

# Ormiston Sandwell Community Academy

## Freedom of Information Policy

### Policy Version Control

Policy prepared by	OAT Model Policy
Responsible committee	Policies
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### Policy Version Control

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Policy prepared by (name and department)	Victoria Taylor – Ormiston Governance Department
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# I. Policy statement and principles

## I.1 Policy aims and principles

Ormiston Academies Trust (OAT) and OSCA have two main obligations under the Freedom of Information Act 2000 (FOIA). These obligations mean that we must:

- Publish certain information proactively
- Respond to requests for information

We will meet our obligations under the FOIA by putting in place processes which allow people to request information from us as well as actively publishing specific information about our activities.

The FOIA covers any recorded information held by the academy, including (but not limited to) printed documents, computer files, letters, emails, photographs and video recordings. It does not give people access to their own personal data, which is covered by the Data Protection Act 1998 (DPA) and our **Data Protection Policy**.

The key principles behind this policy are:

- To ensure all employees understand the importance of information rights as well as their own responsibilities for delivering them
- To save time, effort and money by having effective procedures in place
- To ensure that the public will have a general right of access to information we hold
- To identify additional obligations set out under the environmental information regulations

When entering into contracts we will refuse to include contractual terms that restrict the disclosure of information held by us and relating to the contract beyond the restrictions permitted by the FOIA. We will not agree to hold information in confidence, which is not in fact confidential in nature. Any acceptance of such confidentiality provisions will be done with good reasons and will be taken on a case-by-case basis.

This policy is consistent with all other policies adopted by OAT / OSCA and is written in line with current legislation and guidance. Failure to comply with this policy will be addressed without delay.

## I.2 Data protection and freedom of information

The Data Protection Act (DPA) exists to protect people's right to privacy, whereas the Freedom of Information Act (FOIA) removes unnecessary secrecy. These two aims are not necessarily incompatible but there can be a tension between them, and applying them sometimes requires careful consideration.

Personal information requested by third parties is exempt from release under the FOIA where this release would breach the DPA. If a request is made for information that includes someone else's personal data, we will carefully balance the case for transparency and openness under the FOIA against the data subject's right to privacy under the DPA to decide whether the information can be released without breaching the data protection principles. The information may be issued by redacting / blanking out the relevant personal

information. In some instances, we may consult with a third party if their interests could be affected by release of the information requested.

### 1.3 Complaints

All complaints are dealt with under the **OSCA Complaints Policy**.

Complaints should be made in writing and will follow the OSCA complaint procedures and set timescales. The handling of complaints may be delegated to an appropriate person.

The outcome of the complaint will be communicated in writing.

If the response is not satisfactory after exhausting the complaints process, the complainant should contact the Information Commissioners Office (ICO). The ICO can make a decision to investigate a claim against the academy and take action against anyone who has misused personal data.

The contact details for the ICO are:

Telephone: 0303 123 1113

Website: <http://www.ico.org.uk/complaints>

### 1.4 Monitoring and review

This policy will be reviewed every two years or in the following circumstances:

- Changes in legislation and / or government guidance
- As a result of any other significant change or event
- In the event that the policy is determined not to be effective

If there are urgent concerns these should be raised to the Freedom of Information Officer in the first instance for them to determine whether a review of the policy is required in advance of the planned review date.

## 2. Publishing information

We have adopted the ICO's model **Publication Scheme**, this details the minimum requirements of the information that we will disclose or publicise. This publication scheme includes our **Guide to Information** (list of published information and details of how to obtain the information), and **Schedule of Fees** (detailing when and how much the academy will charge for providing information). This is available on in appendix 1.

If an individual wishes to have access to information that is not listed in the scheme or made available voluntarily by OAT or an OAT academy then they have the right to request this information. Details about making a freedom of information request is covered in the section 3 of this policy.

If we receive a request for information that is already in the public domain, we will contact the individual to advise them where it is located and explaining that we can provide this information in another format but there may be costs associated with this.

