

East Midlands Academy Trust

Freedom of Information Policy 2018/2019

'Every child deserves to be the best they can be'

Scope: East Midlands Academy Trust & Academies within the trust	
Version:	Filename: East Midlands Academy Trust Freedom of Information Policy
Approval: This policy was ratified by the East Midlands Academy Trust in April 2017	Next Review: April 2019 <i>This policy will be reviewed every two years by the Development, Safeguarding and Wellbeing Group and approved at the Strategic Board</i>
Owner: East Midlands AT Strategic Board	Union Status: Not applicable

Policy type:	
Statutory	Replaces Academy's current policy

Guidance:

Academies and freedom of information: Departmental advice for academies (DfE, 2014)

FREEDOM OF INFORMATION POLICY

1. Introduction

East Midlands Academy Trust's vision and purpose: Every child deserves to be the best they can be. The Trust is driven by a strong moral purpose that every child has the right to outstanding teaching and leadership. It is the Trust's passion to work with our children, their parents and carers and our exceptional staff to create great schools that demonstrate integrity of purpose through high aspiration for every child.

The Freedom of Information Act (FOIA) 2000 came into force immediately for schools that converted to academies on or after 1st September 2010. This means that under the FOIA any person will be legally entitled to ask an academy for access to information held by that academy, subject to clauses. Any request for information in writing received by the Academy Trust is likely to be either a request under FOIA, environmental legislation, the Data Protection Act, or a combination of any of them.

The Trust needs to ensure that employees are able to comply with requests for information under the Freedom of Information Act (FOIA).

The Trust has a duty to provide advice and assistance to anyone requesting information. The FOIA presumes openness, but it recognises the need to protect sensitive information in certain circumstances and provides for certain exemptions. Even where certain exemptions apply, information must still be released if it is in the public interest to do so.

This policy is taken from the Department for Education's model policy that was published in February 2014 and has been prepared and approved by the Information Commissioner.

East Midlands Academy Trust is committed to openness and transparency in the provision of information to all persons or organisations who request it. As a publically funded body East Midlands Academy Trust, and the academies sponsored by it, have a duty to provide advice and assistance to anyone requesting information.

This publication scheme commits East Midlands Academy Trust to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by East Midlands Academy Trust. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

There are prescribed time limits for responding to requests for information and a well-managed record and information system will enable the Trust to reply promptly to requests.

The FOIA was introduced to promote greater openness and accountability across the public sector, and establishes a general right of access to information held by public authorities, including academies. Along with Human Rights and Data Protection legislation, FOI aims to build a culture of rights and responsibilities for citizens, which the Trust supports.

The Trust will only accept requests in writing, which includes email and should be for the attention of the Chief Executive. All requests for information that are not covered by the Data Protection Act 1998 (i.e. from individuals to see their own personal information) or Environmental Information Regulations 1992 are covered by FOIA.

The enquirer is entitled to be told whether the academy holds the information (this is known as the duty to confirm or deny) and, if so, to have access to it. Access can include providing extracts of a document or a summary of the information sought, or access to the original document.

However, the FOIA recognises the need to preserve confidentiality of sensitive information in some circumstances and sets out a number of exemptions.

The Trust is responsible for ensuring all its academies conduct its day to day operations on a basis that stands up to public scrutiny. This document provides the policy framework through which this effective management can be achieved and audited.

The scheme commits East Midlands Academy Trust to:

- proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by East Midlands Academy Trust and falls within the classifications below
- specify the information which is held by East Midlands Academy Trust and falls within the classifications below
- proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme
- produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public
- review and update on a regular basis the information East Midlands Academy Trust makes available under this scheme
- produce a schedule of any fees charged for access to information which is made proactively available
- make this publication scheme available to the public

2. Scope

The purpose of this policy is to ensure that the provisions of the Freedom of Information Act 2000 are adhered to and in particular that:

- a significant amount of routinely published information about the Trust is made available to the public as a matter of course through its website

- other information not included on the website is readily available on request and such a request is dealt with in a timely manner
- and in cases where information is covered by an exemption, consideration is given as to whether or not the information should be released

3. Responsibilities

The Trust is responsible for establishing policies and procedures in order to comply with the requirements of the Freedom of Information Act 2000.

