

# Freedom of Information Policy

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## FREEDOM OF INFORMATION POLICY

<b>Presented to Local Finance Committees:</b>	
<b>Presented to OLOG Audit &amp; Risk Committee</b>	
<b>Presented and Approved by OLOG Board of Governors (Trustees)</b>	<b>Dec 18</b>
<b>Signature of Chair of Board of Trustees:</b>	
<b>Name of Chair of Trustees</b>	<b>John Anthony</b>
<b>Date</b>	
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## **This is Our Lady of Grace Catholic Academy Trust Publication Scheme on information available under the Freedom of Information Act 2000**

### **Introduction**

The Freedom of Information Act 2000 (FOIA) came fully into force on the 1<sup>st</sup> 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. Although the FOIA presumes openness it recognises the need to protect sensitive information in certain circumstances and provides for exemptions. The FOIA is overseen by the Information Commissioner who also has responsibility for the Data Protection Act 1998 (DPA), and The Environmental Information Regulations 2004 (EIRs). The DPA enables individuals to access information about themselves. 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 DPA or EIR. 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 schools/academies) carry out their duties, why they make the decisions they do, and how they spend public money. The Directors of Our Lady of Grace Catholic Academy Trust support this culture of openness and accountability and is committed to providing freedom of information. This policy sets out the Trust's response to the FOIA, and the ways in which the requirements of the Act will be enacted by its schools on a day to day basis.

### **Information Held by the Schools**

In general, the information held by the schools is already accessible, but within a framework which respects the confidentiality of some of that information, in particular with regard to individual children, school staff, those responsible for governance or regarding any court orders (such information being subject to the Data Protection Act). A comprehensive list of the documents and other information published by /available from the schools is provided in a separate document entitled "Model Publication Scheme" (see annex to this policy)

### **Requests For Information**

Any request for information beyond that which is already provided by the school (for example, through the Prospectus and Annual Report, or information about children to which parents already have access) should be made in writing (this includes email) to the Headteacher. Section 8 of the FOIA states any request should state the applicants name and address for correspondence and describe details of the information being requested.

If a request is very general, the school may contact the enquirer 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 the school will try to comply with those wishes. If it is not possible to do so, the school will notify the enquirer and offer an alternative.

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 school 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 giving an immediate response and refer the request in the first instance to the Headteacher. Depending upon the nature of the request, after discussion the Headteacher may then either sanction a response or refer the request to the relevant person(s) or the appropriate level of governance.

Under the FOIA the enquirer is entitled to be told whether the academy holds the information (the duty to confirm or deny) except where certain exemptions apply. The Headteacher is responsible for ensuring that all members of staff are familiar with this policy and the procedures to be adopted in responding to requests for information under the FOIA.

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## Responding to Requests for Information

Any requests are to be passed to the Headteacher who will then pass the request on to the relevant person(s) or to the Board. The relevant person(s) will document any requests received and keep records of their deliberations and outcomes. 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)

The relevant person(s) will respond to the enquirer within 20 school days (i.e. excluding weekends and school holidays) of the request being made. (Note: The 20 day time limit starts the day after the request has been received. The period from the day the fees notice is issued, if applicable, to the day the fee is received does not count towards the 20 working day limit for response). 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 enquirer will be kept informed of the progress and where possible provide an expected date for a response.

Under Section 36 of the FOIA 2000, certain information is exempt from disclosure. The application of Section 36 needs to be approved by a qualified person, which in this case is the Chair of the Local Governing Body, who will give their reasonable opinion that disclosure would or would not be likely to cause the types of prejudice or inhibition within the meaning of the FOIA 2000. [Note: further guidance on this exemption can be found at [www.ico.gov.uk](http://www.ico.gov.uk)].

The Act states that requests should not be allowed to cause a drain on school's time, energy and finances to the extent that they negatively affect normal public functions (in excess of 3.5 days). The Trust can reserve the right to refuse a request if it is likely to be in excess of 3.5 days to find, sort and edit the information requested. Under these circumstances the Trust will provide an opportunity for the request to be refined.

Wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence. Any expressions of dissatisfaction with the information provided or the decision to refuse to supply information by the Appeals Committee should then be addressed to the Information Commissioner's Office (ICO).

## Vexatious Requests

Under section 14 of the FOIA if schools receive several requests from the same person, or a series of requests that the schools think are intended to disrupt their work, these may be treated as repeated or vexatious. In this case the Trust 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).

## Appeals

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 Trustees of the Trust. The matter will be dealt with in a timely manner such that a response can be made to the enquirer within 20 school days of the request being made. 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.

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## Use of Information Provided

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's copyright protected information free of charge, without specific permission, provided it is not being reproduced for profit, material or financial gain. 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. This permission to reproduce the school's 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.

## Record Keeping

Records will be entered into a "Freedom of Information Requests Log" kept within each school. 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.

The log will include details of:

- The party making the request for information
- The date upon which the request was received (date stamp) 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 date and time of any meeting(s) convened to consider the request
- The outcome of any deliberations, including summary reasons for any 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 (Headteacher or other) the date and format of the response and the details of the information provided.
- Any subsequent appeal made by the enquirer
- The outcome of the appeals process, including summary reasons for a refusal (in whole or in part) to meet the information request
- The response 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.
- The appeals process shall be conducted without reference to the records of the original meeting at which the request for information was refused.

## Charges

Information published on our website is free, although you may incur costs from 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 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 videos we will let you know the cost before fulfilling your request. If a fee is charged you will have 3 months in which to pay and the information will be provided once the fee has been paid. This time period does not count towards the 20 day limit.

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## APPENDIX 1

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

- Decide whether the request is a request under DPA( Data Protection Act 1998), EIR (The environmental information regulations 2004) or FOIA (The Freedom of Information Act 2000)
- Decide whether the school/Trust 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 guidance
- Decide whether the estimated cost of complying with the request will exceed the appropriate limit
- Consider whether the request is vexatious or repeated

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## APPENDIX 2

### How to request information

To be valid any requests for information must be in writing (including fax and email) and has the name and correspondence address of the enquirer and has details of the information required.

You can request a copy of the information you want from the contact detailed below, or visit our website at [www.st-helens.newham.sch.uk](http://www.st-helens.newham.sch.uk)

If the information you're looking for isn't available via the scheme and isn't on our website, you can still ask if we have it. You can contact the Trust by telephone, email or letter:

**Email:** [info@st-helens.newham.sch.uk](mailto:info@st-helens.newham.sch.uk)

**Tel:** 0207 476 1785

**Address:** Our Lady of Grace Catholic Academy Trust, c/o St Helen's Catholic Primary School, London, E13 8DW

To help us process your request quickly, please clearly mark any correspondence "**PUBLICATIONS SCHEME REQUEST**" (in **bold CAPITALS**).

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## APPENDIX 3 –

### PUBLICATION SCHEME - CLASSES OF INFORMATION

#### Class 1

Who we are and what we do - organisational information, locations and contacts, constitutional and legal governance.

- Who's who in the Academy
- Who's who on the Board of Trustees, Local Governing Bodies and the basis of their appointment
- Contact details for the Headteacher and for the Local Governing Body
- Academy Prospectus (available via website)
- Staffing structure
- School session times and term dates

#### Class 2

What we spend and how we spend it - financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

- Annual budget plan and financial statements
- Information to be published
- Capitalised funding
- Additional funding
- Procurement and projects
- Pay policy
- Staffing and grading structure
- Trustees' and Members' allowances

#### Class 3

What our priorities are and how we are doing - strategy and performance information, plans, assessments, inspections and reviews.

- School profile
- Government supplied performance data
- The latest Ofsted report – Summary and Full Report
- Performance Management policy and procedures adopted by the Directors.
- School Improvement Plan
- Safeguarding policies and procedures

#### Class 4

How we make decisions - policy proposals and decisions, decision making processes, internal criteria and procedures, consultations.

- Admissions Policy/decisions (not individual admission decisions)
- Agendas of meetings of the Trustees, Local Governing Bodies and its' sub-committees
- Minutes of meetings (as above) – N.B. This will exclude information that is properly regarded as private to the meetings.

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## **Class 5**

Our policies and procedures - current written protocols for delivering our functions and responsibilities. School/Trust policies including:

- Charging and remissions policy
- Health and Safety
- Complaints procedure
- Staff Code of Conduct
- Discipline and grievance policies
- Staffing structure
- Information request handling policy
- Equality policies
- Staff recruitment policies
- Curriculum
- Sex education
- Special educational needs
- Accessibility
- RE
- Behaviour Management
- Information security policies
- Data protection (including information sharing policies)

## **Class 6**

Lists and Registers - information held in registers by law and other lists and registers relating to the functions of the school/Trust

- Curriculum circulars and statutory instruments
- Disclosure logs
- Asset register
- Any information the school is currently legally required to hold in publicly available registers (not including attendance registers)

## **Class 7**

The services we offer - advice and guidance, booklets and leaflets, transactions and media releases.

- Extra-curricular activities
- Extended provision
- School publications
- Services for which the school is entitled to recover a fee, together with those fees
- Leaflet and newsletters

What we will generally not publish - the classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage or it is difficult to access for similar reasons.
- Minutes and papers that are properly declared confidential