We will make reasonable adjustments for individuals with disabilities where their disability creates a barrier to accessing information that is already in the public domain. This will be done in accordance with the Equality Act 2010 and our **Equality Policy**.

There may be instances where the information is available to view in person only. Where this is the case, the individual will be informed of this and a convenient time will be arranged for the individual to view the information. This will only occur where the information is only available in hard copy and the costs of copying or changing the format of the document would be disproportionate.

### 3. Freedom of information requests

Everybody has the right to request access to official information. If the information is not already published by OAT or an OAT academy then a person can access this information by making a Freedom of Information Request (FOIR). This includes employees, community members, organisations and non UK citizens.

All employees may be required to identify a freedom of information request. The request should:

- Be in writing – including email or FAX; this can be through social media however this is not recommended
- State the enquirer’s name and correspondence address (postal or email)
- Describe the information requested – there must be enough information to be able to identify and locate the information
- Not be covered by one of the other pieces of legislation (Data Protection Act or Environmental Information Regulations)

Requests made under the FOIA will be dealt with in accordance to the table below:

<b>Type of request</b>	<b>Process</b>
<i>Requests to OSCA</i>	<p>Requests to OSCA should be sent directly to the academy for the attention of:- Sue Bowron (Finance Director)</p> <p>Lower City Road Oldbury West Midlands B69 2HE</p> <p>0121 552 5501</p> <p>Email: sue.bowron@ormistonsandwell.org.uk</p>
<i>Requests to OAT</i>	<p>Requests to OAT should be sent to:</p> <ul style="list-style-type: none"> <li>▪ Email – <a href="mailto:compliance@ormistonacademies.co.uk">compliance@ormistonacademies.co.uk</a></li> <li>▪ Online contact form – <a href="http://www.ormistonacademiestrust.co.uk/contact">http://www.ormistonacademiestrust.co.uk/contact</a></li> <li>▪ By post to our registered address – please make it clear on the envelope that the request is a freedom of information request</li> </ul>
<i>Requests about multiple academies</i>	<p>FOI requests regarding multiple academies can be made in two ways:</p> <p><b>I. Request sent in the first instance be sent to OAT</b></p> <p>If the information is held centrally by OAT and does not fall under any of the exceptions listed in the Equality Act then the information will be provided within the time limits detailed in this policy. Only one fee will be payable if a fee is deemed to be appropriate.</p> <p>If the information is held locally by the academies then OAT may not be able to provide this. This will be dependent upon the nature of the request and how accessible the information is to OAT. If this is the case, OAT will advise that the information is not held centrally and suggest that the requestor contact individual academies to obtain the</p>

information requested. This will be treated as a new FOIR and the time limit would begin again.

## 2. Request sent to individual OAT academies

The requestor can send requests to each OAT academy that information is required from. Each academy will deal with the requests as per this policy and the requestor may have to pay multiple fees if a fee is determined appropriate.

In cases where the enquiry is ambiguous we will assist the enquirer to describe more clearly the information requested. Where possible, we will contact the enquirer directly. This will be to clarify the nature of the information requested and not to determine the aims or motivation for the request.

We will respond to the request by whatever means is most reasonable, this will usually be in an electronic format.

In instances where the requested information is not held then we will attempt a reasonable search before informing the enquirer. We will not create or acquire the information from another source. If we are aware that another public authority holds the requested information then we will not transfer the request but will inform the enquirer that the information is not held by us and suggest where they may be able to obtain the information from.

Repeated, identical or similar FOIR's made by the same person will not be responded to unless a reasonable interval has elapsed between the first request and any subsequent ones. If this occurs, we will inform the individual why the information has not been provided again. We will also refuse any request that we consider to be vexatious.

### 3.1 Time limits

We will respond to freedom of information requests within the time limits set out in the FOIA.

- Requests for information made to OAT will be responded to in 20 working days
- Request for information made to OSCA will be either 20 academy days or 60 working days (whichever comes first).

