

# **FREEDOM OF INFORMATION POLICY & PROCEDURE**

<b>Policy reviewed and adopted by the Board of Trustees</b>	<b>October 2019</b>
<b>Version</b>	<b>v2.0</b>
<b>Review frequency</b>	<b>3 yearly</b>
<b>Date of next review</b>	<b>October 2022</b>
<b>Responsible Officer</b>	<b>Chief Operating Officer</b>

## 1. Introduction

- 1.1 The Freedom of Information Act 2000 (FOIA) came fully into force on 1st January 2005. The FOIA gives a right of public access to information held by public authorities. It is a legal right for any person(s) to ask for access to information held by the Trust and its Academies.
- 1.2 Although the FOIA presumes openness it recognises the need to protect sensitive information in certain circumstances and provides for exemptions.
- 1.3 The FOIA is overseen by the Information Commissioner who also has responsibility for the General Data Protection Regulation 2018 (GDPR), and The Environmental Information Regulations 2004 (EIRs). The GDPR enables individuals to access information about themselves and is covered in a separate Trust policy. The EIRs enable people to access environmental information. The FOIA enables people to access all other information and reasoning behind decisions and policies, which do not fall under GDPR or EIR.
- 1.4 The FOIA seeks to promote a culture of openness and accountability amongst public sector bodies, and therefore improve public understanding of how public bodies (which includes the governing bodies of trusts, academies and schools) carry out their duties, why they make the decisions they do, and how they spend public money.
- 1.5 The Ascent Academies' Trust welcomes this culture of openness and accountability and is committed to providing freedom of information. This policy sets out the Trust's Freedom of information / model publication scheme response to the FOIA, and the ways in which the requirements of the Act will be enacted on a day to day basis.
- 1.6 The Trust must be clear and proactive about the information it makes public. This is achieved by producing a publication scheme, setting out:
  - The classes of information which it publishes or intend to publish
  - The manner in which the information will be published
  - Whether the information is available free of charge or on payment
- 1.7 The scheme covers information already published and information which is to be published in the future. All information in its publication scheme is accessible via the Trust's or individual academies websites, can be emailed or is available in paper form.
- 1.8 Some information which it holds may not be made public, for example personal information.
- 1.9 This publication scheme conforms to the model scheme for schools, colleges and academies approved by the Information Commissioner.

## **2. Information held by the Trust and its Academies**

- 2.1 In general, the information held is already accessible, but within a framework which respects the confidentiality of some of that information, in particular with regard to individual children, Trust staff and Trustees or regarding any court orders (such information being subject to GDPR).
- 2.2 A comprehensive list of the documents and other information published by / available from the Trust or its Academies is provided in Appendix 1 entitled "Model Publication Scheme"

## **3. Requests for Information**

- 3.1 Any request for information beyond that which is already provided by the Trust or its Academies (for example, through the Prospectus, or information about children to which parents already have access) should be made in writing (this includes email) to the Head of the relevant academy.
- 3.2 Section 8 of the FOIA states any request should state the applicant's name and address for correspondence and describe details of the information being requested. If a request is very general, the enquirer may be contacted for clarification of the request. The person making the request for information can also indicate how they would like to receive the information and where possible these wishes will be complied with. If it is not possible to do so an alternative will be offered.
- 3.3 Any member of staff may be approached for information beyond which may be regarded as 'normal information'. In this context, 'normal' means the kind of information that teachers and other members of Trust staff feel confident about giving, as opposed to requests for information which may seem of an intrusive or sensitive nature. If a member of staff receives such a request, they should avoid Freedom of information / model publication scheme giving an immediate response and refer the request to the Head of Academy who may then either sanction a response or refer the request to the relevant person(s) or Trustee.
- 3.4 Under the FOIA the enquirer is entitled to be told whether the Trust holds the information (the duty to confirm or deny) except where certain exemptions apply.

## **4. Responding to Requests for Information (see checklist at Appendix 2)**

- 4.1 The Board of Trustees has the overall responsibility to respond to requests for information under the FOIA. However this responsibility has been delegated to the Head of the relevant academy the request relates to or the Chief Operating Officer if the information is held centrally or relates to the whole Trust. The Head of Academy or Chief Operating Officer will respond to the request directly or assign this responsibility to a senior manager having decided whether the potential outcomes are:
  - Agreement to meet the request in full

- Agreement to meet the request in part (with reasons)
  - Refusal to meet the request (with reasons)
- 4.2 The relevant person will respond to the enquirer within 20\* school days or 60 working days of the request being made, whichever is the shorter period.
- 4.3 The response to the request in some circumstances may take longer than 20 days. If a request is delayed for any reason (if further information is required/in order to identify and locate the information requested), the relevant person will keep the enquirer informed of the progress and where possible provide an expected date for a response.

