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Freedom of Information Policy

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 EIR and 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.

General approach to EIR

The Trust acknowledges that under the Environmental Information Regulations 2004 (EIR's), any person has a legal right of access to information held by the Trust or its schools which relates to the environment, defined broadly to include things such as waste management, air quality and noise pollution. The rights and responsibilities are broadly similar to those created by Freedom of Information.

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
- provide access to the information we hold, unless an exception applies.

A valid EIR request must be verbal or in writing (electronic or hardcopy). We will always respond in writing.

We will endeavour to deal with the request promptly and within 20 working days of receipt, however this time period can be extended to 40 working days if the request is complex and/or voluminous.

If we receive a request which we believe is too general, we will contact the applicant as soon as possible, but within the 20 day's timescale, to try to determine specifically what information it is that they would like or to clarify the request.

We reserve the right to make a reasonable charge to the requestor for making information available in some circumstances. A reasonable charge may include the disbursement costs in transferring the information to the requestor and the staff time taken to locate the information.

The Environmental Information Regulations state exceptions that allow us to refuse to provide requested information. The exceptions are listed in Appendix 2 of this policy.

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.

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 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.

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.

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, fax or online form)
- state the enquirer's real 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

Under the Act, most public authorities may take up to 20 working days to respond. The response time will start from the time the request is received. For schools, the standard time limit is 20 school days, or 60 working days if this is shorter.

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 20 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 are 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) or it would take too much staff time to deal with the request**
- **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. Further information about refusing a request for information can be found in the ICO's website:

<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/>

The exemptions are outlined in Appendix 2 of this policy.

If we refuse a request, we will notify you in writing promptly or within 20 working days of receiving it, 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.

Complaints

We welcome any comments or suggestions you may have regarding this policy.

If you are not satisfied with the assistance that you get or we have not been able to resolve your complaint through our normal internal Complaints procedure, 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.

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: CfBT Schools Trust, Highbridge House, 16-18 Duke Street, Reading, RG1 4RU.

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

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

CfBT Schools Trust – guide to information table

| Class 1 – Who we are and what we do | | |
|--|----------------------------------|---------------------|
| <i>Organisational information, structures, locations and contacts. Current information only.</i> | | |
| Information to be published | Information obtained from | Cost |
| Memorandum and articles of association | Website | No charge |
| Master Funding Agreement | Website | No charge |
| Annual Return | Website | No charge |
| List of names of the Trustees of the Trust | Website | No charge |
| Staffing structure – names of key personnel | On request | No charge |
| the Trust prospectus | Website | No charge |
| Contact details for Chief Executive Officer and the Chair of Trustees | Website | No charge |
| Location and contact information – address and telephone number | Website | No charge |
| Class 2 – What we spend and how we spend it | | |
| <i>Financial information relating to the projected and actual income and expenditure, procurement, contracts and financial audit. Current and previous two financial years as a minimum.</i> | | |
| Information to be published | Information obtained from | Cost |
| Annual budget plan and financial statements | On request via Trust office | Schedule of charges |
| Annual Accounts | Website | No charge |
| ‘Value for Money statement’ from the Trust accounting officer explaining how Trust secured value for money during the financial years | On request via Trust office | No charge |
| Capital funding – details of capital funding allocated to the Trust along with information on related building projects/other capital projects | On request via Trust office | Schedule of charges |
| Additional funding – income generation schemes and other sources of funding | On request via Trust office | Schedule of charges |
| Procurement and contracts – details of procedures used for the acquisition of goods and services and details of contracts that have gone through a formal tendering process | On request via Trust office | Schedule of charges |
| Staffing and grading structure | On request via Trust office | Schedule of charges |

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| Pay Policy – a statement of the the Trust’s policy on procedures regarding teachers’ pay | On request via Trust office and school websites | No charge |
| Trustees’ allowances – details of allowances and expenses that can be claimed or incurred | Hard copy requested via Trust office | Schedule of charges |
| Class 3 – What our priorities are and how we are doing <i>Strategies, plans, performance indicators, audits, inspections and reviews). Current information only.</i> | | |
| Information to be published | Information obtained from | Cost |
| The Trust profile including a statement of our ethos and values | Website | No charge |
| Performance data | On request via Trust office | No charge |
| Performance management policy and procedures | On request via Trust office | Schedule of charges |
| the Trust Improvement Plan | On request via Trust office | Schedule of charges |
| Child Protection and Safeguarding Policy and procedures | Website | No charge |
| Class 4 – How we make decisions <i>Decision making process and records of decisions. Current and previous three years as a minimum.</i> | | |
| Information to be published | Information obtained from | Cost |
| Agendas of main Trustee meetings and (if held) its sub-committees | On request via Trust office | Schedule of charges |
| Minutes of meetings (as above) – NB This will exclude information that is properly considered to be confidential | On request via Trust office | Schedule of charges |
| Class 5 – Our policies and procedures <i>Written protocols, policies and procedures for delivering our services and responsibilities. Current information only.</i> | | |
| Information to be published | Information obtained from | Cost |
| The Trust-wide HR policies, including recruitment of staff | On school websites. Also on request via Trust office | No charge |
| The Trust-wide student policies | On school websites. Also on request via Trust office | No charge |
| Records management and personal data policies | On school websites. Also on request via Trust office | No charge |

