

# Freedom of Information Policy (CST)



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## 1. Scope and publication ¶

This policy covers requests for information under the Freedom of Information Act 2000 ('FOIA') at all CfBT Schools Trust (the Trust) schools. It also covers enquiries relating to matters under the Environmental Information Regulations 2004, namely enquiries about air, water, land, natural sites, built environment, flora and fauna, and health, and any decisions and activities affecting any of these.

This policy does not cover enquiries or subject access requests under data protection legislation i.e. where the enquirer asks to see what personal information the Trust or the schools run by the Trust holds about them. These enquiries will be dealt with under the Data Protection Policy.

This policy outlines our approach to handling information requests under the FOIA and details of the Publication Scheme. 'Information' includes both hard copy and digital information, including email.

This policy is available via the Trust website, each school website, and on request. This policy can be made available in large print or other accessible formats if required.

## 2. General approach to FOI ¶

The Trust acknowledges that, under the FOIA, any person has a legal right to ask for access to information held by the Trust or its schools.

We recognise our duty to:

- provide advice and assistance to anyone requesting information
- tell enquirers whether or not we hold the information they are requesting unless exempted from this duty (the duty to confirm or deny)
- provide access to the information we hold, subject to legal exemptions, in accordance with the procedures laid down in this policy.

We recognise the presumption of openness that underlies the FOIA. We are committed to maintaining a well-managed records management and information system in order to comply efficiently with requests and we will adopt a straightforward approach to meeting requests for information.

## 3. Responsibilities ¶

The Trustees of the Trust are responsible for overseeing access to information across the Trust and this responsibility has been delegated to each headteacher. Day-to-day responsibility for the implementation of this FOIA policy and the provision of advice, guidance, publicity and interpretation of this policy is delegated to the school data protection lead of each school (see Appendix 1 of the Data Protection Policy), with support from the Trust Data Protection Officer. We will also ensure that all members of staff are aware of this policy and know that all requests for information should be passed without undue delay to the school data protection lead or Trust DPO.

We acknowledge that wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence, and we will take all reasonable steps to ensure that records that are subject to a request for information are not deleted or amended by anyone within the Trust.

## 4. Publication scheme ¶

Information which the Trust and its schools routinely make available to the public is included in our Publication Scheme. The Publication Scheme is based on the model scheme approved by the Information Commissioner.

A copy of the Trust Publication Scheme is attached at Appendix 1.

## 5. Making a request for information ¶

The Trust and its schools will only deal with valid FOI requests for information under this policy.

A valid FOI request must:

- be in writing (includes letter, email or fax)
- state the enquirer's name and correspondence address (includes email addresses)
- describe the information requested - there must be enough information to be able to identify and locate the information
- not be a request falling under the Data Protection Act (i.e. be a request for information about yourself or your child).

In order that your request can be dealt with as quickly and efficiently as possible, you should submit your request by letter or email to the school; data protection lead or Trust DPO. Contact details for can be found in Appendix 1 of the Data Protection Policy.

### **Timescales for responding to requests for information**

We will endeavour to deal with your request promptly and certainly within the legally prescribed limit of 20 school days i.e. excluding weekends and school holidays. Where the 20th day to respond to a request is during a non-school day, we have up to 60 days to respond.

The response time will start from the time the request is received. Where further information is required from you before we can deal with your request, we shall contact you as soon as practicable using the correspondence address provided. We do not have to deal with your request until the further information is received. Where a fee is to be made (see below), we are also not required to deal with your request until payment has been received. If you choose to pay any fee by cheque the fee will not be regarded as having been received until the day the cheque has cleared. The 20 school days countdown will only begin or restart once the further information and/or payment has been received.

If a qualified exemption applies (see below) and we need more time to consider the public interest test, we will send you a response within 20 school days stating that an exemption applies and giving you estimate of the date by which a decision on the public interest test will be made. This will normally be within a further 10 working days.

### **Charges relating to requests for information**

We follow the Department for Education recommendation that schools should ordinarily charge for dealing with requests for information to recover the costs to school resources that would otherwise support teaching and learning.

We are not required to comply with a request for information where we estimate that the cost of compliance will exceed £450. If our estimated cost of complying with your request does exceed £450, we will advise you accordingly and advise what, if any, information can be provided for under £450 and/or suggest a narrowed version of your request that could be handled within this limit.