\*School days exclude weekends, training days and school holidays.

- 4.4 Should a request be refused under Section 36 of the FOIA 2000 the response will state the relevant exemption which has been applied or that the Trust does not hold the information, and will explain what public interest test has been made if this applies. The application of Section 36 needs to be approved by a qualified person, which in this case is the CEO to the Trust, who will give their reasonable opinion that disclosure would or would not be likely to cause the types of prejudice or inhibition listed in the FOIA. [Note: further guidance on this exemption can be found at [www.ico.gov.uk](http://www.ico.gov.uk)].
- 4.5 The Act states that requests should not be allowed to cause a drain on the academy or Trust's time, energy and finances to the extent that they negatively affect normal public functions. The Head of Academy can reserve the right to refuse a request if it is likely to be in excess of 18 hours to find, sort and edit the information requested. Under these circumstances an opportunity for the request to be refined will be provided.
- 4.6 Wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence.
- 4.7 Any expressions of dissatisfaction with the information provided or the decision to refuse to supply information by the Trust's Appeals Committee should then be addressed to the Information Commissioner's Office (ICO).

## **5. Vexatious Requests**

Under Section 14 of the FOIA if the Trust / Academy receives several requests from the same person, or a series of requests that appear intended to disrupt its work, these may be treated as repeated or vexatious. In this case the Trust / Academy may refuse to provide the information requested but would issue a refusal notice within 20 school days from receipt of the request to the enquirer to explain the decision and reasons for withholding the information (Note: this must include information regarding the appeals process).

## **6. Appeals**

- 6.1 Upon notification of a refusal to meet the request (either in part or in whole), the party making the request for information may appeal the decision. Any such appeal will be considered by the Trust's Appeals Committee.
- 6.2 The Trust's Appeals Committee will meet in a timely manner such that it can respond to the enquirer within 20 school days of the request being made.
- 6.3 If the enquirer is still not satisfied with the outcome they can commence the complaints process to the ICO. The complaint should be submitted within 6 months of the outcome of the internal review. The enquirer must provide supporting information and evidence along with the completed complaints form.

This can be done via email to: [casework@ico.gsi.gov.uk](mailto:casework@ico.gsi.gov.uk) or by post to:  
First contact team  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow,  
SK9 5AF

## **7. Use of Information Provided**

- 7.1 The Freedom of Information Act allows access to information, but it does not give the enquirer permission to re-use that information for commercial gain. Therefore, the enquirer may reproduce the Trust / Academy's copyright protected information free of charge, without specific permission, provided it is not being reproduced for profit, material or financial gain.
- 7.2 The material must be reproduced accurately and must not be used in a misleading context. If the enquirer is publishing the material or issuing it to others, they must acknowledge the source of the information, its copyright status and the date of publication, if known.
- 7.3 This permission to reproduce copyright protected material does not extend to any material that is identified as being the copyright of a third party. Under those circumstances, the enquirer must seek authorisation to reproduce the material from the copyright holder concerned.

## **8. Record Keeping**

- 8.1 Records will be entered into a "Freedom of Information Requests Log" kept by the Trust Business Manager. Such records will remain on file for a period of six years and will be disposed of at a set time in a calendar year.
- 8.2 The log will include details of:
  - The party making the request for information;

- The date upon which the request was received and to whom it was addressed;
- If relevant, the date upon which the request was subsequently referred (internal/external);
- The nature of the information requested;
- The name of the relevant reporting member of senior staff if not the Trust Business Manager;
- The outcome of deliberations, including summary reasons for a refusal (in whole or in part) to meet the information request;
- The response made to the party requesting the information, including the person nominated to implement the response, the date and format of the response and the details of the information provided.
- Any subsequent appeal made by the enquirer
- The date and time of any meeting convened by the Trust Appeals Committee;
- The outcome of the appeals committee's deliberations, including summary reasons for a refusal (in whole or in part) to meet the information request;
- The response made by the appeals committee to the party making the appeal, including the person nominated to implement the response, the date and format of the response and the details of the information provided.

## **9. Charges**

- 9.1 There is no obligation to disclose information if the total cost exceeds £450.
- 9.2 All requests for information will be subject to charges where appropriate to cover the costs of photocopying and postage.
- 9.3 If a fee is not received within 3 months of issuing a fees notice the Trust are no longer obliged to respond to the request.

