



# FREEDOM OF INFORMATION POLICY AND PUBLICATION SCHEME

**This policy is reviewed every two years by the Trust Board**

## History of Document

Issue No	Author/Owner	Date Reviewed	Date Approved by Trust Board	Comments
1	DPO	May 2018	10 May 2018	1 <sup>st</sup> issue
2	DPO	July 2020	16 July 2020	Amend 1.1.Add 1.2-1.7/ Amend 2.3. Remove 3/3.1. Add 4.1.Add Publication scheme as appendix
3	DPO	June 2022	14 July 2022	Added documents

## **1.0 INTRODUCTION**

- 1.1 The Active Learning Trust (Trust) is committed to the Freedom of Information Act 2000 (FOIA) and to the principles of accountability and the general rights of access to information, subject to legal exemptions.
- 1.2 The FOIA provides that any person has a legal right to ask for information held about them. They are entitled to be told whether the Trust holds the information, and to receive a copy, subject to certain exemptions.
- 1.3 This document outlines the Trust's response to the FOIA and the framework and procedure for managing requests. All information that the Trust routinely makes available to the public is included in the Publication Scheme (appendix A).
- 1.4 Requests for other information should be dealt with in accordance with the statutory guidance. While the FOIA assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.
- 1.5 The Trust adheres to the Retention Schedule set out in its Records Retention Policy. It is an offence to wilfully conceal damage or destroy information in order to avoid responding to an enquiry.
- 1.6 All FOI requests should be processed by a school with advice from the Trust's Data Protection Officer.

## **2.0 PROCEDURE FOR DEALING WITH A REQUEST**

- 2.1 When a request is received, it should be referred in the first instance to the school's Data Protection Lead and the Trust's Data Protection Officer.
- 2.2 The first stage in responding is to determine whether the school "holds" the information requested. An acknowledgement should be issued to the requestor.
- 2.3 The second stage is to decide whether the information can be released, or whether one of the following exemptions set out in the FOIA applies to the information:
  - 2.3.1 Section 40 (1) – the request is for the applicant's personal data. This must be dealt with under the subject access regime in the GDPR, detailed in paragraph 10 of the Trust's Data Protection Policy;
  - 2.3.2 Section 40 (2) – compliance with the request would involve releasing third party personal data, and this would be in breach of the data protection principles as set out in paragraph 4.1 of the Trust's Data Protection Policy;
  - 2.3.3 Section 41 – information that has been sent to the Trust (but not the Trust's own information) which is confidential;

- 2.3.4 Section 21 – information that is already publicly available, even if payment of a fee is required to access that information;
  - 2.3.5 *Section 22 – information that the Trust intends to publish at a future date;*
  - 2.3.6 *Section 43 – information that would prejudice the commercial interests of the Trust and / or a third party;*
  - 2.3.7 *Section 38 – information that could prejudice the physical health, mental health or safety of an individual (this may apply particularly to safeguarding information);*
  - 2.3.8 *Section 31 – information which may prejudice the effective detection and prevention of crime – such as the location of CCTV cameras;*
  - 2.3.9 *Section 36 – information which, in the opinion of the Trust’s chair of the Board, would prejudice the effective conduct of the Trust. There is a special form for this on the ICO’s website to assist with the obtaining of the chair’s opinion.*
- 2.4 The sections mentioned in *italics* are qualified exemptions. This means that even if the exemption applies to the information, the Trust has to carry out a public interest weighting exercise, balancing the public interest in the information being released, as against the public interest in withholding the information.

### **3.0 RESPONDING TO A REQUEST**

- 3.1 When responding to a request where the Trust has withheld some or all of the information, the Trust will explain why the information has been withheld, quoting the appropriate FOIA section number and explain how the information requested fits within that exemption. If the public interest test has been applied, this will also be explained.
- 3.2 The letter will end by explaining to the requestor how they can complain – either by reference to an internal review by the Trust’s Data Protection Officer, or by writing to the ICO.
- 3.3 The Trust must respond as soon as possible, and in any event, within 20 working days of the date of receipt of the request. A “working day” is a school day (one in which pupils are in attendance), subject to an absolute maximum of 60 normal working days (not school days) to respond.”

