

Tenterden Schools Trust



FREEDOM OF INFORMATION POLICY

Policy is GDPR compliant

Date to Trust Board
9th July 2018
Version 1

TENTERDEN SCHOOLS TRUST

FREEDOM OF INFORMATION POLICY

This policy will be reviewed every four years.

DATE OF POLICY: July 2018

DATE OF REVIEW: July 2022

Members of staff responsible for Policy:

- Head of Administration
- Data Protection Officer

Signed Chief Executive Officer

Signed Chair of Directors

1. Policy Statement

- 1.1. The Freedom of Information Act 2000 came into effect on 30 November 2000 and gives a general right of access to recorded information held by a public authority, including Academies and Trusts, subject to certain exemptions.
- 1.2. Tenterden Schools Trust (TST) is committed to complying with the provisions of the FOIA.

2. Definitions

- 2.1. *“The Trust”* means Tenterden Schools Trust.
- 2.2. *Trust “Appropriate Limit”* means the limit set by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 as amended from time to time.
- 2.3. *“Fee Notice”* means the amount the requester will need to pay in order for the Trust to comply with the request for information.
- 2.4. *“FOIA”* means the Freedom of Information Act 2000 and amendments.
- 2.5. *“GDPR”* means the General Data Protection Regulation, and the Data Protection Act 2018.
- 2.6. *“Publication Scheme”* means a list of information that will be routinely published via the Trust’s website.
- 2.7. *“Requester”* means the person making a request for information from the Trust.
- 2.8. *“Social Media”* means websites and applications that enable users to create and share content or to participate in social networking including Facebook, LinkedIn, Twitter, Google+, and all other social networking sites, internet postings and blogs. It applies to use of Social Media for Trust purposes as well as personal use that may affect the Trust in any way.

3. Procedure for making a request for information

- 3.1. The Trust requires requests for information pursuant to the provisions of the FOIA to be made in writing. The Trust considers *‘in writing’* to mean communications by post, fax and email.
- 3.2. Requests for information held by the Trust should be sent to the addresses found in Appendix 1.

- 3.3. A request for information made to the Trust should provide the name of the Requester and an address for correspondence and should clearly set out the information being requested from the Trust.

4. Duty to Assist

- 4.1. There may be circumstances where it is unclear to the Trust what information is being requested or where it appears that the request for information is such that responding will cause the Trust to exceed the Appropriate Limit.
- 4.2. In these circumstances the Trust will seek to provide advice and assistance to the Requester in order to enable the Trust to provide the requester with the information they are seeking to obtain or inform the requester as to why this is not possible.

5. Time Limit for responding to requests for information

- 5.1. The Trust will seek to respond to a request for information promptly and in any event no later than 20 School days¹ or 60 working days² from the date of the request whichever occurs first.
- 5.2. Where a fee is payable for responding to the request, the Trust will disregard any day between a Fee Notice being sent to the Requester and the correct fee being received by the Trust when calculating the time limit for responding.
- 5.3. In the event the Trust is unable to respond within the periods set out above, the Trust will write to the Requester advising it will be unable to comply and provide a new time scale for responding to the request.

6. Fees

- 6.1. The Trust will not charge for the provision of information which is requested subject to the provisions of FOIA³.
- 6.2. The Trust is not obliged to comply with a request for information if the cumulative time spent on locating, retrieving or, if necessary, extracting the information requested is estimated to exceed the Appropriate Limit.

¹ A School day is any day on which there is a School session.

² A working day means any other day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday.

³ The Trust may charge for requests where it incurs a costs in photocopying, printing or otherwise reproducing the requested information and/or where the Trust will incur a significant fee for providing the requested information in the format requested by the Requester. There may also be a charge where the Trust has issued a Fee Notice and the Requester has agreed to pay the fee as set out in the Fee Notice.

- 6.3. The Trust may decide to provide information requested in excess of the Appropriate Limit without charging a fee where it considers it reasonable and within the public interest to do so.
- 6.4. Where it appears that responding to a request for information will result in the Trust exceeding the Appropriate Limit and the Trust does not waive the fee for complying with the request, the Trust may provide the Requester with a Fee Notice. The Trust will also inform the Requester as to how it has estimated that the Appropriate Limit will be exceeded, what information it could provide within the Appropriate Limit, and provide the Requester with the opportunity to narrow their request.
- 6.5. Where the Trust has issued a Fee Notice and the Requester indicates they are not prepared to pay the fee as set out in the Fee Notice or does not pay the fee as set out in the Fee Notice within three months, the Trust is not obliged to comply with the original request. The Trust will however consider any narrowed or amended request.

