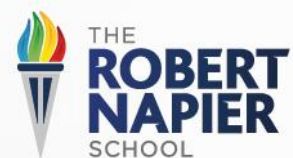




FREEDOM OF INFORMATION POLICY

December 2023

Review Date: Autumn 2024



Contents

- Freedom of Information Policy 3
 - 1. Scope of the Policy 3
 - 2. Responsibilities 3
 - 3. Relationship with Existing Policies 3
 - 4. Available Guidance 4
 - 5. The Trust’s Publication Scheme 4
 - 6. Specific Requests for Information 4
 - 7. Charges 4
 - 8. Internal Review, Complaints and/or Appeals..... 4
 - 9. Exemptions under the Act 5
- APPENDIX A 6
 - FOI - ABSOLUTE EXEMPTIONS 6
 - FOI - QUALIFIED EXEMPTIONS..... 6
- APPENDIX B 7
 - Guidance for dealing with requests under the Freedom of Information Act 2000 7

Freedom of Information Policy

The Beyond Schools Trust takes its responsibilities regarding the management of the requirements of the Freedom of Information Act 2000 very seriously. This document provides the policy framework through which this effective management can be achieved and audited. It covers:

1. Scope of the policy
2. Responsibilities
3. Relationship with existing policies
4. Available Guidance
5. The Academy's Publication Scheme
6. Specific Requests for Information
7. Charges
8. Internal Review, Complaints and/or Appeals
9. Exemptions under the Act

1. Scope of the Policy

1.1. 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's Academies is made available to the public as a matter of course through a Publication Scheme;
- other information not included in the Publication Scheme 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 (see Appendix).

2. Responsibilities

2.1. The Trust recognizes its corporate responsibility under the Act to provide a general right of access to information held. The person with overall responsibility for this policy is the Trust IT Network Manager.

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

2.3. Wherever possible, members of staff should receive an introductory briefing on the Freedom of Information Act procedures.

3. Relationship with Existing Policies

3.1 This policy has been formulated within the context of the following Trust and Academy documents:

- Data Protection Policy
- Information Security Policy

4. Available Guidance

4.1 Guidance on the procedures necessary to comply with this Policy is available from the Head of People and can be found at Appendix B.

5. The Trust's Publication Scheme

5.1 The Trust's Publication Scheme is available on the web or in hard copy from any of the Academy receptions or by request from the Head of People. The Publication Scheme will specify:

- what information the Trust will make routinely available to the public as a matter of course;
- how it will do so; and
- whether or not this information will be made available free of charge or on payment of a fee.

6. Specific Requests for Information

6.1 Information not already made available in the Trust's Publication Scheme will be accessible from January 2011 through a specific request for information.

6.2 In this regard the Freedom of Information Act establishes two related rights:

- the right to be told whether information exists; and
- the right to receive the information (subject to exemptions).

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

6.4 These specific requests for information not listed in the publication scheme will be dealt with by the Head of People, who in turn may delegate requests to other areas of responsibility.

6.5 Any request must be made in a permanent form (for example in writing or by email) and a charge may be made for dealing with any request. Requestors will not be entitled to information to which any of the exemptions in the Act applies.

6.6 However, only those specific pieces of information to which the exemption applies will be withheld, and information covered by an exemption will be subject to review by the Head of People.

6.7 The Trust must respond to any request within 20 working days although further reasonable details can be requested to identify and locate the information. If a fee is required, the period of 20 working days is extended by up to 3 months until the fee is paid.

7. Charges

7.1 Unless otherwise specified information made available through the Trust's Publication Scheme will be free of charge.

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

8. Internal Review, Complaints and/or Appeals

8.1 The requester has the right to ask for an internal review if they are dissatisfied with the handling of a request.

8.2 Internal review requests should be made within 40 working days of the initial response. This deadline should be communicated to the requester in that response. We are not obliged to provide a review if it is requested after more than 40 working days.

8.3 Requests for internal review must make clear why they are dissatisfied with the original decision, detailing why they feel that the Trust/School has not complied with Freedom of Information Law.

8.4 Any written (including email) expression of dissatisfaction should be handled through the Trust/School's existing complaints procedure. Wherever practicable the review should be handled by someone not involved in the original decision.