### **4.0 COMMENTS AND COMPLAINTS**

- 4.1 If a requestor wants to make any comment about the Publication Scheme or require further assistance they should contact the Trust’s Data Protection Officer at email: [dataprotection@activelearningtrust.org](mailto:dataprotection@activelearningtrust.org)

- 4.2 If a requestor is not satisfied in any way about how a request has been answered they can complain using the Trust's complaints procedure which can be found on its website (under policies) - [www.activelearningtrust.org/about/Policies](http://www.activelearningtrust.org/about/Policies).
- 4.3 A person has a right to also complain to the Information Commissioner ("ICO") if they remain unsatisfied with the Trust's complaint procedure and the ICO can be contacted as follows:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

Website: [www.ico.org.uk](http://www.ico.org.uk)  
Telephone: 0303 123 1113  
Information Line: 01625 545 745  
Email: [notification@ico.org.uk](mailto:notification@ico.org.uk)

## APPENDIX A – PUBLICATION SCHEME

The Trust's Publication Scheme contains all information available under the FOIA which will be available on the Trust's website. This publication scheme conforms to the model scheme for Academies approved by the Information Commissioner.

### 1. We publish information about:

- **Who we are and what we do**

Organisational information, locations and contacts, constitutional and legal governance. This will be current information only.

Information Published	Availability
Board and Members	Website - <a href="#">Link</a>
Local Governing Bodies	Website - <a href="#">Link</a> and individual school websites
School Leaders	Website - <a href="#">Link</a> and individual school websites
Trust Leadership Team	Website - <a href="#">Link</a>
Trust Central Team	Website - <a href="#">Link</a>
Trust's Partners	Website - <a href="#">Link</a>
Articles of Association	Website - <a href="#">Link</a>
Prospectus	Individual school websites
School session times and term dates	Individual school websites
Trust - Location and Contact Information	Website - <a href="#">Link</a>
School locations and contact information	Individual school websites

- **What we spend and how we spend it**

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

Information Published	Availability
Funding Agreement	Website - <a href="#">Link</a>

Annual Audited Accounts	Website - <a href="#">Link</a>
Pupil Premium Funding	Individual school websites
Staff Numbers earning over £100k	Website - <a href="#">Link</a>
Trade Union Facilities Annual Return	Website - <a href="#">Link</a>
Equality and Diversity Pay Gap Annual Report	Website - <a href="#">Link</a>
Public Sector Reporting Duty	Website - <a href="#">Link</a>

- **What our priorities are and how we are doing**

Strategy and performance information, plans, assessments, inspections and reviews

Information Published	Availability
The Trust's Aims	Website - <a href="#">Link</a>
The Trust's Vision	Website - <a href="#">Link</a>
The Trust's Values	Website - <a href="#">Link</a>
Ofsted Reports	Individual school websites
Business Plan	Website - <a href="#">Link</a>
Curriculum Statement of Intent	Website <a href="#">Link</a>
Key Stages Results	Individual school websites DfE Performance Tables - <a href="https://www.gov.uk/school-performance-tables">https://www.gov.uk/school-performance-tables</a>
Safeguarding/child protection	Website <a href="#">Link</a>

- **How we make decisions**

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Information Published	Availability
Admission Arrangements	Refer individual school websites
Admission Appeals Timetable	Website - <a href="#">Link</a>
Scheme of Delegation	Website - <a href="#">Link</a>
Minutes of the Board, Trust AGMs and LGBs	Website - <a href="#">Link</a>
Board Attendance	Website - <a href="#">Link</a>

- **Policies and Procedures**

Current written protocols for delivering the Trust's functions and responsibilities.

Information Published	Availability
Information Governance Policies including Privacy Notices and Freedom of Information Policy	Website - <a href="#">Link</a>
Anti-fraud, corruption and bribery policy	Website - <a href="#">Link</a>
Charging and Remissions Policy	Refer individual school websites
Complaints Policy	Website - <a href="#">Link</a>
Charging and Remissions Policy	Refer individual school websites
Curriculum Policy	Refer individual school websites
Equal Opportunities in Employment Policy	Website - <a href="#">Link</a>
Exclusion Policy	Website - <a href="#">Link</a>
Gifts and Hospitality Policy	Website - <a href="#">Link</a>
Health and Safety Statement of Intent	Website - <a href="#">Link</a>

Pupil Behaviour Policy	Refer individual school websites
Safeguarding & Promoting Pupils' Wellbeing Policy	Website - <a href="#">Link</a>
Special Educational Needs Policy	Refer individual school websites

- **Lists and Registers**

Information held in registers required by law and other lists and register relating to the functions of the authority.