The time limit will begin on the date the request has been received. However where we have issued a fees notice to request a charge or have asked the enquirer for more information to enable the request to be answered then the time limit will resume following receipt of the payment and / or additional information.

If a qualified exemption (detailed below) applies which is likely to require more time to consider the public interest test, we will reply within 20 working days stating the exemption that applies and give an estimate of the date by which a decision on the public interest test will be made. We will aim to do this within 20 additional working days.

### 3.2 Exemptions

We have a duty to confirm or deny whether we hold the information that has been requested. An exemption listed in the FOIA may be relied upon where appropriate for all or part of the information requested.



When deciding whether to rely upon an exemption, we will take into account all factors relating to the request and relevant guidance. Details of the exemption relied upon will be recorded and the reasons behind this decision and notify the enquirer by way of a refusals notice. If a public interest test was done as part of the process then the refusals notice will also include the reasoning for the conclusion that the public interest in maintaining the exemption outweighs the public interest of disclosure.

A refusals notice will include:

- An explanation of what provision of the FOIA that is being relied upon to refuse the request and why
- Details of OAT's complaints procedure
- Details of the requester's right to complain to the ICO and how to contact them

Where the exemption relied upon is an absolute exemption or a qualified exemptions (where confirming or denying would itself disclose exempted information / cause harm) we will not be under a duty to confirm or deny whether we hold the information. In these circumstances the enquirer will receive a 'neither confirm nor deny' response.

### 3.3 Charging for information requests under the FOIA

We will respond free of charge to any enquiry that we consider to be straightforward and does not incur the academy excessive costs. For this we will consider whether calculating the cost of the fee outweighs the cost of providing the information, if this is the case then we will not charge for responding.

In circumstances where we decide to charge for providing information, we will inform the enquirer of the charge associated with the request prior to supplying the information by way of a fees notice. We will not comply with the request until the fee has been paid and will allow the enquirer three months to make the payment.

Any fee charged for the purpose of an information request under the FOIA will be justified, transparent and kept to a minimum. The following charges will be made:

- For prescribed costs (costs reasonably incurred)
  - To determine whether the academy holds the information requested
  - To locate and retrieve the information
  - To cover the cost of staff time
- For disbursements (costs directly and reasonably incurred)
  - To inform the enquirer whether we hold the information requested
  - To communicate the information to the enquirer
- Fees permitted by other legislation
- For information produced commercially

We may refuse a request or a linked series of requests from the same person or group if complying with it would cost more than the £450. If we decide to comply with a request costing over £450, the charges will be:

- The cost of compliance (the costs allowed in calculating whether the appropriate limit is exceeded); plus
- The communication costs; plus
- £25 an hour for staff time taken for printing, copying or sending the information

We will not do this work without getting written agreement from the enquirer that they will pay the extra costs. The academy will also give the enquirer the option to refine their request to reduce the costs.

## 4. Requests for environmental information

The Environmental Information Regulations 2004 (EIR's) provide a separate right of access to information about the environment. We will consider the type of information that the request is about, and deal with the request under the appropriate legislation and following current guidance.

The EIR's cover any recorded information that we hold that falls within the definition of 'environmental information'. It is not limited to official documents or information created by us – it can cover, for example, drafts, emails, CCTV recordings as well as information that is held solely on behalf of another person or body.

In order to comply with the EIR's, we will:

- Make environmental information available proactively, using easily accessible electronic means whenever possible
- Respond to requests for environmental information
- Ensure all employees are aware of how the EIR may affect them

We will respond to any request made under the EIR's (including verbal requests) informing the individual, in writing, whether the information is held, and if so, to communicate the information (within 20 working days), subject to any exceptions or a fees notice being issued.

Where we choose to rely on one or more exemptions available under the EIR's we will send the requestor a notice which states that we are not responding to the request, specifies the exception that we are relying on and why it applies in this instance.

