

## 1 INTRODUCTION

The Freedom of Information Act (“FOIA”) provides public access to information held by public authorities. The two main obligations under FOIA are to, publish certain information about their activities proactively and to respond to requests for information.

All Academies are classed as public authorities therefore the FOIA applies to all the Academies within the Great Academies Education Trust (“the Academy Trust”) and the Academy Trust itself.

The responsibility for ensuring compliance with the FOIA lies with the Academy Trust and it will need to ensure that all its policies and day to day operations at each of the Academies are conducted in a way which will stand up to public scrutiny.

This policy details the publication scheme and access policy adopted by the Academy Trust to ensure that all relevant information is published and all requests for information under the FOIA are dealt with in a fair and consistent manner.

The FOIA is regulated by the Information Commissioner who also has responsibility for The Data Protection Act 1998, the General Data Protection Regulation (May 2018) and The Environmental Information Regulations 2004.

## 2 PUBLICATION SCHEME

The Information Commissioner has published a model publication scheme which the Academy Trust is expected to adopt. The scheme commits the Academy Trust to:

- 2.1 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.
- 2.2 specify the information which is held by the authority and falls within the classifications below.
- 2.3 proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- 2.4 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.

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- 2.5 review and update on a regular basis the information the authority makes available under this scheme.
- 2.6 produce a schedule of any fees charged for access to information which is made proactively available.
- 2.7 make this publication scheme available to the public.

### 3 CLASSES OF INFORMATION

The Academy Trust would be expected to make the following information available under the publication scheme:

- 3.1 **Who we are and what we do**  
Organisational information, locations and contacts, constitutional and legal governance documents.
- 3.2 **What we spend and how we spend it**  
Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.
- 3.3 **What our priorities are and how we are doing**  
Strategy and performance information, plans, assessments, inspections and reviews.
- 3.4 **How we make decisions**  
Policy proposals, decisions, decision making processes, internal criteria, procedures and consultation.
- 3.5 **Our policies and procedures**  
Current written protocols for delivering functions and responsibilities.
- 3.6 **Lists and registers**  
Information held in registers required by law and other lists and registers relating to the functions of the Academies.
- 3.7 **The services we offer**  
Description of the services offered, advice, guidance, booklets, leaflets, transactions and media releases.

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.

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- information in draft form;
- information which is no longer readily available as it contained in files that have been placed in archive storage or is difficult to access for similar reasons.

#### **4 ACCESS POLICY**

The model publication scheme requires the Academy Trust to set out the means of access to the information available through the publication scheme and to specify what information is held under each of the classes of information identified at section 3 above.

##### **4.1 The method by which information published under this scheme will be made available**

Wherever possible, the information to be published under this scheme will be made available on the Academy Trust's and/or its academies' websites; this will provide ease of access and minimise costs. Information will also be made available in hardcopy upon request. All requests for information and the response will be processed in accordance with section 5 below.

##### **4.2 Specific information available through the publication scheme**

The specific information held under each of the classes of information identified at section 3 above by the Academy Trust and each of the Academies within the Academy Trust Group and the means of access.

##### **4.3 Charges for providing information**

The Academy Trust reserves the right to charge a fee for actual disbursements incurred in providing information and the costs directly incurred as a result of locating, retrieving and communicating any information requested which is not routinely available through the publication scheme, this includes the cost of staff time. Written notice of any applicable charge will be provided and payment will be expected in advance of the release of the information requested.

#### **5 DEALING WITH A REQUEST FOR INFORMATION UNDER THE FOIA**

5.1 The FOIA request should be in writing, state the enquirer's name, address (email address will suffice) and describe the information requested in sufficient detail so as to enable the information to be identified and located.

5.2 All requests for information should be forwarded to Charlotte Treglown, the Trust's Director of Governance and Compliance, in the first instance who will work with the relevant person within the Trust or individual Academy action.

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Requests can be made to Great Academies Education Trust, Cavendish 249, Cavendish Street, Ashton-under-Lyne, OL6 7AT or email [ctreglown@gaet.co.uk](mailto:ctreglown@gaet.co.uk)

- 5.3 The relevant person within the Academy or Trust will establish whether it holds the information requested. Holding information includes where the Academy or Trust has created it, received it from another body or person or where the information is held by another body on the Academy's behalf.
- 5.4 Where the information requested is deemed to be vexatious or manifestly unreasonable or repeated neither the Academy nor the Trust is obligated to comply with the request.
- 5.4 Consultation may be required with third parties where the release of the requested information may affect their interests such consultation may influence the decision as to whether the information should be disclosed.
- 5.6 Where there are real concerns about disclosing information consideration should be given as to whether an exemption applies. Where a potential exemption (qualified exemption) is identified information can only be withheld where the public interest in withholding it outweighs the public interest in disclosing it (advice on conducting a public interest test is available on the Information Commissioner's website [www.ico.org.uk](http://www.ico.org.uk)).
- 5.7 The Academy will respond to a valid FOIA request within 20 school days. Where a potential exemption applies and more time is needed to consider the public interest test a reply will be sent within the 20 days stating the estimated date by which a decision will be made, this should be no longer than 10 school days.
- 5.8 Where the information requested is not to be disclosed the Director of Governance and Compliance must ensure that the case has been properly considered and that the reasons for refusals are sound. A record of the enquiry and the reason for refusal will be retained for 5 years in case of an appeal or an investigation by the Information Commissioner.

