <li>• See responsibilities outlined on Page 7</li> <li>• EP to approve information prior to release</li> </ul> |

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## **The Trust's Policy outlines the follow steps to complying with a FOI Request:**

**React:** With a deadline of 20 working days, requests will be acted upon Promptly.

**Read:** Read correspondence and decide whether it constitutes a request or not and if you actually hold the Information, what it relates to and whether or not it needs to be transferred to another part of your public authority.

**Record:** Maintain a formal system of logging requests and record all key actions. You will need an accurate and complete audit trail for each request, particularly if a request for an internal review is subsequently received.

**Retrieve:** You need to retrieve and consider all the relevant information.

**Refer to others:** Where necessary, consult with others both within your public authority and externally. Remember to seek views on the disclosure of information and the balance of public interest.

**Redact:** As the legislation refers to the release of information rather than documents it may be appropriate to release just some of the information within a document. Any potentially sensitive information not relevant to the request or for which disclosure was not authorised should be removed or "redacted" in the copy sent to the applicant. This will involve going through a document line by line.

**Review:** Once the response to a request has been prepared, this will need to be reviewed by someone who has the necessary authority to release or refuse to disclose information. The process for authorising disclosure of information is specified below. The use of exemptions to withhold information should be approved at the appropriate level in the organisation.

**Reply:** Once the necessary authority has been secured, the reply can be sent to the applicant. Replies must be in writing and public authorities are advised to develop template letters. Ensure the reply is filed, along with an exact copy of any enclosures.

**Release to Publication Scheme:** Consider whether or not the information provided is likely to be of general public interest. If so, consider whether it should be included in your public authority's Publication Scheme or in a simultaneous releases page on your website.

## Freedom of Information Act 2000

This Act gives a general right of access to all types of 'recorded' information held by public authorities, sets out exemptions to that right and places a number of obligations on public authorities. Public authorities will have two main responsibilities under the act:

- produce a 'publication scheme' (a guide to the information they hold which is publicly available)
- deal with individual requests for information.

The duty to adopt a publication scheme came into force for schools in February 2004. Individuals have the right to access information about themselves, held on computer, and in some paper files, under the Data Protection Act 2000. This is a Subject Access Request and refer to the Data Protection Policy.

The Freedom of Information Act will extend these rights to allow access to all the types of information schools hold, whether personal or non-personal. Requests for information will have to be made in writing and this includes email. However, schools will not be required to release information to which any of the exemptions applies. These exemptions revolve around the test of prejudice and that of public interest. School must conform to the requirements of the Data Protection Act (2000). In particular, this requires the school to formally notify the Office of the Information Commissioner of:

- the purposes for which the school holds personal data
- what data it holds
- the source of the data
- to whom the data is disclosed
- to which countries the data may be transferred.

Under the Act, each school is a separate data user and must complete a notification each year. The keeping of personal data covers facts and opinions relating to an individual. It also includes information regarding the intentions of the data controller towards the individual and the action that will follow the processing. For example, altering, destroying, disclosing, disseminating, obtaining and holding, together with a number of other actions, are all incorporated in the concept of processing.

## The Trust considers the following as public information:

### 1. School Websites

The statutory contents of the school website, as follows:

- Information about the implementation of the governing body's policy on pupils with special educational needs (SEN).

- A description of the policies relating to disabled pupils, including facilities to improve access and the accessibility plan.

**2. Governing Body**

The names, and contact details of the governors should be available and the basis on which they have been appointed.

**3. School session times and term dates**

Details of school session times and dates of school terms and holidays.

**4. Location and contact information**

The address, telephone number and website for the school together with the names of key personnel.

**5. What we spend and how we spend it**

Financial information about projected and actual income and expenditure, procurement, contracts and financial audit. The minimum we would expect is that financial information for the current and previous two financial years should be available.

**6. Annual budget plan and financial statements**

Details of the Individual Schools Budget distributed by the EFA and Local Authority and the school's annual income and expenditure returns.

**7. Capital funding**

Details of the capital funding allocated to the school together with information on related building projects and other capital projects.

**8. Additional Funding**

Income generation schemes and other sources of funding. (Specialist secondary schools may have additional government funding and arrangements with private sector sponsors).

**9. Procurement and contracts**

Details of procedures used for the acquisition of goods and services. Details of contracts that have gone through a formal tendering process.

**10. Pay policy**

The statement of the school's policy and procedures regarding teachers' pay. **Staffing and grading structure**

**11. Governors' allowances**

Details of allowances and expenses that can be claimed or incurred.

**12. What our priorities are and how we are doing**

Strategies and plans, performance indicators, audits, inspections and reviews.