7. Exemptions

- 7.1. The right to be provided with information requested may be limited by the application of an exemption. Some exemptions are absolute and others are qualified. Where an exemption applies to information requested, the Trust may also be exempt from having to confirm or deny that the information exists as well as from disclosing the requested information.
- 7.2. Where a qualified exemption applies to information requested from the Trust, the Trust will consider whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 7.3. The absolute exemptions most relevant to the Trust are those that relate to:
 - A) Information accessible by other means;
 - B) Personal Information;
 - C) Confidential Information;
 - D) Prohibitions on Disclosure;
- 7.4. The qualified exemptions most relevant to the Trust are those that relate to:
 - A) Information intended for future publication;
 - B) Prejudice to the Effective Conduct of Public Affairs;
 - C) Health and Safety;
 - D) Legal Professional Privilege;
 - E) Commercial Interests;
- 7.5. Where the Trust relies on an exemption in not complying with a request for information, the Trust will write to the Requester setting out the exemption relied on explaining the reason(s) the Trust considers that the exemption applies to the

information requested and, where appropriate, why it has decided that the public interest in withholding the information outweighs the public interest in disclosing it.

8. Requests for Personal Data

- 8.1. A request by an individual for their own personal data made subject to the provisions of FOIA will be treated as a subject access request.
- 8.2. A request for the personal data of a third party will be refused where the provision of that information will contravene any of the principles of the GDPR, pursuant to Section 40(2) of FOIA.
- 8.3. For further detail please refer to the Trust's Data Protection Policy.

9. Repeat and Vexatious Requests

- 9.1. The Trust will not comply with a request for information which is considered to be vexatious.
- 9.2. In determining whether a request is vexatious, the Trust will consider whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress to the Trust, staff or governors. The Trust will also consider the burden on the Trust and any possible distress to its staff or board of governors in responding to the request, the motive of the Requester and the seriousness of the request.
- 9.3. The Trust will also not comply with a request for information which is identical or substantially similar to a previous request made by the Requester unless a reasonable time has elapsed between the current request and the previous request.
- 9.4. In considering whether a reasonable time has elapsed the Trust will take into account the time that has passed between the current request and the previous request and likelihood that the information requested will differ significantly from the information provided in the response to the previous request.

10. Complaints

- 10.1. Appeals against any decision not to supply information which the Trust considers exempt should be made to the Data Protection Officer who will review the original decision.
- 10.2. A complaint about the Trust's Freedom of Information processes, procedures or how a request for information has been dealt with should be made to the DPO.

- 10.3. If a requester is unhappy with the outcome of their complaint or the way a request for information has been handled they can complain to the Information Commissioner at:
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow Cheshire
SK9 5AF
Tel: 01625 545 700

11. Monitoring and Review

- 11.1. This policy will be reviewed every 4 years or earlier if required and may be subject to change.

Appendix 1

Freedom of Information Publication Scheme

Introduction

The Freedom of Information Act 2000 (FOIA) requires all public authorities (including schools) to adopt and maintain a publication scheme. In 2008 the Information Commissioner's Office (ICO) changed the emphasis in the approval and operation of publication schemes to a generic model, with effect from 1 January 2009.

The model commits a public authority to '*produce and publish the method by which the specific information will be available so that it can be easily identified and accessed by members of the public*'.

A school will breach the FOIA if it has not adopted the model scheme or is not publishing in accordance with it by this date.

The Tenterden Schools Trust has adopted the ICO Model Publication Scheme. The Guide to Information below should be read together with the ICO Model Publication Scheme which can be found at:

<https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>.

The Local Governing Bodies are responsible for maintenance of this scheme and have delegated to their Head Teacher the day-to-day responsibility for FOI policy and the provision of advice, guidance, publicity and interpretation of the school's policy.

Information to be published This includes datasets where applicable	How the information can be obtained	Cost
Class 1 - Who we are and what we do Organisational information, structure, locations and contacts Only current information will be made available		Free
Who's who in the school	Staff List/Website	Free
Who's who on the governing body/board of governors and the basis of their appointment	Staff Handbook/Website	Free
Instrument of Government / Articles of Association	Website	Free

Contact details for the Headteacher/Principal and for the governing body, via the school (named contacts where possible)	Website/Headed Paper	Free
School prospectus (if any)	Hard copy from school office, digital copy on the website	Free
Staffing Structure	Hard Copy	4p/sheet
School session times and term dates	Website/Hard Copy	4p/sheet
Address of school and contact details, including email address	Website/Headed Paper	Free
Class 2 - What we spend and how we spend it Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit Information from the current and previous financial year will be made available	Hard Copy	4p/sheet
Trust Annual Accounts	Website/Hard Copy	4p/sheet
Annual budget plan and financial statements	Hard Copy	4p/sheet
Capital funding	Hard Copy	4p/sheet
Financial audit reports	Hard Copy	4p/sheet
Details of expenditure items over £2000 – published at least annually but at a more frequent quarterly or six-monthly interval where practical.	Hard Copy	4p/sheet
Procurement and contracts the school has entered into, or information relating to / a link to information held by an organisation which has done so on its behalf (for example, a local authority or diocese).	Hard Copy	4p/sheet
Pay policy	Hard Copy	4p/sheet
Staff allowances and expenses that can be incurred or claimed, with totals paid to individual senior staff members (Senior Leadership Team or equivalent, whose basic actual salary is at least £60,000 per annum) by reference to categories.	Hard Copy	4p/sheet
Staffing, pay and grading structure. As a	Trust Annual Accounts	4p/sheet