Guidance for schools in responding to requests under the FOIA can be found in Appendix 1: Process for dealing with information requests.

## 6 Monitoring, Evaluation and Review

The Trust's Director of Governance and Compliance will be responsible for reviewing this policy on a regular basis and for ensuring that the publication scheme is kept up-to-date as appropriate.

## 7. Sources consulted

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- Freedom of Information Act
- ICO guidance (Definition document for the governing bodies of maintained and other state-funded schools in England)

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### Guide to information available under the publication scheme

INFORMATION TO BE PUBLISHED	MEANS OF ACCESS	CHARGE (If Applicable)
<b>1. Who we are and what we do</b>		
1.1 Organisational information, structures, <b>locations and contacts</b>	Website	N/A
1.2 Academy Funding Agreement – a link to the document on the Department for Education’s website	Website	N/A
1.3 <b>Articles of Association</b>	Website	N/A
1.4 School staff and structure – names of key personnel	Website	N/A
1.5 Governing body – Governance arrangements at Trust Board, subcommittee and local governing body level	Website	N/A
1.6 School session times, term dates and holidays	Website	N/A
1.7 <b>Academy location and contact information – address, telephone number and website</b>	School websites	N/A
1.8 <b>Contact details for the Principal and the Governing Body</b>	Trust and school website	N/A
1.9 <b>School Prospectus</b>	School website	N/A
1.10 <b>Curriculum outline</b>	School website	N/A
1.11 <b>School Session times and term dates</b>	School website	N/A
<b>2. What we spend and how we spend it</b>		
2.1 Annual report	Website	N/A
2.2 <b>Annual budget plan</b>	Hard copy	
2.3 <b>Financial statements</b>	Trust website and Companies House website	N/A

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INFORMATION TO BE PUBLISHED	MEANS OF ACCESS	CHARGE (If Applicable)
2.4 Capital funding (major plans)	Hard copy	
2.5 Financial audit reports	Hard copy	
2.6 Procurement and contracts information	Hard copy	
2.7 Pay policy	Hard copy	
2.8 Staff allowances and expenses	Hard copy	
2.9 Staff pay and grading structures	Hard copy	
2.10 Governors' allowances	Hard copy	
2.11 Pupil premium grant information	School website	N/A
2.12 Y7 literacy and numeracy catch up funding information	School website	N/A
2.13 PE and sports premium funding information	School website	N/A
<b>3. What our priorities are and how we are doing</b>		
3.1 Performance data supplied to the government	Link to DfE performance tables on school websites	N/A
3.2 Latest OFSTED reports	Link to Ofsted report on school websites	N/A
3.3 Performance management policy and procedures adopted by the governing bodies	Hard copy	
3.4 The school's future plans (major proposals)	Hard copy / consultations	
3.5 Safeguarding and child protection – policies and procedures on safeguarding and promoting the welfare of children.	School website	N/A
<b>4. How we make decisions</b>		
4.1 Admissions policies / decisions	Trust and school websites	N/A

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4.2 <b>Governing body meeting agendas, papers and minutes – information that is properly considered to be private should be excluded.</b>	Hard Copy will be made available upon request	Provision of large numbers of paper copies may attract a reasonable charge.
<b>5. Our policies and procedures</b>		
5.1 <b>School and trust policies including:</b>  Statutory school policies Data protection policy Equality policy Staff recruitment policy and procedures Charging regimes and policies	Website Website Website Website Website	
<b>6. Lists and Registers</b>		
6.1 <b>Currently maintained lists and registers only</b>	Hard Copy	
6.2 <b>Curriculum circulars and statutory instruments</b>	Hard Copy	
6.3 <b>Disclosure logs</b>	Hard Copy	
6.4 <b>Asset register</b>	Hard Copy	
6.5 <b>Any information the Academy is currently legally required to hold in publicly available registers</b>	Website	
<b>7. The services we offer</b>		
7.1 <b>Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses</b>	Website and Hard Copy	

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7.2	Extra-curricular activities	Website	
7.3	Out of school clubs	Website	
7.4	School publications	Website	
7.5	Services for which the Academies are entitled to recover a fee, together with those fees	Hard Copy	
7.6	Leaflets, booklets and newsletters	Website	

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#### Appendix 1



### Great Academies Education Trust Process for dealing with information requests

Each school must nominate a member of staff to liaise with the Trust's Data Protection Officer regarding information requests. The Trust's Data Protection Officer is Charlotte Treglown. At Middleton Technology School, the nominated member of staff for data protection is Kate Davies (Assistant Headteacher).

