

Freedom of Information Policy



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Contents

Document Owner and Approval	2
Introduction	2
Section 1 – Freedom of Information Requests	2
Information	3
Vexatious Requests	4
Fees	4
Time Limits	5
Third Party Data	5
Exemptions	6
Absolute Exemptions	6
Qualified Exemptions	6
Refusal	7
Freedom of Information Compliance Reporting	7
Section 2 – Freedom of Information Publication Scheme	9
Making Information Available	9
Charges for Information Published Under This Scheme	9
How to Request Information	10
Classes of Information	10
Section 3 - Internal Review	13

Document Owner and Approval

The Director of Compliance is the owner of this document and is responsible for ensuring that this policy document is reviewed in line with the Trust's policy review schedule.

A current version of this document is available to all members of staff via the Trust or School Landing Page.

Introduction

The Freedom of Information Act 2000 ('the Act') gives individuals the right to access official information from public bodies. The Trust is a public authority for the purposes of the Act. This policy applies to the Trust and all Academies within the Trust.

Under the Act, any person has a legal right to ask for access to information held by the Trust. They are entitled to be told whether the Trust holds the information and to receive a copy, subject to certain exemptions. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information. Requests may be processed centrally by the Trust or, where authorised, by Academies on behalf of the Trust. Full details on how requests can be made are set out in section 1 of this policy. Public authorities should be clear and proactive about the information they will make public. For this reason, a publication scheme is available and can be found at section 2 of this policy.

This policy does not form part of any individual's terms and conditions of employment with the Trust and is not intended to have contractual effect. This policy should be used in conjunction with the Trust's Data Protection Policy.

Section 1 – Freedom of Information Requests

Requests under Freedom of Information should be made to

However, the request can be addressed to anyone in the Trust. All staff need to be aware of the process for dealing with requests so it can be forwarded to the appropriate person as soon as possible.

Requests for information that are not data protection or environmental information requests will be covered by the Freedom of Information Act.

Data protection enquiries (or Subject Access Requests/SARs) are requests where the enquirer asks to see what personal information the Trust holds about the enquirer. If the enquiry is a data protection request, the Trust's Data Protection Policy should be followed.

Environmental Information Regulations enquiries are those which relate to air, water, land, natural sites, built environment, flora and fauna, health and any decisions and activities affecting any of these. These could, therefore, include enquiries about recycling, phone masts, playing fields, car parking etc. If the enquiry is about environmental information, the Trust will follow guidance from the ICO.

Freedom of Information requests *must* be made in writing (including email) and should include the enquirer's name, correspondence address (email addresses are allowed) and state what information they require. There must be enough information in the request to be able to identify and locate the information. If this information is covered by one of the other pieces of legislation (as referred to above), they will be dealt with under the relevant policy/procedure related to that request.

If the request is ambiguous and/or the Trust requires further information in order to deal with your request, the Trust will request this further information directly from the individual making the request. Please note that the Trust does not have to deal with the request until further information is received. Therefore, the time limit starts from the date that the Trust receives all information required in order to deal with the request.

The requester does not have to mention the Act, nor do they have to say why they want the information. There is a duty to respond to all requests, telling the enquirer whether or not the information is held and supplying any information that is held, except where exemptions apply. There is a time limit of 20 school days (i.e., excluding school holidays) for responding to the request.

Information

Provided all requirements are met for a valid request to be made, the Trust will provide the information that it holds (unless an exemption applies).

Holding information means information relating to the business of the Trust:

- That the Trust has created; or
- That the Trust has received from another body or person; or
- Held by another body on the Trust's behalf.

Information means both hard copy and digital information, including email.

If the information is held by another public authority (for example, the Local Authority), check whether they hold the information and if so, transfer the request to them. If this applies, the Trust will notify the enquirer that they do not hold the information and to whom they have transferred the request. The Trust will continue to answer any parts of the enquiry in respect of information it does hold.

When the Trust does not hold the information, it has *no duty to create or acquire it* just to answer the inquiry; although a reasonable search will be made before confirming whether the Trust has the information requested.

If the information requested is already in the public domain, for instance, through the Publication Scheme or on the Trust's website, the Trust will direct the enquirer to the information and explain how to access it.

The requester has the right to be told if the information requested is held by the Trust (subject to any of the exemptions). This obligation is known as the Trust's *duty to confirm or deny* that it holds the information. However, the Trust may refuse to confirm or deny whether it holds the

requested information where a relevant exemption under the Act applies and that exemption includes provision for neither confirming nor denying that the information is held.