minimum the pay information should include salaries for senior staff (Senior Leadership Team or equivalent as above) in bands of £10,000; for more junior posts, by salary range.	Hard Copy	
Governors' allowances that can be incurred or claimed, and a record of total payments made to individual governors.	Hard Copy	4p/sheet
Class 3 - What our priorities are and how we are doing Strategies and plans, performance indicators, audits, inspections and reviews Current information will be made available	Website/Hard Copy	4p/sheet
School Profile (if any) and in all cases: <ul style="list-style-type: none"> ● Performance data supplied to the English Government, or a direct link to the data ● The latest Ofsted report <ul style="list-style-type: none"> ○ Summary ○ Full Report 	Website/Hard Copy	4p/sheet
Performance management policy and procedures adopted by the governing body.	Hard Copy	4p/sheet
Performance data or a direct link to it	Website	
The school's future plans; for example, proposals for and any consultation on the future of the school, such as a change in status	Hard Copy of 3-year plan	4p/sheet
Safeguarding and child protection policies and procedures	Website	Free
Class 4 - How we make decision Decision making processes and records of decisions Current and previous three years as a minimum	Website/Hard Copy	4p/sheet
Admissions policy/decisions (not individual admission decisions) - where applicable	Website/Hard Copy	4p/sheet
Agendas and minutes of meetings of the governing body and its committees. (NB this will exclude information that is properly regarded as private to the meetings).	Hard Copy	4p/sheet
Class 5 - Our policies and procedures	Website/Hard Copy	4p/sheet

(Current written protocols, policies and procedures for delivering our services and responsibilities) Current information will be made available only.		
School policies	Website	Free
Records management and personal data policies	Hard Copy	4p/sheet
Charging regimes and policies	Website/Hard Copy See "Charging and Remissions Policy"	4p/sheet
Class 6 - Lists and Registers Currently maintained lists and registers will be made available only (this does not include the attendance register)	Website/Hard Copy (Some information only available by inspection)	4p/sheet
Curriculum circulars and statutory instruments	Website	Free
Disclosure logs	Unnamed statement	4p/sheet
Asset register	Inspection	Free
Any information the school is currently legally required to hold in publicly available registers (This does not include the attendance registers)	Website	Free
Class 7 - The services we offer Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses Current information will be made available only	Website/Hard Copy (Some information only available by inspection)	Free
Extra-curricular activities	Website	Free
Out of school clubs	Website	Free
Services for which the school is entitled to recover a fee, together with those fees	Website	Free
School publications, leaflets, books and newsletters	Website	Free
Additional Information This will provide schools with the opportunity to publish information that is not itemised in the		

lists above		
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How to request information

You can request a copy of the information you want from the contact details in Appendix 2.

If the information you are looking for is not available via our publication scheme and is not on our website, you may still ask if we have it. Please contact the Data Protection Officer at the TST in writing, by email, fax or letter. Please state that this is a Freedom of Information Request.

Paying for Information

Information published on our website is free (apart from any connection costs payable to your internet service provider). If you do not have Internet access, you can access our website using a local library or an Internet café.

Single printed copies of information covered by this publication are provided free unless stated otherwise. If your request means that we have to do a lot of photocopying or printing, or pay a large postage charge, or is for a priced item such as some printed publications or DVDs we will let you know the cost before fulfilling your request.

Schedule of Charges

This describes how the charges set out in the Guide to Information above have been arrived at:

Type of Charge	Description	Basis of Charge
Disbursement Cost	Photocopying/printing @ 5p per sheet (black & white)	Actual cost: 4p
	Photocopying/printing @ 8p per sheet (colour)	Actual cost: 20p
	Postage	Actual cost of Royal Mail standard 2nd class
Statutory Fee		In accordance with the relevant legislation
Re-licensing the use of datasets (No personal data will	If the dataset is a relevant copyright work, the school will provide it under the terms of a specified licence.	There is no re-use fee if the dataset is provided under the OGL or the Non-Commercial

<p>be disclosed)</p>	<p>A relevant copyright work is one for which the school owns the copyright and database rights, and which is not a Crown copyright or Parliamentary copyright work.</p> <p>The Open Government Licence (OGL) is the default licence for datasets that can be re-used without charge; other licences (the Non-Commercial Government Licence and the Charged Licence) are available where that is not appropriate.</p> <p>The school may charge a fee for communicating the information and a fee for making the dataset available for reuse if this requires cost and effort in publishing this in a re-usable form.</p> <p>Under our publication scheme the school will publish datasets that have been requested, and any updated versions it holds, unless it is satisfied that it is not appropriate to do so.</p> <p>Factors that can be taken into account when deciding whether it is not appropriate include whether the information is exempt and the cost and effort of publishing in a re-usable form.</p> <p>Complaints that the school has not met its duties under the dataset provisions will be dealt with by the Information Commissioner, in consultation with the National Archives as appropriate.</p>	<p>Government Licence.</p>
<p>Other</p>	<p>£2 which includes research for each item.</p>	

Appendix 2

Tenterden Schools Trust Contact Details

The contact details of the Tenterden Schools Trust can be found on our website at:

www.tenterden-schools-trust.com