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# OWLS Academy Trust

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# Freedom of Information Policy

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Date Detail June 25<sup>th</sup>, 2018

Original, based on Trust Policy 25.06.17

Reviewed annually

Approved by Jonathan Tedds, Chair of Governor

Adopted by The OWLS Academy Trust on	
Next Review Due	May 2019



As an educational provider, our school has an obligation to publish a freedom of information statement, outlining how we will meet our duties under the Freedom of Information Act (2000) and associated regulations. The development and effective implementation of this policy fulfils that requirement.

More specifically, this policy outlines:

- How our school will respond to requests from individuals for access to information held about them;
- Our school's policy and procedures for the release and publication of private data and public records;
- Our school's policy and procedures for providing applicants with advice and assistance throughout the duration of their requests.

It also clarifies our position regarding the appropriate limit to the costs incurred by any school within the Trust in obtaining any requested information, and on charging fees for its provision.



## **Legal Framework**

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This policy has due regard to the following legislation:

- The General Data Protection Regulation (GDPR) (2016);
- The Freedom of Information Act (2000);
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations (2004).

This policy also has due regard to guidance including, but not limited to:

- Information Commissioner's Office "Model publication scheme" 2016;
- Information Commissioner's Office "Duty to provide advice and assistance (section 16)" 2016;
- Ministry of Justice "Lord Chancellor's Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000" 2009.

This policy will be viewed in conjunction with the following other school policies:

- Data Protection Policy



## **Accepting Requests for Information**

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All schools within the Trust will only accept a request for information which meets all of the following criteria:

- It is in writing;
- It states the name of the applicant and an address for correspondence;
- It describes the information requested.

A request will be treated as made in writing if it meets all of the following requirements:

- It is transmitted by electronic means;
- It is received in legible form;
- It is capable of being used for subsequent reference.

All schools within the Trust will publish details of its procedures for dealing with request for information on the website, which includes:

- A contact address and email address;
- A telephone number;
- a named individual to assist applicants with their requests.



## **General Right of Access to Information Held by the School**

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Provided that the request complies with the requirements of this policy (“Accepting Requests for Information”), all schools within the Trust will, no later than 20 working days from receipt of the request, comply with its duty to:

- Confirm or deny to any person making a request for information to the school whether it holds information of the description specified in the request;
- Provide the documentation, if All schools within the Trust confirms that it holds the requested information.

All schools within the Trust will not comply with the above where:

- All schools within the Trust reasonably requires further information to meet a freedom of information request, has informed the applicant of this requirement, but was not subsequently supplied with that further information;
- The information 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;
- A request for information is exempt under Section 2 of the Freedom of Information Act (2000);
- The cost of providing the information exceeds the appropriate limit;
- The request is vexatious;
- The request is a repeated request from the same person made within 60 working days of the initial one;
- A fee notice was not honoured.

Where information is, or is thought to be, exempt, all schools within the Trust will, within 20 working days, give notice to the applicant which:

- States the fact;
- Specifies the exemption in question.

The information provided to the applicant will be in the format that they have requested, where possible. Where it is not possible to provide the information in the requested format, all schools within the Trust will assist the applicant by discussing alternative formats in which it can be provided.

The information provided will also be in the language in which it is held, or another language that is legally required. If all schools within the Trust are required to translate any information, it will do so. If, under relevant disability and discrimination regulations, all schools within the Trust are legally obliged to provide the information in other forms and formats, it will do so.



## **The Appropriate Limit**

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All schools within the Trust will not comply with any freedom of information request that exceeds the statutorily imposed appropriate limit of £450.

When determining whether the cost of complying with a freedom of information request is within the appropriate limit, all schools within the Trust will take account only of the costs we reasonably expect to incur in relation to:

- Determining whether it holds the information;
- Locating the information, or a document which may contain the information;
- Retrieving the information, or a document which may contain the information;
- Extracting the information from a document containing it;
- Costs related to the time spent by any person undertaking any of the activities required to retrieve the information on behalf of the school are to be estimated at a rate of £25 per person per hour.

Where multiple requests for information are made within 60 consecutive working days of each other, either by a single person or by different persons who appear to be acting in concert, the estimated cost of complying with any of the requests is taken to be the total costs of complying with all of them.



## **Charging Fees**

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All schools within the Trust may, within 20 working days, give an applicant who has requested information from the school, a written notice stating that a fee is to be charged for the school's compliance. Charges may be made for disbursements such as:

- Photocopying;
- Postage and packaging;
- Costs directly incurred as a result of viewing information

Fees charged will not exceed the total cost to all schools within the Trust of:

- Informing the person making the request whether we hold the information;
- Communicating the information to the person making the request.

Where a fee is to be charged, all schools within the trust will not comply with the "General Right of Access" section of this policy unless the requested fee is paid within a period of 3-months, beginning with the day on which the fees notice is given to the applicant.

All schools within the Trust will not take into account any costs which are attributable to the time spent by persons informing the applicant whether we hold the information and communicating the information to the applicant.

When calculating the 20<sup>th</sup> working day in which to respond to a freedom of information request, the period beginning the day on which the fee notice is given to the applicant and ending with the day on which the fee is received will be disregarded.