## **10. Policy Review**

- 10.1 This policy will be reviewed every 3 years. The Trust reserves the right to refuse a request if the work would exceed a cost of £450 (the 18 hour threshold). Should the Trust agree to comply with any request exceeding the £450 cost limit, the work will be charged at £25 per hour per person involved in locating, collating and retrieving the information requested.

### Model Publication Scheme

This document contains classes of information currently published by / available from The Ascent Academies' Trust or its Academies. This is usually found on the relevant website but different formats can be provided for those unable to access this.

**1. Academy Prospectus** - this section sets out information published in the academy prospectus and/or on the academy's website.

Class	Description
Academy prospectus and / or website	<p>The statutory contents of the academy's prospectus are as follows, (other items may be included at the academy's discretion):</p> <ul style="list-style-type: none"> <li>• the name, address and telephone number of the academy.</li> <li>• the names of the Head of Academy and Chair of Board of Trustees.</li> <li>• information about admissions.</li> <li>• a statement of the academy's ethos and values.</li> <li>• details of any affiliations with a particular religion or religious denomination, the religious education provided, parents' right to withdraw their child from religious education and collective worship and the alternative provision for those pupils.</li> <li>• information about the academy's policy on providing for pupils with special educational needs.</li> <li>• number of pupils on roll and rates of pupils' authorised and unauthorised absences.</li> <li>• the arrangements for visits to the academy by prospective parents</li> </ul>

**2. Pupils & Curriculum Policies** - this section gives access to information about policies that relate to pupils and the academy's curriculum.

Class	Description
Curriculum Policy (including Careers Education)	Statement on following the policy for the secular curriculum subjects, careers education programme and religious education and schemes of work and syllabuses currently used by the academy
Sex and Relationship Education Policy	Statement of policy with regard to sex and relationship education
Special Education Needs Policy	Information about the Trust's policy on providing for students with special educational needs
Positive Behaviour for Learning Policy	Statement of general principles on behaviour and discipline and measures taken to prevent bullying

**3. Other policies and other information related to the Trust** – this section gives access to information about policies and other data that relate to Trust’s academies in general.

<b>Class</b>	<b>Description</b>
Published reports of Ofsted referring expressly to the academy	Published report of the last inspection of the academy
Charging and Remissions Policy	A statement of the Trust’s policy with respect to charges and remissions for any optional extra or board and lodging for which charges are permitted
Academy session times and term dates	Details of academy session and dates of academy terms and holidays
Health and Safety Policy and risk assessment	Statement of general policy with respect to health and safety at work of employees (and others) and the organisation and arrangements for carrying out the policy
Complaints procedure	Statement of procedures for dealing with complaints
Staff Discipline	Statement of procedure for regulating conduct and discipline of Trust staff
Grievance	Procedures by which staff may seek redress for grievance
Curriculum circulars and statutory instruments	Any statutory instruments, departmental circulars and administrative memoranda sent by the Department for Education to the Head of Academy or Board of Trustees relating to the curriculum
Admissions policy	Statement of the Trust’s policy on admissions
Website address	The website address for each academy
Academy details	For each academy in the Trust the name, postal address and telephone number of the academy, and the name of a person to whom enquiries should be addressed

### Checklist for action on receipt of a request for information

- Decide whether the request is a request under GDPR (General Data Protection Regulation 2018), EIR (The Environmental Information Regulations 2004) or FOIA (The Freedom of Information Act 2000)
- Decide whether the academy holds the information or whether it should be transferred to another body
- Provide the information if it has already been made public
- Inform the enquirer if the information is not held
- Consider whether a third party's interests might be affected by disclosure and if so consult them
- Consider whether any exemptions apply and whether they are absolute or qualified
- Carry out a public interest test to decide if applying the qualified exemption outweighs the public interest in disclosing the information
- If a request is made for a document that contains exempt personal information ensure that the personal information is removed as set out in the guidance for schools
- Decide whether the estimated cost of complying with the request will exceed the appropriate limit
- Consider whether the request is vexatious or repeated

### Remember

- Public bodies such as academies are under a duty to provide advice and assistance to anyone requesting information.
- The enquirer is entitled to be told whether the academy holds the information (the duty to confirm or deny) except where certain exemptions apply.
- A well managed records and management information system is essential to help to meet requests.
- Requests should be dealt with within 20 working days excluding academy holidays.
- Wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence. A valid FOI request should be in writing, state the enquirer's name and correspondence address and describe the information requested.
- Expressions of dissatisfaction should be handled through the Trust's existing complaints procedure.