The Chief Executive is responsible for the development, implementation, monitoring and review of the Trust's Freedom of Information Policy. The Chief Executive will report to the Board of Trustees.

The Trust will make arrangements for the identity of the Chief Executive to be made known to all staff, students, contractors and volunteers and will also draw to their attention this policy and associated documentation.

The Chief Executive is responsible for drawing up guidance and promoting compliance with this policy in such a way as to ensure the easy, appropriate and timely retrieval of information.

The Chief Executive has access to all relevant documents relating to a legal compliance request and it is the Chief Executive (in consultation, when necessary, with the board of trustees) that will make the decisions regarding what information is released or exempted.

All staff will be responsible for ensuring compliance with the Freedom of Information Act and for ensuring that the requirements of this policy are met.

The academy/Trust must ensure that all new members of staff receive an introductory briefing on the Freedom of Information Act and that relevant staff members within their areas of responsibility receive refresher courses on freedom of information compliance.

Compliance with the provisions of the Freedom of Information Act and the requirements of this Policy is the responsibility of all staff, and staff have a duty to ensure they are aware of their obligations under the Act.

4. Classes of information

Who we are and what we do

Organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing

Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures

Current written protocols for delivering our functions and responsibilities.

Lists and registers

Information held in registers required by law and other lists and registers relating to the functions of East Midlands Academy Trust.

The Services we offer

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

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 is difficult to access for similar reasons

4. The method by which information published under this scheme will be made available

- 4.1. East Midlands Academy Trust will indicate clearly to the public what information is covered by this scheme and how it can be obtained.
- 4.2. Where it is within the capability of East Midlands Academy Trust, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, East Midlands Academy Trust will indicate how information can be obtained by other means and provide it by those means.
- 4.3. In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.
- 4.4. Information will be provided in the language in which it is held or in such other language that is legally required. Where East Midlands Academy Trust is legally required to translate any information, it will do so.
- 4.5. Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

5. Charges which may be made for information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by East Midlands Academy Trust for routinely published material will be justified and transparent and kept to a minimum.

The Trust may choose to charge a fee for complying with a request for information under the FOIA. This fee will be calculated according to FOI regulations and the person will be notified of the charge before being supplied with the information. The Department for Education recommends that academies respond to straightforward enquiries free of charge and charge where the costs are significant.

The Trust reserves the right to charge an appropriate fee for dealing with a specific request for information not listed on the website in accordance with the Act.

Material which is published and accessed on a website will be provided free of charge. Charges may be made for information subject to a charging regime specified by Parliament. Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- summarizing the information
- putting the information onto cd, video etc
- translating the information into a different language
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by East Midlands Academy Trust, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

We will not normally charge for providing information in an alternative format where this is requested on grounds of disability.

6. Written requests

Information held by East Midlands Academy Trust that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

Your request must be in writing (letter, email or fax) to ensure that we have a clear statement of what is requested. Your request should include your name, your address (email address is accepted), a description of the information you wish to obtain and any preferences for the format in which you would like to receive the information.

Applications for information under the Freedom of Information Act can be made to:

Paul Wheeler
East Midlands Academy Trust
Northampton International Academy
55 Barrack Road
Northampton
NN1 1AA

Or via email at info@eastmidlandsacademytrust.co.uk

We will normally confirm within 5 working* days whether or not we hold the information you request and, if we do, we will provide it within 20 working* days. ***Please note: Working days refers to term time only.**

If we intend to charge for the provision of information, we will tell you in advance what the charge will be (through a fees notice) and will provide the information when we receive payment (cash or cheque). The time allowed for us to provide the information (20 working* days) does not include the period between the issuing of the fees notice and the receipt of the payment. If a fee is required, the period of 20 working days is extended by up to 3 months until the fee is paid.