Below is a list of the type of information that we would expect schools to have readily available for publication. Any other reports or recorded information showing the school's planned or actual performance should normally be included.

**13. School profile**

- Government-supplied performance data
- Summary of latest Ofsted report\*
- The required narrative sections covering areas such as: successes during the year; areas of improvement; efforts to meet the individual needs of every child; pupil's health, safety and support; post-Ofsted action plan; and links with parents and the community (\* the full Ofsted report should also be available.)

**14. Performance management information**

Performance management policy and procedures adopted by the governing body.

**15. Schools future plans**

Any major proposals for the future of the school involving, for example, consultation or a change in school status.

**16. Child protection**

The policies and procedures that are in place to ensure that functions are exercised with a view to safeguarding and promoting the welfare of children in compliance with any guidance issued by the Secretary of State.

**17. Admissions policy / decisions**

The school's admission arrangements and procedures, together with information about the right of appeal. Individual admission decisions would not be expected to be published, but information on application numbers/patterns of successful applicants (including criteria on which applications were successful) should be if this information is held by the school.

**18. Minutes of meetings of the Governing body and its sub-committees**

Minutes, agendas and papers considered at such meetings should be published as soon as practicable, with the exception of information that is properly considered to be private to the meeting.

**19. Our policies and procedures**

Current written protocols, policies and procedures for delivering our services and responsibilities.

**19.1 School policies**

This will include school policies and procedures together with other information related to the school such as charging and remissions policy, health and safety and risk assessment, complaints procedure, staff conduct policy, discipline and grievance policies, pay policy, staffing structure implementation plan. It will also include policies and procedures for handling information requests.

**19.2 Pupil and Curriculum policies**

This will include such policies as home-school agreement, curriculum, sex education, special educational needs, accessibility, race equality, collective worship, and pupil discipline.

**19.3 Records management and personal data policies**

This will include information security policies, records retention, destruction and archive policies, and data protection (including data sharing) policies.

**19.4 Equality and diversity**

This will also include policies, schemes, statements, procedures and guidelines relating to equal opportunities.

**19.5 Policies and procedures for the recruitment of staff**

If vacancies are advertised as part of recruitment policies, details of current vacancies will be readily available.

**19.6 Charging regimes and policies**

Details of any statutory charging regimes should be provided. Charging policies should include charges made for information routinely published. They should clearly state what costs are to be recovered, the basis on which they are made, and how they are calculated.

**20. The services we offer**

Information about the services the school provides including leaflets, guidance and newsletters.

Generally, this is an extension of part of the first class of information and may also relate to information covered in other classes. Examples of services that could be included here are:

- Extra-curricular activities
- Out of school clubs

- School publications
- Services for which the school is entitled to recover a fee, and fees
- Leaflets, booklets and newsletters

**21. Lists and registers**

We expect this to be information in currently maintained list and registers only.

**22. Curriculum circulars and statutory instruments**

Statutory Instruments (for example Regulations), departmental circulars and administrative memoranda sent to the Head Teacher/Governing Body concerning the curriculum.

**23. Disclosure logs**

If a school produces a disclosure log indicating the information provided in response to requests, it should be readily available. Disclosure logs are recommended as good practice.

**24. Asset register**

We would expect some information from capital asset registers to be available, if such registers are held.

**25. Information the school is legally required to hold in publicly available registers**

### Handling FOI Requests

#### Role of Everyone:

Before releasing information, the Trust will be satisfied they have the necessary authority to do so without breaching other legislation or policy.

Any request will be passed on directly to the person who has the authority to release information and deal with the request. The Trust understands the 20 working day period starts when the request is received by a public authority, not when it reaches the “right” desk.

#### Role of Executive Principal:

It is very important to consider the possibility that releasing (or withholding) information in response to a request could have wider implications. The Executive Principal will therefore be informed about the request and make the decision on the appropriate person to handle it.

At this stage the Executive Principal will inform the Chair of Board of Directors.

If the information requested requires the involvement of more than one section, or if it involves information provided to the public authority by a third party (maybe a contractor, another public authority), it will usually be necessary to consult all those concerned.

### **Role of Governors:**

If the information to be disclosed (or the fact that information is being withheld) is, contentious or in any other way likely to be newsworthy the Chair of the Board of Directors and the Chair of any Local Governing Body will be informed prior to its release.

### **Role of FOI Handler:**

The FOI needs to explore the request and consult with others both within the public authority and externally, seeking views on the disclosure of information and the balance of public interest. The IOC Flow Chart will be used to decide appropriate action. The outcome of this will be shared with the EP and Governors.