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| Charging regimes and policies | On school websites. Also on request via Trust office | No charge |
| Equality and diversity - policies, schemes, statements, procedures and guidelines relating to equal opportunities | On school websites. Also on request via Trust office | No charge |
| Class 6 – Lists and registers <i>Currently maintained lists and registers only.</i> | | |
| Information to be published | Information obtained from | Cost |
| Asset register | On request via Trust office | Schedule of charges |
| Any information a school is currently legally required to hold in publicly available registers | Website or hard copy via Trust office | No charge (website) or schedule of charges |
| Class 7 – The services we offer <i>Leaflets, guidance and newsletters produced for the public and businesses. Current information only.</i> | | |
| Information to be published | Information obtained from | Cost |
| MAT publications | Website or hard copy requested via Trust office | Schedule of charges or no charge (website) |
| Services for which the MAT is entitled to recover a fee, together with those fees | Website | No charge |
| Leaflets, booklets and newsletters | Website or hard copy requested via Trust office | No charge (website) or schedule of charges |

Schedule of charges: this describes the charges which will be made

| Type of charge | Description | Basis of charge |
|-------------------|--|---|
| Disbursement cost | Photocopying/printing @ 3p per sheet (b&w) | Actual cost incurred by the Trust |
| | Photocopying/printing @ 10p per sheet (colour) | Actual cost incurred by the Trust |
| | Postage | Actual cost of Royal Mail standard 2 class |
| Statutory fee | | In accordance with the relevant legislation |

Appendix 2: FOI Exemptions

There are 23 exemptions under the Freedom of Information Act 2000, that may mean we are not able to disclose the information requested.

There are two types of Exemption: **Absolute** and **Non-Absolute**.

We can automatically withhold information because an exemption applies only if the exemption is Absolute. However, most exceptions are Non-Absolute and require a **Public Interest Test**. This is where we must decide whether it is in the public interest to disclose the sensitive information or to withhold it.

Only in cases where it is considered to be in the public interest to withhold the information will we refuse to disclose. Where possible we will explain our reasons and refer to the particular exemption in such cases where we refuse access to information.

Absolute Exemptions – public interest test does not apply:

| Section of the FOI Act | Exemption |
|------------------------|--|
| S(2) 21 | Information accessible by other means (e.g. in the Publication Scheme) |
| S(2) 23 | Information supplied by, or relating to, bodies dealing with security matters |
| S(2) 32 | Court records, and information held in relation to court proceedings |
| S(2) 36 | Prejudice to effective conduct of public affairs |
| S(2) 40 | Personal information – available under Data Protection Act |
| S(2) 41 | Information provided in confidence |
| S(2) 44 | Information whereby disclosure is prohibited by an enactment or would constitute contempt of court |

Non-absolute Exemptions – public interest test does apply:

| Section of the FOI Act | Exemption |
|------------------------|--|
| S(2) 22 | Information intended for future publication |
| S(2) 30 | Investigations & proceedings conducted by public authorities |
| S(2) 31 | Law enforcement |
| S(2) 36 | Prejudice to effective conduct of public affairs |
| S(2) 38 | Health & Safety |
| S(2) 39 | Environmental information |
| S(2) 40 | Personal information relating to a third party |
| S(2) 42 | Legal professional privilege |
| S(2) 43 | Commercial interests |

For a full list of exemptions view [a copy of the Freedom of Information Act](#)

IER Exceptions

- Regulation 12 (4) (a) The information requested is not held by the Authority at time of request
- Regulation 12 (4) (b) The request is manifestly unreasonable
- Regulation 12 (4) (c) The request is too general;
- Regulation 12 (4) (d) Request relates to unfinished documents
- Regulation 12 (4) e) The request concerns internal communications;
- Regulation 12 (5) Disclosure would adversely affect:
 - (a) International relations, public security or national defence
 - (b) The course of justice, the ability of any person to receive a fair trial or the ability of the Authority to receive a fair trial
 - (c) Intellectual property rights
 - (d) Confidentiality of the Authority's proceedings when covered by law
 - (e) Confidentiality of commercial or industrial info, when protected by law to protect legitimate economic interest
 - (f) The interests or protection of any person who supplied the information requested on a voluntary basis
 - (g)The information relates to the protection of the environment.
- Regulation 13 Personal data