We may be unable to provide the information you request for any of the following reasons:

We do not hold the information

We are applying an exemption to the disclosure

It would cost more than £450.00 to find, extract and provide the information.

If we are unable to provide the information we will do all we can to advise you as to how you might obtain the information elsewhere or in a different way to keep the cost down.

7. Specific Requests for Information

Information not already made available on The Trust's website, is accessible by making a specific request for information. In this regard the Freedom of Information Act establishes two related rights:

1. the right to be told whether information exists, and
2. the right to receive the information (subject to exemptions)

These rights can be exercised by anyone – natural or legal persons, worldwide.

8. Refusing a request

If the information is not to be provided, the person dealing with the request and who has delegated responsibility for FOI must ensure that the case has been properly considered and the reasons for refusal are sound. If it is decided to refuse a request, you need to send a refusals notice, which must contain:

1. the fact that the responsible person cannot provide the information asked for
2. which exemption(s) you are claiming apply
3. why the exemption(s) apply to this enquiry (if it is not self-evident)
4. reasons for refusal if based on cost of compliance
5. in the case of non-absolute exemptions, how you have applied the public interest test, specifying the public interest factors taken into account before reaching the decision
6. reasons for refusal on vexatious or repeated grounds
7. the internal complaints procedure.

For monitoring purposes and in case of an appeal against a decision not to release the information or an investigation by the Information Commissioner, 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. Records should be retained for 5 years. There are no requirements to keep records where you have supplied the information requested.

9. Exemptions under the Act

There are 23 exemptions under the Act, some exemptions where the public interest test applies, and others which are absolute exemptions. The full list of exemptions can be found on Appendix 1.

Many of the exemptions are intended to protect sensitive or confidential information. However, some of the “exemptions” are there simply to avoid the legal position where two pieces of law cover the same information requested, or where the information is already available by some other means.

The Chief Executive may decide that some information it holds could be regarded as exempt information under the Act. Where a request is made for information which includes exemptions the Chief Executive will consider the prejudice test and the public interest test, and may in some circumstances withhold the requested information.

Contractors, Short-Term and Voluntary Staff

All staff who employ contractors, short term or voluntary staff must ensure that they are made aware of their obligations under the Act and the requirements of this Policy.

10. Complaints

The Chief Executive will co-ordinate any complaints received in respect of this policy. The complaint should be addressed to The Freedom of Information Officer in the first instance. The complaint will be acknowledged immediately and every reasonable effort will be made to offer a more comprehensive reply within 21 days.

If the applicant is not satisfied with the reply, then they should inform the Chief Executive within 21 days. The complaint will then be dealt with in accordance with the Complaints Procedure or Grievance Procedure as appropriate.

APPENDIX 1

List of exemptions under the Freedom of Information Act 2000

A. Exemptions where the public interest test applies:

- Information intended for future publication
- National security
- Defence
- International relations
- Relations within the United Kingdom
- The economy
- Investigations and proceedings conducted by public authorities
- Law enforcement
- Audit functions
- Formulation of government policy, etc.
- Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords)
- Communications with Her Majesty, etc., and honours
- Health and safety
- Environmental information
- Personal information (Only where the information concerns a third party and a notice under the Data Protection Act 1998 applies to that information)
- Legal professional privilege
- Commercial interests

B. The absolute exemptions

If these exemptions apply it is not necessary to go on to consider whether the disclosure is in the public interest.

- Information accessible to applicants by other means
- Information supplied by, or relating to, bodies dealing with security
- Court records, etc
- Parliamentary
- Prejudice to effective conduct of public affairs (only applies to information held by the House of Commons or the House of Lords)
- Personal information (where the applicant is the subject of the information)
- Information provided in confidence
- Prohibitions on disclosure where a disclosure is prohibited by an enactment or would constitute contempt of court