Once the decision has been made to disclose information all work on retrieving information will be recorded (see appendix 1)

The legislation gives an entitlement to information rather than documents, often information requested will consist of a whole document. It is not necessary to create new information in order to answer a request. The Trust should provide the requestor with advice and assistance so that they may understand what information is held and could be requested.

Both the FOI Act and the EIRs allow applicants to express a preference about the form in which information is communicated. Where practicable and reasonable to do so, the Trust will meet any such request or provide an explanation.

If whole documents are released the whole content will be sensitively reviewed and considered in light of the specific request. Redactions or removal of sections of a document will be recorded and kept. If redaction would make the document incomprehensible or if the relevant information is contained within a small section of a document or dispersed throughout several documents, the Trust will assemble into a readable format such as a digest.

Caution in redaction will be taken, with only pdf files or scanned documents being sent out and if redactions are made with a marker pen the effectiveness will be tested once photocopied.

### **Unclear Requests**

There is a requirement under both the FOI Act and the EIRs for applicants to describe the information they want. If the Trust needs to it will seek clarification of the promptly and in any



event no later than 20 working days. The day after the clarification is received by the public authority the 20 working day period begins.

The Trust will, where possible explain what information is readily available, or to explore ways in which a request could be made more specific. Conversation records, emails and letters with the applicant will be retained.

### **Costs for FOI Requests**

The FOI Act say that requests should be processed without any charge unless the cost involved exceeds £450. The range of activities that can be taken into consideration in determining the cost will be limited to:

- time involved in identifying, retrieving and searching for the requested information
- time taken to extract the information from a document containing it,

Time associated with deciding whether information should be released or withheld will not be charged.

Where the time will exceed the £450 limit will mean the Trust has no requirement to proceed with a request, but it will assist the applicant to narrow the scope of the request.

Under the EIRs there is no “cost limit” for dealing with requests but requests that cost a disproportionate amount can be refused on the basis that they are manifestly unreasonable, subject to a public interest test.

The Trust’s charges imposed must be reasonable, and published.

### **Refusing A Request**

The reasons for withholding information will be explained to the applicant, beyond the statement “prejudicial to the effective conduct of public affairs”.

The Trust will identify a specific exemption/exception as the basis for withholding information and explain why it applies.

The Trust will set out the “public interest” factors for and against disclosure that were considered.

The only exception to providing the reasons for withholding information is if this action would in itself involve disclosure of information that is exempt.

The Trust will determine whether the exemption or exception genuinely applies to all of the information requested.

When information is refused, the Trust will inform the applicant of the right to appeal, initially via the Trust's internal review process and then to the Information Commissioner.

The Board of Directors will deal with disclosure, related complaints and internal reviews without the person that handled the original request.

### **Appeals to a Refusal to Information**

The applicant can complain to the Information Commissioner, who can issue a Decision Notice. That Decision Notice can either order the public authority to disclose some or all of the information, or decide that information was correctly withheld.

**Appendix 1 – Freedom of Information Request Handling Sheet**

|   |          |   |
|---|----------|---|
| Date received:  |          | Deadline for response:  |
| Date to EP:   |          | Assigned Handler:   |
| Date to Chair of Board:   |          | Date to Local Chair(s):                                       |
| Name of Applicant:  |          |   |
| Email of Applicant:   |          |   |
| Phone Number of Applicant:  |          |   |
| Address of Applicant:   |          |   |
| Checks made to establish if it is appropriate to release information: |          |   |
| No  | Question | Is this information that can easily be retrieved? From where. |
| Q1  |          |   |
| Q2  |          |   |
| Q3  |          |   |
| Q4  |          |   |
| Q5  |          |   |

**Recording the Retrieval of information**

|    | Person retrieving information | Times and Dates |
|----|-------------------------------|-----------------|
| Q1 |                               |                 |
| Q2 |                               |                 |
| Q3 |                               |                 |
| Q4 |                               |                 |

|    |  |  |
|----|--|--|
| Q5 |  |  |
|----|--|--|

**Documents to be released**

|                           | Name of Document | Signed off by EP  | Copy taken |
|---------------------------|------------------|-------------------|------------|
| 1                         |                  |                   |            |
| 2                         |                  |                   |            |
| 3                         |                  |                   |            |
| 4                         |                  |                   |            |
| 5                         |                  |                   |            |
| 6                         |                  |                   |            |
| 7                         |                  |                   |            |
| 8                         |                  |                   |            |
| <b>Documents sent to:</b> |                  | <b>Date Sent:</b> |            |

*This information will be retained along with copies of the materials released.*