## **Means by which Communication is to be Made**

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Where, on making a request for information, the applicant expressed a preference for communication by any one of the following means, all schools within the Trust will, as far as is practicable, give effect to that preference:

- The provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant;

- The provision to the applicant of a reasonable opportunity to inspect a record containing the information;
- The provision to the applicant of a digest, or summary of the information, in permanent form or in another form acceptable to the applicant



## **Providing Advice and Assistance**

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All schools within the Trust will meet their duty to provide advice and assistance, as far as is reasonable, to any person who proposed to make, or has made, requests for information to the school. All schools within the Trust may offer advice and assistance in the following circumstances:

- If an individual requests to know what types of information schools within the Trust holds and the format in which it is available, as well as information on the fees regulations and charging procedures;
- If a request has been made, but schools within the Trust are unable to regard it as a valid request due to insufficient information, leading to an inability to identify and locate the information;
- If a request has been refused (e.g. due to an excessive cost) and it is necessary for all schools within the Trust to assist the individual who has submitted the request.

All schools within the Trust will provide assistance for each individual on a case-by-case basis. Examples of how schools within the Trust will provide assistance include:

- Informing an applicant of their rights under the Freedom of Information Act (2000);
- Assisting an individual in the focus of their request (e.g. by advising of the types of information available within the requested category);
- Advising an applicant if information is available elsewhere and how to access this information;
- Keeping an applicant informed on the progress of their request.

In order to provide assistance as outlined above, all schools within the Trust will engage in the following good practice procedures:

- Make early contact with an individual and keep them informed of the process of their request;
- Adhere to the school's Customer Services Policy which outlines the steps included within the code;
- Accurately record and document all correspondence concerning the clarification and handling of any request;
- Give consideration to the most appropriate means of contacting the applicant, taking into account their individual circumstances;
- Discuss with the applicant whether they would prefer to receive the information in an alternative format, in cases where it is not possible to provide the information requested in the manner originally specified;
- Remain prepared to assist an applicant who has had their request denied due to an exemption.

All schools within the Trust will give particular consideration to what level of assistance is required for an applicant who has difficulty submitting a written request. In such circumstances schools will:

- Make a note of the application over the telephone and then send the not to the applicant to confirm and return – the statutory time limit for a reply would begin here;
- Direct the individual to a different agency that may be able to assist with framing their request.
- This list is not exhaustive and schools may decide to take additional assistance measures that are appropriate to the case.

Where an applicant's request has been refused, either because the information is accessible by other means or the information is intended for future publication or research, the school will provide advice and assistances as a matter of good practice.

All schools within the Trust will advise the applicant of how and where information can be obtained if it is accessible by other means. Where there is an intention to publish the information in the future, all schools within the Trust will advise the applicant of when this publication is expected.

If the request is not clear schools will ask for more detail from the applicant in order to identify and locate the relevant information before providing further advice and assistance.

If the school is able to clearly identify the elements of a request it will respond following usual procedures and will provide advice and assistance for the remainder of the request. If any additional clarification is needed for the remainder of a request, the school will ensure there is no delay in asking for further information.

If an applicant decides not to follow the school's advice and assistance and fails to provide clarification, the school is under no obligation to contact the applicant again. If the school is under any doubt that the applicant did not receive the advice and assistance the school will re-issue it.

Schools are not required to provide assistance where an applicant's request is vexatious or repeated, as defined under Section 14 of the Freedom of Information Act (2000).

Schools within the Trust are also not required to provide information where the cost of complying with a request exceeds the limit outlined in the Freedom of Information Act (2000). In such cases all schools within the Trust will consider whether any information can be provided free of charge if the applicant refuses to pay the fee.

A record will be kept by the Head Teacher in each school of all the advice and assistance provided.



## **Publication Scheme**

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All schools within the Trust will meet its duty to adopt and maintain a publication scheme which specifies the information which it will publish on all schools within the Trust website, and whether the information will be available free of charge or on payment.

The publication scheme will be reviewed and, where necessary, updated on an annual basis.



## **Monitoring and Review**

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This policy will be reviewed on an annual basis, or in light of any changes to relevant legislation, by the CEO and Head Teacher and approved by trustees.



## Appendix A – Model Publication Scheme

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This scheme follows the model approved by the Information Commissioner’s Office and sets out the classes of information which we publish or intend to publish; the format in which the information will be made available and whether the information is available free of charge or on payment.

### Classes of Information

Information that is available under this scheme includes:

- Who we are and what we do;
- What we spend and how we spend it;
- What are our priorities and how we are doing;
- How we make decisions;
- Our policies and procedures;
- Lists and registers;
- The services we offer

Information which will not be made available under this scheme includes:

- 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, or notes, documents in older version, emails or other correspondence;
- 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.

### How to Request Information

Requested documents under this scheme will be delivered electronically where possible, but paper copies can be provided by contacting all schools within the Trust using the below contact details. To enable us to process your request quickly, please mark all correspondence:

“FREEDOM OF INFORMATION REQUEST”

Documents can be translated under disability legislation into accessible formats where possible.

### Charges

Documents contained in this scheme are free to view on the websites of all schools within the Trust. Single paper copies are also available free of charge to parents/carers and prospective parents/carers of the school.

### Feedback

We welcome any comments or suggestions you may have regarding this scheme. Please contact the governing body via the main school address / phone number.