Information Published	Availability
Annual Trade Union Facilities Return	Website <a href="#">Link</a>
Annual Gender Pay Gap Report	Website <a href="#">Link</a>
Annual Anti slavery and Human Trafficking Statement	Website <a href="#">Link</a>
Asset Register	Available upon request
Register of Interests	Website <a href="#">Link</a>

- **The services offered by the Trust**

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

Information Published	Availability
Extra-curricular activities	Refer individual school websites
Out of school clubs	Refer individual school websites
School leaflets	Refer individual school websites
Newsletters – issued by schools	Refer individual school websites



## **2. Classes of information not available 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.

Where it is within the capability of the Trust, information will be provided on the Trust or on a school's website. If the information you request is only available to view in person a mutually agreed appointment will be made to make the information available to you at the Trust/school. The Trust recognises its obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats.

## **3. Requests for Information**

If you require a hard or electronic copy of any of the documents within the Publication Scheme please contact the Trust's Data Protection Officer at email [dataprotection@activelearningtrust.org](mailto:dataprotection@activelearningtrust.org).

If the information you are looking for is not available via the Publication Scheme or on the Trust's website please contact the Trust's Data Protection Officer on the contact email address above to ask if the Trust has the information. To help us process your request quickly please clearly mark any correspondence "PUBLICATION SCHEME REQUEST"

To assist in dealing with your response promptly, please:

- Make your request in writing (including email) – verbal requests are not covered by FOIA
- State your name and correspondence address
- Describe the information requested so that is clearly identifiable
- Enquiries will be dealt with within 20 working days or 60 working days if the request is received during the school holidays. If this deadline can't be met the Trust will inform the requestor.
- The issue of information held that is not published on a website under this scheme will be considered in accordance with the provisions of the FOIA.

## **4. Fees**

The Trust aims to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the Trust 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 actual disbursements incurred such as:

- Photocopying
- Postage and packaging
- The costs directly incurred as a result of viewing information

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.

## **5. Copyright and Intellectual Property Rights**

Certain information may be subject to copyright or other restrictions of use. We advise you to check with us before reproducing or republishing any document or part of any document. We may allow commercial use of information held by the authority under the Re-Use of Public Sector Information Regulations 2005. This can apply to the re-use of public sector information, excluding that held by schools, educational establishments, archives, libraries, museums and theatres. If we do make the information available for re-use, we will do so in a transparent, non-exclusive and fair manner and for each set of data made available we will publish a standard range of fees for their re-use. The authority will retain the copyright of information and will always make it available to anyone else who wishes to use it in the same way on exactly the same terms. You can ask to re-use any information supplied to you, for example, in response to a request made under the Freedom of Information Act. We will publish a list of all information made available for reuse and the standard license terms that apply to its re-use.

## **6. Records Retention**

The Trust has a Records Retention Policy. If you require a hard or electronic copy of any of this policy please contact the Trust's Data Protection Officer at email [dataprotection@activelearningtrust.org](mailto:dataprotection@activelearningtrust.org).

## **7. Exemptions**

The Trust is committed to making as much information as possible available but some necessary exemptions from disclosure are allowed under Freedom of Information law. These include information you can get easily by other means, court records, most of the more sensitive personal information, information that has been provided to us in confidence and where there are legal prohibitions on disclosure.

There are other exemptions including where vexatious or repeated requests are received, where the information is intended for future publication, where it relates to legal proceedings or law enforcement, where someone's health or safety could be harmed, where information is subject to legal privilege, where commercial interests or the conduct of public affairs might be prejudiced and for communications with royalty.

We may withhold this information if there is a clear public interest in doing so. In some cases, we cannot release the information until a specific date.

## **8. Personal Information**

The Trust will not usually give out information concerning or containing references to other individuals or third parties (other than those acting in a relevant professional capacity). However, the Freedom of Information Act does permit the release of certain personal information where this is judged to be in the public interest.