We may charge for making information available in some circumstances and will publish a list of charges explaining the circumstances in which charges will be made and how they are calculated. If information is provided in hard copy, we may decide to make a reasonable charge to cover our costs.

## Appendix I – guide to information

Each set of information below will be made available as hard copy or electronically via email on request to Mrs S Bowron, Director of Finance. The cost of each set of information will be determined by production and printing costs (where applicable) including personnel costs

Information to be published
<p><b>Class I - Who we are and what we do</b>  Ormiston Sandwell Community Academy - organisational information, structures, locations and contacts</p> <p><i>This will be current information only</i></p>
Who's who in the academy
Who's who on the governing body and the basis of their appointment
Instrument of Government / Articles of Association
<p>Contact details for the principal and for the governing body, via the academy (named contacts where possible)</p> <p>Principal – Marie McMahon</p> <p><b>Email:</b> <a href="mailto:principal@ormistonsandwell.org.uk">principal@ormistonsandwell.org.uk</a></p>
Prospectus

Annual Report (if any)
Staffing structure
Academy session times and term dates
Address of the academy and contact details, including email address

Information to be published
<p><b>Class 2 – What we spend and how we spend it</b></p> <p>Financial information relating to projected, actual income, expenditure, procurement, contracts and financial audit</p> <p><i>Current and previous financial year as a minimum</i></p>
Annual budget plan and financial statements
Capital funding
Financial audit reports
Details of expenditure items over £2000 – published at least annually but at a more frequent quarterly or six-monthly interval where practical.
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)
Pay policy
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
Staffing, pay and grading structure. As a 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
Governors' allowances that can be incurred or claimed, and a record of total payments made to individual governors

Information to be published
<p><b>Class 3 – What our priorities are and how we are doing</b> Strategies and plans, performance indicators, audits, inspections and reviews</p> <p><i>Current information as a minimum</i></p>
<p>Academy profile (if any)</p> <p>And in all cases:</p> <ul style="list-style-type: none"> <li>▪ Performance data supplied to the English or Welsh Government or to the Northern Ireland Executive, or a direct link to the data</li> <li>▪ The latest Ofsted / Estyn / Education and Training Inspectorate report <ul style="list-style-type: none"> <li>▪ Summary</li> <li>▪ Full report</li> </ul> </li> <li>▪ Post-inspection action plan</li> </ul>
Performance management policy and procedures adopted by the governing body
Performance data or a direct link to it
The academy's future plans; for example, proposals for and any consultation on the future of the academy, such as a change in status
Safeguarding and child protection

Information to be published
<b>Class 4 – How we make decisions</b> Decision making processes and records of decisions <i>Current and previous three years as a minimum</i>
Admissions policy / decisions (not individual admission decisions) – where applicable
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)



## Information to be published

### Class 5 – Our policies and procedures

Current written protocols, policies and procedures for delivering our services and responsibilities

*Current information only – As a minimum these must include policies, procedures and documents that the academy is required to have by statute or by its funding agreement or equivalent*

Records management and personal data policies, including:

- Information security policies
- Records retention, destruction and archive policies
- Data protection (including information sharing policies)

Charging regimes and policies – *This should include details of any statutory charging regimes. Charging policies should include charges made for information routinely published. They should clearly state what costs are to be recovered, the basis on which they are made and how they are calculated. If the academy charges a fee for re-licensing the use of datasets, it should state in its guide how this is calculated.*

Information to be published
<b>Class 6 – Lists and Registers</b> Currently maintained lists and registers only (this does not include the attendance register)
Curriculum circulars and statutory instruments
Disclosure logs
Asset register
Any information the academy is currently legally required to hold in publicly available registers

Information to be published
<b>Class 7 – The services we offer</b> Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses <i>Current information only</i>
Extra-curricular / enrichment activities
Out of academy clubs
Services for which the academy is entitled to recover a fee, together with those fees
Academy publications, leaflets, books and newsletters

Information to be published
<b>Additional Information</b> List published information that is not itemised in the lists above