Should you wish us to provide the information as initially requested, we entitled to charge in

line with FOIA guidance.

### **Right to refuse to comply with a request for information**

There are only four reasons we may refuse to comply with a valid request for information under the FOIA:

- **The information is not held by us**

Once we have received your request, we will ascertain whether we hold the information requested. 'Holding' information means information relating to the business of the Trust or a school that we have created, received from another body or person, or is held by another body on our behalf. If, after reasonable enquiry, we are able to confirm that we do not hold the information requested, we will advise you accordingly using the correspondence address provided.

- **The cost threshold is reached (£450)**
- **The request is considered vexatious or repeated**

There is no obligation on us to comply with vexatious requests. This is a request designed to cause inconvenience, harassment or expense rather than to obtain information, and would require a substantial diversion of resources or would otherwise undermine our work.

- **One or more of the exemptions apply**

There are more than 20 exemptions. Where the potential exemption is a qualified exemption, we will also consider the public interest test to identify if the public interest in applying the exemption outweighs the public interest in disclosing it.

Each case will be considered on its merits and we will maintain records on any refusals made and the reasons for them. Records will be retained for five years in accordance with statutory guidance.

If we refuse to provide the information, we will notify you in writing, explaining:

- the fact that we cannot provide the information asked for
- which exemption(s) we believe apply
- why the exemption(s) apply to this enquiry (if it is not self-evident)
- reasons for refusal if based on cost of compliance
- in the case of qualified exemptions, how we have applied the public interest test, specifying the public interest factors taken into account before reaching the decision

- reasons for refusal on vexatious or repeated grounds
- the internal complaints procedure.

### **The duty to confirm or deny**

A person applying for information has the right to be told if the information requested is held, and if that is the case to have the information sent (subject to any of the exemptions). We do not have to confirm or deny if:

1. the exemption is an absolute exemption, or
2. in the case of qualified exemptions, confirming or denying would itself disclose exempted information.

### **Consultation with third parties**

Consultation with 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.

### **Redaction**

If a request is made for a document which contains exempt information (for example, it contains personal information about a third party whose release to a third party would breach data protection legislation), the document may be issued by blanking out the relevant exempt information. This process is known as redacting.

## **6. Complaints ¶**

Any comments or complaints will be dealt with through our normal complaints procedures.

Once internal complaints procedures have been exhausted, then you have the right to appeal to the Information Commissioner's office. Appeals should be made in writing to the Information Commissioner's office. They can be contacted at: Complaints Resolution Information Commissioner's Office Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

## **7. Appendix 1 - Publication scheme for CfBT Schools Trust ¶**

**Introduction: What is a Publication Scheme and why has it been developed?**

CfBT Schools Trust's (the Trust) is responsible for collating and publicising its own Publication Scheme about the work of the Trust. This Publication Scheme commits us to make information available to the public as part of our normal business activities.

This Scheme commits the Trust 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
- specify the information which is held by the authority 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 the authority 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.

**The classes of information include:**

**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 Publication Scheme will be made available**

Where it is within our capability, information will be provided on our website.

Where it is impracticable to make information available on the website, this Scheme sets out how information can be obtained. Where you cannot or do not wish to access the information via the specified means, you should contact the Trust (see below) to discuss an alternative means of viewing the information.

In exceptional circumstances, information may be available only by viewing in person. You should contact the Trust (see below) to make an appointment to view the information which we will endeavour to accommodate 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. If we are legally required to translate the information, we 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. Material which is published and accessed on a website will be provided free of charge. 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 justified in all the circumstances and are in accordance with a published schedule of fees in this Publication Scheme. If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment will be requested prior to provision of the information.

### **Written requests**

Information held by us 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.

### **Contact details**

If you require a paper version of any information or want to ask whether information is available please contact us: Claire Wilkins, Legal and HR Lead and Trust DPO, CfBT Schools Trust, Highbridge House, 16-18 Duke Street, Reading, RG1 4RU.

Website: <http://www.cfbtschoolstrust.co...>

To help us process requests quickly, any correspondence should be clearly marked 'Publication Scheme Request'.

## 8. Appendix 2 - CfBT Schools Trust Central Team - Guide to information table ¶

Please see document in the download section below.

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