Vexatious Requests

There is no obligation on the Trust to comply with vexatious requests. A vexatious request is one which is designed to cause inconvenience, harassment or expense rather than to obtain information and would require a substantial diversion of resources or would otherwise undermine the work of the Trust. However, this does not provide an excuse for bad records management.

In addition, the Trust does not have to comply with repeated identical or substantially similar requests from the same applicant unless a reasonable interval has elapsed between requests.

Fees

The Trust may charge the requester a fee for providing the requested information. This will be dependent on whether the staffing costs in complying with the request exceeds the threshold. The threshold is currently £450 with staff costs calculated at a fixed rate of £25 per hour (therefore 18 hours' work is required before the threshold is reached).

If a request would cost less than the threshold, then the Trust can only charge for the cost of informing the applicant whether the information is held and communicating the information to the applicant (e.g., photocopying, printing and postage costs).

When calculating costs/threshold, the Trust can take account of the staff costs/time in determining whether the information is held by the Trust, locating and retrieving the information and extracting the information from other documents. The Trust will not take account of the costs involved with considering whether information is exempt under the Act.

If a request would cost more than the appropriate limit (£450), the Trust can turn the request down, answer and charge a fee or answer and waive the fee.

If the Trust is going to charge, a 'fees notice' will be sent to the enquirer. The Trust does not have to comply with the request until the fee has been paid. More details on fees can be found on the Information Commissioner's Office (ICO) website.

If planning to turn down a request for cost reasons or charge a high fee, the Trust will contact the applicant in advance to discuss whether they would prefer the scope of the request to be modified so that, for example, it would cost less than the appropriate limit.

Where two or more requests are made to the Trust by different people who appear to be acting together or as part of a campaign, the estimated cost of complying with any of the requests may be taken to be the estimated total cost of complying with them all.

Time Limits

Compliance with a request must be prompt and within the time limit of 20 “school days” (this does not include the school holidays or weekends) or no longer than 60 working days (if shorter).

‘School’ days is defined by the ICO as any day on which there is a session, and the pupils are in attendance. Failure to comply could result in a complaint by the requester to the ICO. The response time starts counting as the first day from the next working day after the request is received (so if a request was received on Monday 6th October the time limit would start from the next working day, the 7th October).

Where the Trust (or an Academy acting on its behalf) has asked the enquirer for more information to enable it to answer, the time limit begins when this further information has been received.

If some information is exempt, this will be detailed in the Trust’s response.

If a qualified exemption applies and the Trust, or one of its Academies, needs more time to consider the public interest test, a response will be provided before the statutory deadline stating that an exemption applies, including an estimate of the date by which a decision on the public interest test will be made; this should be within a “reasonable” time.

Where the Trust has notified the enquirer that a charge is to be made, the time period stops until payment is received.

Third Party Data

Consultation of third parties may be required if their interests could be affected by release of the information requested and any such consultation may influence the decision.

Consultation will be necessary where:

- Disclosure of information may affect the legal rights of a third party, such as the right to have certain information treated in confidence or rights under Article 8 of the European Convention on Human Rights;
- The views of the third party may assist the Trust to determine if information is exempt from disclosure; or
- The views of the third party may assist the Trust to determine the public interest test.

Personal information requested by third parties is also exempt under this policy where release of that information would breach the Data Protection Act. If a request is made for a document (e.g., Trust Board minutes) which contains personal information whose release to a third party would breach the Data Protection Act, the document may be issued by blanking out the relevant personal information as set out in the redaction procedure.

Exemptions

The presumption of the Act is that the Trust will disclose information unless the Act provides a specific reason to withhold it. The Act recognises the need to preserve confidentiality and protect sensitive material in certain circumstances.

The Trust may not provide all requested information if one of the following applies: -

- 1) There is an exemption to disclosure within the Act;
- 2) The information sought is not held;
- 3) The request is considered vexatious or repeated; or
- 4) The cost of compliance exceeds the threshold.

A series of exemptions are set out in the Act which allow the withholding of information in relation to an enquiry. Some are specialised in their application (such as national security) and would not usually be relevant to requests received by the Trust.

There are two general categories of exemptions:-

- 1) *Absolute*: where an exemption applies and there is no requirement to consider the public interest in maintaining the exemption. Some absolute exemptions also remove the duty to confirm or deny whether information is held.
- 2) *Qualified*: where an exemption applies but the Trust must carry out a public interest test to decide whether the information should nevertheless be disclosed.

Absolute Exemptions

The Act contains a number of absolute exemptions. Where an absolute exemption applies, there is no requirement to carry out a public interest test. Some absolute exemptions also remove the duty to confirm or deny whether the information is held.