Each school must make sure staff members know how to identify a request. For example, parents might not use the term 'subject access request' but might ask to see their child's behaviour record. This is personal data and so data protection rules apply. Similarly, an individual may not say they are requesting information under the Freedom of Information Act but might ask for information about the number of lessons taught by supply teachers, or the sizes of classrooms.

#### Subject access request (SAR)

Individuals have the right to access the personal data and supplementary information held about them. This allows them to be aware of, and verify the lawfulness of, how the data is processed. This right applies to everyone whose personal data the school holds, including staff, governors, volunteers, parents and pupils.

#### The rules: in summary

Under the General Data Protection Regulation (GDPR), in force from 25 May 2018, in most cases, you:

- Must provide the information **free of charge**
- Must comply within **1 month**
- Should provide the information in a commonly used electronic format, if the request was made electronically.

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It is helpful if an individual supplies the following information to help school process their request, however, the request does not have to be made in this form.

Name	
Relationship with the school	Please select: Pupil / parent / employee / governor / volunteer  Other (please specify):
Correspondence address	
Contact number	
Email address	
Details of the information requested	<i>Insert details of the information you want that will help us to locate the specific information. Please be as precise as possible.</i>

#### Process for dealing with a Subject Access Request

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1. When a SAR is received, it needs to be passed immediately to the nominated person in school and the date it was received recorded.
2. On receiving a request, contact should be made with the individual by the school via phone to confirm the request was made. Then, the identity of the person making a request must be verified using 'reasonable means'
3. Generally, this means you should ask for two forms of identification, although this won't always be necessary - for example, staff, governors, pupils and many parents will be known to the school, so you could simply ask another staff member to verify their identity
4. The nominated member of staff should make contact with the Trust's Data Protection Officer to discuss the response.
5. In most cases you must provide the information within 1 month, and free of charge. If the request is complex or numerous, you can comply within 3 months, but you must inform the individual of this within 1 month and explain why the extension is necessary. If a request is made during the school summer holiday this will be forwarded to the nominated member of staff for data protection who will contact the individual to inform them that an extension to the timeframe is necessary (where appropriate).
6. If the request is made electronically, you should provide the information in a commonly used electronic format.
7. Once the response is agreed, it should be filed appropriately, e.g. on the pupil's school record, with copies of any attached documents, and retained in line with the retention of the relevant record.
8. A copy should also be filed with the Trust's Data Protection Officer.

#### 'Unfounded or excessive' requests

If the request is unfounded or excessive, you can either:

- Charge a reasonable fee for you to comply, based on the administrative cost of providing the information
- Refuse to respond
- Comply within 3 months, rather than the usual deadline of 1 month - you must inform the individual of this and will explain why

Usually 'unfounded or excessive' means that the request is repetitive, or asks for further copies of the same information.

#### Refusing a request

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When you refuse a request, you must:

- Respond to the individual within 1 month
- Explain why you are refusing the request
- Tell the individual they have the right to complain to the ICO

### Freedom of Information Request (FOI)

Anyone has a right to request information from a public authority. You have two separate duties when responding to these requests:

- to tell the applicant whether you hold any information falling within the scope of their request; and
- to provide that information

For a request to be valid under the Freedom of Information Act it must be in writing, but requesters do not have to mention the Act or direct their request to a designated member of staff. Any letter or email to a public authority asking for information is a request for recorded information under the Act.

This doesn't mean you have to treat every enquiry formally as a request under the Act. It will often be most sensible and provide better customer service to deal with it as a normal customer enquiry under your usual customer service procedures, for example, if a prospective parent wants to know how your school supports children with SEND, or whether you have a space for their child.

The provisions of the Act need to come into force only if:

- you cannot provide the requested information straight away; or
- the requester makes it clear they expect a response under the Act.

### Process for dealing with a Freedom of Information Request

1. When a FOI request is received, it needs to be passed immediately to the nominated person in school and the date it was received recorded.
2. The nominated member of staff should make contact with the Trust's Data Protection Officer to discuss the response and agree whether the request is simply an enquiry, or a request that must be dealt with under FOI.

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3. Contact should then be made with the individual by the school to confirm the request was received, to and to inform them that the request will be dealt with as an FOI request, and to advise of the allowed response time.
4. You normally have 20 working days to respond to a request. Under the Act, most public authorities may take up to 20 working days to respond, counting the first working day after the request is received as the first day. For schools, the standard time limit is 20 school days, or 60 working days if this is shorter.
5. If the request is made electronically, you should provide the information in a commonly used electronic format.
6. Once the response is agreed, it should be filed appropriately, with copies of any attached documents, and retained in line with the retention of the relevant record.
7. A copy should also be filed with the Trust's Data Protection Officer.

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