

Pope Francis Multi Academy Trust

FREEDOM OF INFORMATION POLICY AND PROCEDURE

Presented & Approved by Trust Board	Thursday 11th March 2021
Signed by Chair of Trust Board	
Name of Chair of Trust Board	Fr Michael Fitzsimons
Date	Thursday 11th March 2021
Version	1
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This is The Pope Francis Academy Trust Publication Scheme on information available under the Freedom of Information Act 2000

Introduction

The Freedom of Information Act 2000 (FOIA) came fully into force on the 1st January 2005.

The FOIA gives a right of public access to information held by public authorities.

It is a legal right for any person(s) to ask for access to information held by the Trust.

Although the FOIA presumes openness it recognises the need to protect sensitive information in certain circumstances and provides for exemptions.

The FOIA is overseen by the Information Commissioner who also has responsibility for the General Data Protection Regulation 2016 (GDPR), Data Protection Act 2018 (DPA) and The Environmental Information Regulations 2004 (EIRs).

The DPA and GDPR enables individuals to access information about themselves.

The EIRs enable people to access environmental information.

The FOIA enables people to access all other information and reasoning behind decisions and policies, which do not fall under DPA, GDPR or EIR. The FOIA seeks to promote a culture of openness and accountability amongst public sector bodies, and therefore improve public understanding of how public bodies (which includes the governing bodies of schools/academies) carry out their duties, why they make the decisions they do, and how they spend public money.

The Trustees of The Pope Francis Academy Trust support this culture of openness and accountability and are committed to providing freedom of information.

This policy sets out the Trust's response to the FOIA, and the ways in which the requirements of the Act will be enacted by its' schools on a day to day basis.

Information held by the schools within the Trust

In general, the information held by the schools is already accessible, but within a framework which respects the confidentiality of some of that information, in particular with regard to individual children, school staff, those responsible for governance or regarding any court orders (such information being subject to the DPA and GDPR).

Requests for Information

Any request for information beyond that which is already provided by the school (for example, through the schools' prospectuses, their websites and Trust's statutory accounts, or information about students to which parents already have access) should be made in writing (this includes email) to the Headteacher of the relevant school.

Section 8 of the FOIA states any request should state the applicants name and address for correspondence and describe details of the information being requested. If a request is very general, the school may contact the enquirer for clarification of the request.

The person making the request for information can also indicate how they would like to receive the information and where possible the school will try to comply with those wishes.

If it is not possible to do so, the school will notify the enquirer and offer an alternative.

Any member of staff may be approached for information beyond which may be regarded as 'normal information'. In this context, 'normal' means the kind of information that teachers and other members of school staff feel confident about giving, as opposed to requests for information which may seem of an intrusive or sensitive nature. If a member of staff receives such a request, they should avoid giving an immediate response and refer the request in the first instance to the Headteacher of the relevant school. Depending upon the nature of the request, after discussion the Headteacher may then either sanction a response or refer the request to the relevant person(s) or the appropriate level of governance.

Under the FOIA the enquirer is entitled to be told whether the academy holds the information (the duty to confirm or deny) except where certain exemptions apply.

The Headteacher is responsible for ensuring that all members of staff are familiar with this policy and the procedures to be adopted in responding to requests for information under the FOIA.

Responding to requests for Information

Any requests are to be passed to the Headteacher of the relevant school, who will then pass the request on to the relevant person or to the Trust Board.

The relevant person will document any requests received and keep records of their deliberations and outcomes.

The potential outcomes are:

- Agreement to meet the request in full
- Agreement to meet the request in part (with reasons)
- Refusal to meet the request (with reasons)

The relevant person will respond to the enquirer within 20 school days (i.e. excluding weekends and school holidays) of the request being made.

Note:

The 20 day time limit starts the day after the request has been received.

The period from the day the fees notice is issued, if applicable, to the day the fee is received does not count towards the 20 working day limit for response.

The response to the request in some circumstances may take longer than 20 days. If a request is delayed for any reason (if further information is required/in order to identify and locate the information requested), the enquirer will be kept informed of the progress and where possible provide an expected date for a response.

Under Section 36 of the FOIA 2000, certain information is exempt from disclosure. The application of Section 36 needs to be approved by a qualified person, which in this case is the Chair of the Local Governing Body, who will give their reasonable opinion that disclosure would or would not be likely to cause the types of prejudice or inhibition within the meaning of the FOIA 2000.

Note: further guidance on this exemption can be found at;
www.ico.gov.uk

The Act states that requests should not be allowed to cause a drain on school's time, energy and finances to the extent that they negatively affect normal public functions (in excess of 3.5 days).

The Trust can reserve the right to refuse a request if it is likely to be in excess of 3.5 days to find, sort and edit the information requested.

Under these circumstances the Trust will provide an opportunity for the request to be refined.

Wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence.

Any expressions of dissatisfaction with the information provided or the decision to refuse to supply information by the Appeals Committee should then be addressed to the Information Commissioner's Office (ICO).

Vexatious requests

Under section 14 of the FOIA if schools receive several requests from the same person, or a series of requests that the schools think are intended to disrupt their work, these may be treated as repeated or vexatious.

In this case the Trust may refuse to provide the information requested but would issue a refusal notice within 20 school days from receipt of the request to the enquirer to explain the decision and reasons for withholding the information

Note:

this must include information regarding the appeals process.

Appeals

Upon notification of a refusal to meet the request (either in part or in whole), the party making the request for information may appeal the decision.

Any such appeal will be considered by the Directors of the Trust. The matter will be dealt with in a timely manner such that a response can be made to the enquirer within 20 school days of the request being made.

If the enquirer is still not satisfied with the outcome they can commence the complaints process to the ICO.

The complaint should be submitted within 6 months of the outcome of the internal review. The enquirer must provide supporting information and evidence along with the completed complaints form.

This can be done via email to;

casework@ico.gsi.gov.uk

or by post to

First Contact team

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
SK9 5AF.

Use of Information provided

The Freedom of Information Act allows access to information, but it does not give the enquirer permission to re-use that information for commercial gain.

Therefore, the enquirer may reproduce the Trust's copyright protected information free of charge, without specific permission, provided it is not being reproduced for profit, material or financial gain. The material must be reproduced accurately and must not be used in a misleading context.

If the enquirer is publishing the material or issuing it to others, they must acknowledge the source of the information, its copyright status and the date of publication, if known. This permission to reproduce the school's copyright protected material does not extend to any material that is identified as being the copyright of a third party. Under those circumstances, the enquirer must seek authorisation to reproduce the material from the copyright holder concerned.

Record keeping

Records will be entered into a Freedom of Information Requests Log kept within each school.

Such records will remain on file for a period of six years and will be disposed of at a set time in a calendar year.

The log will include details of:

- The party making the request for information
- The date upon which the request was received (date stamp) and to whom it was addressed
- If relevant, the date upon which the request was subsequently referred (internal/external)
- The nature of the information requested •
- The date and time of any meeting(s) convened to consider the request
- The outcome of any deliberations, including summary reasons for any refusal (in whole or in part) to meet the information request
- The response made to the party requesting the information, including the person nominated to implement
- The response (Headteacher or other) the date and format of the response and the details of the information provided.
- Any subsequent appeal made by the enquirer
- The outcome of the appeals process, including summary reasons for a refusal (in whole or in part) to meet the information request
- The response to the party making the appeal, including the person nominated to implement the response, the date and format of the response and the details of the information provided.
- The appeals process shall be conducted without reference to the records of the original meeting at which the request for information was refused.

Charges

Information published on the Trust and school's websites are free, although it may incur costs from an Internet service provider. If Internet access is not available, you can access the websites using a local library or an Internet café.

Single copies of information covered by this publication are provided free unless stated otherwise. If a request means that photocopying or printing is required, or payment of a large postage charge, or is for a priced item such as some printed publications or videos the cost of fulfilling the request will be known and communicated.

If a fee is charged, 3 months will be allowed in which to pay and the information will be provided once the fee has been paid. This time period does not count towards the 20 day limit.

APPENDIX 1

Checklist for action on receipt of a request for information

- Decide whether the request is a request under DPA(Data Protection Act 2018), EIR (The environmental information regulations 2004) or FOIA (The Freedom of Information Act 2000)
- Decide whether the school/Trust holds the information or whether it should be transferred to another body
- Provide the information if it has already been made public
- Inform the enquirer if the information is not held
- Consider whether a third party's interests might be affected by disclosure and if so consult them
- Consider whether any exemptions apply and whether they are absolute or qualified
- Carry out a public interest test to decide if applying the qualified exemption outweighs the public interest in disclosing the information
- If a request is made for a document that contains exempt personal information ensure that the personal information is removed as set out in guidance
- Decide whether the estimated cost of complying with the request will exceed the appropriate limit
- Consider whether the request is vexatious or repeated

APPENDIX 2

How to request information

To be valid any requests for information must be in writing (including fax and email) and has the name and correspondence address of the enquirer and has details of the information required.

The Trust website gives details of the schools within the Trust and they can be contacted directly for information pertaining to the particular school.

If the information sought isn't available via the scheme and isn't on the website, it may still be requested.

Contact the Trust by telephone, email or letter:

Email: c.williams@rcaol.org.uk

Tel: 0151 522 1002

Address:

The Pope Francis Academy Trust
LACE
Sefton Park
Liverpool
L17 1AA

To help us process your request quickly, please clearly mark any correspondence "PUBLICATIONS SCHEME REQUEST"