The absolute exemptions most likely to be relevant to the Trust include:

- Information accessible to the applicant by other means (for example, information available via the Trust's publication scheme or website);
- Court records;
- Personal information, where disclosure would contravene data protection legislation;
- Information provided in confidence, where disclosure would constitute an actionable breach of confidence.

Where an absolute exemption applies, the Trust is not required to disclose the information under the Act. However, the Trust may decide to disclose information voluntarily where it is lawful and appropriate to do so, taking into account all the circumstances of the case.

Qualified Exemptions

Where a qualified exemption applies, the Trust must carry out a public interest test to decide whether the public interest in maintaining the exemption outweighs the public interest in

disclosure. In some cases, the public interest test will also apply to the decision whether to confirm or deny that the information is held.

The qualified exemptions most likely to be relevant to the Trust include:

- Information intended for future publication, where it is reasonable for the applicant to wait until publication;
- National security;
- Legal proceedings, where disclosure would prejudice actual or contemplated legal proceedings or investigations;
- Law enforcement, where disclosure would prejudice the prevention or detection of crime, the prosecution of offenders, or the administration of justice;
- Audit functions, where disclosure would prejudice the effective conduct of an audit;
- Health and safety, where disclosure would endanger the physical or mental health or safety of any individual;
- Legal professional privilege;
- Commercial interests, where disclosure would prejudice the Trust's commercial interests or those of another party.

Where a qualified exemption is relied upon, the Trust will document its consideration of the public interest test and ensure that any refusal clearly explains the reasons for the decision.

Refusal

If it is decided to refuse a request, the Trust will send a refusals notice, which must contain:

- The fact that the responsible person cannot provide the information asked for;
- Which exemption(s) apply;
- Why the exemption(s) apply to this enquiry (if it is not self-evident);
- Reasons for refusal; and
- The Trust's complaints procedure.

For monitoring purposes and in case of an appeal against a decision not to release the information or an investigation by the ICO, the responsible person must keep a record of all enquiries where all or part of the requested information is withheld, and exemptions are claimed. The record must include the reasons for the decision to withhold the information.

Decisions to refuse requests must be approved by the Trust FOI Lead (Director of Compliance). The Trust will get advice from their Data Protection Officer (DPO) prior to withholding data under an exemption or refusing the request in its entirety.

Freedom of Information Compliance Reporting

In line with best practice guidance from the ICO, we publish statistics on compliance with the Act. We provide regular summaries of:

- The number of FOI requests received;
- The percentage of responses issued within the statutory 20 school days deadline;
- The number of requests where exemptions were applied; and

- The number of internal reviews and ICO complaints (if applicable).

These compliance statistics are published annually on our website and are reviewed by the [Trust Board] to ensure continued compliance and transparency.

We are committed to maintaining high standards of accountability and responding to FOI requests within the legal timeframe.

Section 2 – Freedom of Information Publication Scheme

This publication scheme follows the model approved by the Information Commissioner's Office (ICO).

This scheme is not a list of individual publications but rather a description of the classes of information that the Trust is committed to publishing. This is not an exhaustive list of all the types of information that we publish. We try to proactively publish as much information as we can where the information would have a wider public interest.

This scheme applies to the Trust and all Academies within the Trust. Where information is Academy-specific, it may be published by the relevant Academy in accordance with this scheme.

This scheme does not include information that we consider to be sensitive, such as personal information, information prevented from disclosure by law or information about security matters.

Making Information Available

Information will generally be made available on the Trust's website and/or Academy websites. Where it is not possible to include this information on a website, the Trust or relevant Academy will indicate how information can be obtained by other means and provide it accordingly.

In some exceptional circumstances, some information may be available only by reviewing in person. Where this manner is specified, contact details will be provided and an appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required.

Charges for Information Published Under This Scheme

The Trust may charge individuals for information published under this scheme. The purpose of this scheme is to make the maximum amount of information readily available at the minimum inconvenience and cost to the public.

Charges made by the Trust for routinely published material will be justified and transparent and kept to a minimum. Material which is published and accessed on the website will be

provided free of charge. Charges may be made for information subject to a charging regime specified by law.

Charges may be made to cover:

- Photocopying;
- Postage and packaging; and
- The costs directly incurred as a result of viewing information.

Any charges will be communicated in advance.

How to Request Information

If you require a paper version of any of the documents within the scheme, please contact the Trust using the contact details below.

Email: information@beckmeadtrust.org

Address: The Beckmead Trust, The ArtsXchange, 263-269 City Road, London EC1V 1JX

Please mark all correspondence *Publication Scheme Request* in order to help us process your request quickly. If the information you are looking for isn't available via the scheme, you can still contact the Trust to ask if we have this information.