8.5 The Governing Body should set and publish a target time for determining complaints and information on the success rate in meeting the target. The Trust/School should maintain records of all complaints and their outcome.

8.6 If the outcome is that the Trust/School's original decision or action is upheld, then the applicant can appeal to the Information Commissioner. The appeal can be made via their website or in writing to:

Customer Contact

Information Commissioner's Office

Wycliffe House Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number.

Fax: 01625 524 510

9. Exemptions under the Act

9.1 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 at Appendix 1 of this policy.

9.2 The Trust 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 Trust will consider the prejudice test and the public interest test, and may in some circumstances withhold the requested information.

APPENDIX A

FOI - ABSOLUTE EXEMPTIONS

Exemptions where the public interest test does not apply:

Section 21 - Information accessible by other means

Section 23 - National Security - Information supplied by, or relating to, bodies dealing with security matters (a certificate signed by a Minister of the Crown is conclusive proof that the exemption is justified. There is a separate appeals mechanism against such certificates)

Section 32 - Court Records

Section 34 - Parliamentary Privilege - a certificate signed by the Speaker of the House, in respect of the House of Commons, or by the Clerk of the Parliament, in respect of the House of Lords is conclusive proof that the exemption is justified.

Section 36 - Effective Conduct of Public Affairs - so far as relating to information held by the House of Commons or the House of Lords

Section 40: Personal Information - where the applicant is the subject of the information. The applicant already has the right of 'subject access' under the Data Protection Act 1998; where the information concerns a third party and disclosure would breach one of the data protection principles

Section 41 - Information provided 'In Confidence'

Section 44 - Prohibitions on disclosure - where a disclosure is prohibited by an enactment or would constitute contempt of court.

FOI - QUALIFIED EXEMPTIONS

Exemptions where the public interest test applies:

Section 22: Information Intended for Future Publication

Section 24: National security (other than information supplied by or relating to named security organisations, where the duty to consider disclosure in the public interest does not apply)

Section 26: Defence

Section 27: International relations

Section 28: Relations within the United Kingdom Section 29: UK Economic Interests

Section 30: Investigations and Proceedings Conducted by Public Authorities Section

31: Law Enforcement

Section 33: Audit Functions

Section 35: Formulation of government policy and Ministerial Communications

Section 36: Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords)

Section 37: Communications with His Majesty, the Royal Family or concerning Honours

Section 38: Health and Safety

Section 39: Environmental Information - as this can be accessed through the Environmental Information Regulations

Section 40: Personal information relating to a third-party access request

Section 42: Legal Professional Privilege

Section 43: Commercial Interests

APPENDIX B

Guidance for dealing with requests under the Freedom of Information Act 2000

The Trust and its Academies are subject to the Freedom of Information Act 2000 (FOIA).

Anyone has a right to request general information from a public authority and we have two separate duties when responding to these requests:

- to tell the applicant whether we hold any information falling within the scope of their request; and
- to provide that information to them

We have 20 working days to respond to a request.

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.

We cannot ignore or refuse a request simply because it is addressed to a different member of staff. Any letter or email to **any member of staff** asking for recorded information is a request under the FOIA.

Therefore, staff need to be able to identify requests and ensure that they are passed to the Head of People (via hr@beyondschools.co.uk) as soon as they are received.

Although we must respond to requests to information it does not mean that we must treat every enquiry formally as a request under the FOIA handled by the IGO.

At times it may be more sensible and provide better customer service to deal with a request as a normal course of business enquiry rather than an official FOIA request; for example, if a member of the public only wants to know the email address for Admissions then this is something that should be handled as business as usual and does not need to be handled as a formal request under the FOIA.

The provisions of the FOIA need to come into force only if:

- you cannot provide the requested information straight away;
- the requester makes it clear they expect a response under the FOIA;
- you do not wish to disclose some or all of the information as the Head of People will need to assess to see if a valid FOIA exemption applies

In these instances, it should be forwarded to the Head of People as a matter of urgency.

If members of staff are unsure if the request should be treated as a request under the FOIA then, again, they should ask their Line Manager or Head of People for advice.

To summarise -

- Request must be in writing
- Clock starts on request as soon as it is received by the Trust/Academy
- Does not have to be labelled as an FOIA request to be valid
- Can be made to anyone at/within the Trust
- If in doubt, contact the Head of People for advice