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## FREEDOM OF INFORMATION POLICY

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Policy Reviewed and Adopted by the Board of Trustees

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Responsible Officer: J Turner (Finance Director)

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## Freedom of Information Policy

### 1. Introduction

- 1.1 The VISION Academy Learning Trust (the “**Trust**”) is an independent charitable organisation established by Eggescliffe School, a Department for Education approved academy sponsor, to support local schools. The Trust’s schools include Eggescliffe School, Junction Farm Primary School, The Links Primary School, Chandlers Ridge Academy and Whinstone Primary. You will be employed by the Trust or one of these schools (and the employer entity is referred to hereafter as “the Trust”) and each entity must comply with the terms of this policy document.

The Trust actively seeks and is legally required to share information about itself and its activities, subject to the constraints of Data Protection legislation and certain sensitive matters explicitly addressed by the Freedom of Information Act 2000.

In this Policy, all references to “we” and “our” in this Policy refer to the Trust, unless distinguished in the text.

- 1.2 The Trust believes that the freedom of information is a ‘fundamental value’.

### 2. Definitions

- 2.1 The main legislation covering freedom of information is the Freedom of Information Act 2000 (“the Act”). Under the Act, each Institution is classed as a “public authority” and has a legal obligation to provide information through an approved publication scheme and in response to valid requests made by individuals to the Institution under the Act.
- 2.2 Information that is held by the Trust in a recorded (paper or electronic) format can be requested under the Act and, subject to any relevant exemptions, will need to be disclosed. **Disclosures under the Act are disclosures into the public domain.** This includes recorded information, printed documents, computer files, letters, emails, photographs and sound or video recordings.
- 2.3 The Act does not give people access to their own personal data (information about themselves). Access to personal data is covered under the EU GDPR/Data Protection Act 2018 (“the DPA”), our separate policy in relation to how the Trust deals with its obligations under the DPA can be found in GDPR\_DOC\_1.0 Data Protection Policy on the Trust website <https://valt.org.uk/privacy-policies/>.

### **3. Related Policies and Documents**

- 3.1 Accessing Information under the Freedom of Information Act guidance – Appendix 1 and 2
- 3.2 Safeguarding Policy;
- 3.3 Confidential Reporting Policy
- 3.4 Data Protection Policy;
- 3.6 Other policies and documents may be identified from time to time as circumstances change and may be added to this list.

### **4. Rationale**

- 4.1 The Trust is a separate public authority covered by the Act and has produced this policy to ensure employees and agents of the Trust comply with their respective obligations under the Act.

### **5. Core Principles**

- 5.1 The Trust will publish the information set out in the Model Publication Scheme for Academies (see Appendix 2) and will ensure that documents containing the information are available on request.
- 5.2 The Trust will give access to information not covered by the Model Publication Scheme, except for any exempt information, following a valid request and the payment, where appropriate, of the fee within 20 school days or 60 working days, whichever is shorter.
- 5.3 There will be occasions where the Trust does not hold the information requested or when it can refuse to give access to the requested information. If a refusal is made the Trust will give reasons for the refusal and list any applicable exemptions (providing reasons for the public interest test being better served by non-disclosure (than by disclosure) where necessary).
- 5.4 The Trust will publish details of an appeals procedure against refusal to give access.

### **6. Implementation, Monitoring and Review**

- 6.1 Publication of information listed in the Publication Scheme in Appendix 2 will be the responsibility of the manager named in the publication scheme.
- 6.2 The Publication Scheme and the materials it covers will be readily available from the Trust and published on the Trust website.

6.3 In addition to the information listed in the Publication Scheme, the Trust will share any other information that it holds, as quickly as possible and without charge, unless it is properly exempt under the Act, for example where it:

- Is not held by the Trust;
- is information reasonably accessible through another route (i.e. already within the public domain);
- is information in respect of an investigation that relates to criminal proceedings, either current or potential;
- relates to the prevention or detection of crime;
- relates to Court records, including information relating to legal proceedings;
- is personal information;
- is information provided in confidence;
- is planned to be publically disclosed in the future;
- is likely to endanger health and safety;
- is covered by legal privilege;
- would prejudice commercial interests, or
- is vexatious or repeated.

6.4 This is not an exhaustive list and should a request be received it should be forwarded immediately to the Trust Finance Director. The statutory timescale starts to run as soon as it is received by a school (no matter who within the school received it).

6.5 Access to information held by the Trust under the Act will be overseen by the Trust Finance Director.

6.6 The Trust Finance Director will:

- publish on the Trust website and in printed form the Model Publication Scheme;
- provide assistance to persons wishing to access information but who are unclear about the process;
- acknowledge access requests within 5 working days of receipt;
- where further details of the information requested are needed before the access request can be dealt with, send a letter or email requesting that information within 5 working days of receipt of the access request;
- where a fee is to be paid, send a letter or email setting out details of the fee to be paid within 5 working days of the receipt of the access request or, where applicable, further details of the information request are received;
- make the information accessible in the form which the applicant requests within 20 school days of receipt of the original request (or 60 working days, whichever is shorter) or within 20 school days of the receipt of clarification about the request if it was required (or 60 working days whichever is shorter);

- in some instances an extension to the timescale may be required either due to the length of time that is required to consider the public interest arguments under the Act in respect of possible disclosure of the requested information. The Trust is to notify the person requesting the information of the extension which should be completed as promptly as possible and in any event within an additional twenty working days;
- where the information is exempt or the access request is vexatious or repeated, the Trust Finance Director will send a refusal notice to the applicant setting out the reason for refusal with, where necessary, the category of exemption claimed, any public interest test considerations and drawing attention to the appeals procedure;
- where the information is exempt, the Trust Finance Director will decide whether to confirm/deny or not in the refusal notice the existence of the information following the guidance in the Act;
- where the refusal is on the grounds that the information is available elsewhere, the Trust Finance Director will, in the refusal notice, guide the applicant on where to access the information;
- the Trust Finance Director will direct appeals to the Executive Director Schools within two days of receipt, and
- the Executive Director Schools will complete the appeals process.

6.7 The Trust Finance Director will present a termly report to the Executive Director Schools and an annual report to the Trust Board detailing access requests received. For each individual request, the report will give:

- The date of the request;
- The subject(s) of the request;
- Whether the request was made by an individual or a legal person, such as a company or corporation;
- The Trust response to the request;
- Where the response to the request was to give access:
  - the time taken to satisfy the request, and
  - the marginal cost of providing access and any fee charged.
- Where the response to the request was to refuse access:
  - the reason for the refusal including the category of the exemption cited where applicable, and
  - the response of the applicant to the refusal.

- 6.8 Where an appeal against a refusal has been made and the outcome of the appeal.
- The report will not give names or other personal details of the applicants, however it will where refusal to give access has been made on the grounds of 'repeated requests' which will then include a note showing which requests were made by the same person.
- 6.9 This Policy will be reviewed every three years and updated, as applicable, to ensure that it remains appropriate in the light of any relevant changes to the law, organisational policies or contractual obligations.

# Appendix I Freedom of Information - Appeals Procedure

## 1. Introduction

1.1 The Act places a duty on public authorities to put a process in place to ensure that applicants are able to appeal to the public authority for an internal review if they are not content with the public authority's decision on the release of information. This provides a first review stage for the applicants.

## 2. Appeal Process

### 2.1 Principles

If **the Trust** refuses to supply the information requested, or the applicant is dissatisfied with its response or feels that a fee has been applied unfairly they may ask for an internal review of that decision. The following principles will apply when considering an appeal request:

- The review will be undertaken by an individual who was not involved in the original request for information.
- If the applicant has not received a response to a request for information within 20 school days or 60 working days (whichever is shorter) it may be regarded that **the Trust** has refused the request; the individual therefore has a right of appeal.
- All reviews will make an assessment of the information released against the information requested and make a full review of the information associated with the original application.
- The reviewer will discuss the decisions made with the staff members concerned with the original request in order to gain a full picture of how decisions were made.
- The reviewer may contact the applicant at their own discretion.
- The reviewer may obtain advice from external sources including legal advice.
- Conclusion will be summarised and handed to the Trust Finance Director who will log them centrally for future reference.
- An internal review must be completed before an appeal can be made to the Information Commissioner.

### 2.2 Timescales

- i. The Trust will aim to deal with complex appeals within 20 working days of the receipt of the appeal.

- ii. If it becomes clear at any stage of the appeal that the above timescales cannot be met the Trust will inform the applicant in writing and give a revised deadline for completion of the review.

### 2.3 Outcomes

An internal review may have three outcomes:

- a. The original decision is reversed
- b. The original decision is amended
- c. The original decision is upheld

Whatever the outcome of the appeal the complainant will be informed in writing with appropriate information about what will be provided should a decision be reversed or amended.

### 2.4 Requesting an Internal Review:

- i. Requests for internal review should be submitted in writing to the Trust Finance Director
- ii. If the applicant is not happy with the outcome of the internal review they have the right to request a review externally to the Trust. Requests for such an external review should be made in writing to:

The Information Commissioner

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

## Model publication scheme

### Freedom of Information Act

This 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.

- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19. The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The term 'relevant copyright work' is defined in section 19(8) of that Act.

## 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.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.

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.

Model publication scheme  
Version 1.2  
20151023