Classes of Information

Who We Are and What We Do	Description	How Published
Trust governance structure	An overview of how the Trust is structured, including Members, Trustees, Committees and executive leadership.	Trust website
Details of Members and Trustees	Names of Members and Trustees and their roles (excluding personal contact details)	Trust website
Executive leadership information	Names and job titles of the Chief Executive Officer and senior leaders	Trust website
List of Academies	Names, locations and URNs of all academies within the Trust	Trust website
Trust contact details	Registered office address and general contact details (email/telephone)	Trust website

Academy contact details	Contact details for each academy within the Trust	Trust website
Trust charitable status	Confirmation that the Trust is an exempt charity under the Charities Act 2011 and is therefore not registered with the Charity Commission. Confirmation that the Trust is a company limited by guarantee, registered in England and Wales. Confirmation that the Trust is regulated by the Department for Education.	Trust website

What We Spend and How We Spend It	Description	How Published
Annual accounts	The Trust's most recent audited annual accounts	Trust Website
Funding agreements	The Master Funding Agreement and any Supplemental Funding Agreements	Trust Website or gov.uk link
Executive pay information	Information on senior executive pay as required by ESFA guidance	Trust website
Trustees' expenses	Details of Trustees' expenses (including nil returns)	Trust website
Financial policies	High-level financial policies such as charging and remissions	Trust website
Procurement procedures	Summary of procurement processes and thresholds	Trust website

What Our Priorities Are and How We Are Doing	Description	How Published
Trust vision and values	Statement setting out the Trust's mission and values and ethos	Trust website

Strategic or development plan	Current strategic plan or Trust/Academy improvement strategy	Trust website
Ofsted inspection reports	Most recent Ofsted reports	Link to Ofsted website
Performance information	High-level performance data or links to published performance tables	Trust Website or DfE link
Self-evaluation information	Any published Trust or governance self-evaluation summaries	Trust website

How We Make Decisions	Description	How Published
Scheme of delegation	Document showing how decisions are delegated across the Trust	Trust website
Governance framework	Overview of governance arrangements and committee structures	Trust website
Board meeting minutes	Approved non-confidential minutes of Trust Board meetings	Trust website
Committee terms of reference	Terms of reference for Trust Board committees	Trust website
Key decision policies	Policies setting out how significant decisions are taken	Trust website

Our policies and procedures	Description	How Published
Safeguarding and child protection policy	Trust / Academy safeguarding policy(ies)	Trust website
Complaints policy	Trust-wide complaints procedure	Trust website
Freedom of Information Policy	Trust wide policy explaining how FOI requests are handled	Trust website
Data Protection Policy	Trust wide policy setting out how personal data is handled	Trust website
Privacy notices	Privacy notices explaining to relevant stakeholders in clear terms how their personal data is handled	Trust website

Behaviour and exclusion policies	Trust wide Behaviour-related policies	Trust website
SEND policies	Trust wide policy explaining SEND provisions and SEN Information Report	Trust website
Whistleblowing policy	Trust wide policy explaining how concerns can be raised	Trust website

Lists and Registers	Description	How Published
Register of interests	Register of Trustees' and senior leaders' business and pecuniary interests	Trust website
Asset register	A record of major physical assets owned by the Trust (e.g., computers, furniture, equipment).	The Trust maintains an internal asset register. Detailed asset information is not published for security reasons. Requests for this information will be considered under the Act.
Curriculum information	Curriculum details for each Academy	Academy websites

The services we offer	Description	How Published
Curriculum provision	Subjects and curriculum offered by Academies	Trust/Academy website
Admissions arrangements	Admissions policies and arrangements	Trust/Academy website
SEND provision	Information about SENS support and services	Trust/Academy website
Pastoral support	Overview of pupil wellbeing and pastoral support	Trust/Academy website
Extra-curricular activities	Information about clubs, trips and enrichment	Trust/Academy website
Charging and remissions	Policy explaining charges for activities	Trust/Academy website

Section 3 - Internal Review

The requester has the right to ask for an internal review if they are dissatisfied with the handling of a request. Wherever practicable the review should be handled by someone not involved in the original decision.

Internal review requests should be made within 40 working days of the initial response. This deadline should be communicated to the requester in that response. We are not obliged to provide a review if it is requested after more than 40 working days.

Requests for internal review must make clear why they are dissatisfied with the original decision, detailing why they believe that the Trust has not complied with the Act

The Trust will aim to complete internal reviews within 20 working days, and in exceptional circumstances within 40 working days, in line with ICO guidance.

If the requester remains dissatisfied following the outcome of the internal review, they have the right to complain to the ICO. Complaints to the ICO can be made via the ICO's website or in writing to:

Customer Contact
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF