

Freedom of information Policy (CST)

This Scheme is a statutory requirement for all CfBT Schools Trust schools.

Document Index

1. [Background](#)
 2. [Requests made under the FOIA](#)
 3. [Publication Scheme](#)
 4. [Freedom of Information Act Publication Scheme for Academies](#)
 5. [Classes of Information](#)
-

1. Background ¶

The Freedom of Information Act 2000 (the FOIA) provides public access to information held by public authorities, including academies and free schools. The FOIA covers any *recorded information* that is *held*. Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings. Information which is not held is not covered – you are not required to produce information requested if you do not already hold it.

Schools must be careful not to confuse obligations under the Data Protection Act 1998 (DPA) with obligations under the FOIA. The DPA relates to personal data whilst the FOIA covers other recorded information. A request by a parent or pupil for personal data, for example a pupil's file or another document related to the pupil, will generally need to be dealt with under the DPA rather than the FOIA – refer to the Data Protection Policy and Guidance for further details. Different timescales apply.

Under the FOIA, schools are obliged to provide information:

- **in response to requests made under the general right of access; and**
- **through a publication scheme.**

2. Requests made under the FOIA ¶

Anyone has a right to request information from a school. School's have two separate duties when responding to these requests:

- * to tell the applicant whether you hold any information falling within the scope of their request; and

- * to provide that information.

For a request to be valid under the FOIA it must be in writing, but requesters do not have to mention the FOIA or direct their request to a designated member of staff. Any letter or email to a school asking for information is a request for recorded information under the FOIA. Requests made via Twitter, Facebook and other social media may also constitute FOIA requests.

This doesn't mean you have to treat every enquiry formally as a request under the FOIA. It will often be most sensible and provide better service to deal with it as a normal enquiry under your usual school procedures, for example, if a parent wants to know whether a school has a space for their child. The provisions of the FOIA need to come into force only if: you cannot provide the requested information straight away; or

- * you cannot provide the requested information straight away; or

- * the requester makes it clear they expect a response under the FOIA.

You normally have **20 working days** to respond to a request. You must inform the applicant in writing whether you hold the information requested and if so, communicate that information to the applicant, promptly, but not later than 20 working days after receipt of the request. In some circumstances a request may be refused. If this is the case, a Refusal Notice must be issued to the applicant within the 20 working day time period.

Schools can charge set amounts for responding to requests and do not need to respond to vexatious or repeated requests, requests which exceed the cost threshold (£450) or certain other requests subject to an exemption – more information on responding to a FOIA request can be found on the Information Commissioner's Office (ICO) website:

3. Publication Scheme ¶

As well as responding to requests for information, you must publish information proactively, for example on your website. The FOIA requires every public authority (including academies and schools) to adopt and maintain a publication scheme which has been approved by the ICO, and to publish information in accordance with the scheme. The ICO have provided a model publication scheme for schools, and this is set out below. Schools will need to adopt and publish this scheme without making any alterations (you can make additions). Ideally school's should publish this publication scheme on their website.

The publication scheme includes 7 classes of information which must be published:

- **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 the authority.

· **The Services we Offer**

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

Schools may find it easiest to create a table published online with each of these categories, with links to all the different web pages and documents.

The ICO have produced specific guidance for schools on what information needs to be published under each of the categories. Please refer to this document:

ICO FOI Guidance for schools in England (really useful):

http://ico.org.uk/for_organisations/sector_guides/~//media/documents/library/Freedom_of_Information_document-schools-in-england.pdf

The ICO model publication scheme can also be found here (but is copied and pasted in below):

http://ico.org.uk/for_organisations/freedom_of_information/guide/publication_scheme#what-information-do-we-need-to-publish-2

ICO Guidance on publication schemes:

http://ico.org.uk/for_organisations/freedom_of_information/guide/publication_scheme#what-information-do-we-need-to-publish-2

Further information

More information can be found on the DfE website and the ICO website:

DfE Guidance on FOI for academies:

<http://www.education.gov.uk/schools/leadership/typesofschools/academies/open/a00205178/freedom-of-information-guide-for-academies>

ICO General guidance on FOI:

4. Freedom of Information Act Publication Scheme for Academies ¶

This generic model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority 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 the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To 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.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made

proactively available.

- To make this publication scheme available to the public.

5. 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 the authority.

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.

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

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, 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, a public authority will indicate how information can be obtained by other means and provide it by those means.

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.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

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.

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 the authority for routinely published material will be justified and transparent and kept to a minimum.

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
- 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 public authorities, 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.

Written Requests

Information held by a public authority 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.

Reviewed by: Carla Wray

Provision Committee Review Date: Thursday 01st September 2016

Originally created on Saturday 12th November 2016