



# Freedom of Information Policy and Publication Scheme

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Together we **Exceed**



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## 1. Introduction / Aims

1.1 This policy has due regard to the following legislation:

- UK GDPR
- The Data Protection Act 2018
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

1.2 This policy also has due regard to guidance including, but not limited to, the following:

- Cabinet Office (2018) 'Freedom of Information Code of Practice'
- ICO (2013) 'Definition document for the governing bodies of maintained and other state-funded schools in England'
- ICO (2015) 'Model publication scheme'
- ICO (2016) 'Duty to provide advice and assistance (section 16)'
- ICO (2015) 'Time limits for compliance under the Freedom of Information Act (section 10)'

1.3 This policy will be viewed in conjunction with the following other school policies:

- Data Protection Policy
- Customer Services Policy

1.3 The Trust will meet its duty to adopt and maintain a publication scheme which specifies the information it will publish on the Trust / School's website, and whether the information will be available free of charge or on payment. This policy has been produced in line with the Information Commissioners Office Model Publication Scheme and commits Exceed Academies Trust, as an authority, to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by EXCEED ACADEMIES TRUST. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

1.4 The scheme commits an authority:

- To 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.
- To specify the information that is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To 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.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of charges for access to information that is made proactively available.
- To make this publication scheme available to the public.

## 2. Classes of Information

2.1 Classes of information included are:

**Class 1 - Who we are and what we do**

Organisational information, structures, locations and contacts.

**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.

**Class 3 – What our priorities are and how we are doing**

Strategies and plans, performance indicators, audits, inspections and reviews.

**Class 4 – How we make decisions**

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

**Class 5 – Our policies and procedures**

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

**Class 6 – Lists and Registers**

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

**Class 7 – The services we offer**

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

2.2 Classes of information not generally included are:

- 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.

## 3. Obtaining Information

3.1 As an authority, Exceed Academies Trust has to clearly indicate to the public what information is covered by its scheme and how it can be obtained.

3.2 Where it is within the capability of a public authority, information has to be provided on a website. Where it is impracticable to make information available on a website, or when an individual does not wish to access the information by the website, it is required to indicate how information can be obtained by other means and provide it by those means.

3.3 In exceptional circumstances some information may be made available only by viewing in person. Where this manner is specified, contact details have to be provided. An appointment to view the information needs to be arranged within a reasonable timescale.

- 3.4 Information has to be provided in the language in which it is held or in such other language that is legally required. Where it is legally required, the authority is required to have the information translated.
- 3.5 Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats must be adhered to when providing information in accordance with this scheme.

## 4. Written Requests

- 4.1 Information held by the Trust that is not published under this scheme can be requested in writing from the Data Protection Officer, when its provision will be considered in accordance with the provisions of the Freedom of Information Act. Please:
- 4.1.1 Make the request in writing (this includes email)
  - 4.1.2 State the enquirer's name and correspondence address (email addresses are allowed);
  - 4.1.3 Describe the information requested – there must be enough information to be able to identify and locate the information
  - 4.1.4 Where a request is submitted in a foreign language, Exceed Academies Trust is not expected to obtain a translation of the request. For the request to be processed, the school will ask the applicant to provide their request in English
- 4.2 You do not need to explain why you want the information or state that it is a FOI request, but it may help up reply to your request more promptly if you let us know that this is a FOI request. Requests should be addressed to: Data Protection Officer, Exceed Academies Trust, Dawnay Road, Bradford BD5 9LQ or email: [info@exceedacademiestrust.co.uk](mailto:info@exceedacademiestrust.co.uk)
- 4.3 We will do our utmost to reply to any request promptly. In any case we will meet the legally prescribed limit of 20 working days, excluding non-school days. Where the 20<sup>th</sup> day to respond to a request is a non-school day, we will have up to 60 days to respond e.g. summer holidays. The response time starts from the time the request is received. Where we need to ask you for further information to enable us to answer, the 20 days' start time begins when this further information has been received.
- 4.4 If a qualified exemption applies and we need more time to consider the public interest test, we will reply within the 20 days stating that an exception applies and include an estimate of the date by which a decision on the public interest test will be made.
- 4.5 Where we have notified you that a charge is to be made, the time period stops until payment is received and then continues again once payment has been received.

## 5. Charges

- 5.1 The purpose of this FOI Policy and Publication Scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made for printing published material are listed at the end of this document (Appendix B) and have been kept to a minimum in line with legislation. If a charge is to be made, confirmation of the payment due must be given before the information is provided. Payment may be requested prior to provision of the information.

5.2 Much of the information covered by the Trust's publication scheme is published and accessed on the Trust website or on the individual schools' websites and is provided free of charge. Where a document is available on the Trust/School website, it is also available as a hard copy on requests subject to charges stated.

## 6. Contracts and outsourced services

6.1 The Trust will make clear what information is held by third party contractors on behalf of the school.

6.2 Where a contractor holds information relating to a contract held with the Trust on behalf of the Trust, this information is considered in the same way as information held by a public authority and so is subject to the Freedom of Information Act 2000.

6.3 When entering into a contract, the Trust and contractor will agree what information the Trust will consider to be held by the contractor on behalf of the Trust, this will be indicated in the contract.

6.4 Appropriate arrangements will be put in place for the Trust to gain access to information held by the contractor on the Trust's behalf, in the event that a freedom of information request is made. These arrangements will be set out in a contract, and will cover areas including the following:

- How and when the contractor should be approached for information and who the points of contact are
- How quickly information should be provided to the school
- How any disagreement about disclosure between the Trust and contractor will be addressed
- How requests for internal reviews and appeals to the ICO will be managed
- The contractor's responsibility for maintaining record keeping systems in relation to the information they hold on behalf of the Trust
- The circumstances under which the Trust must consult with the contractor about disclosure and the process for doing so
- The types of information which should not be disclosed and the reasons for this confidentiality, where appropriate

6.5 In some situations, the Trust may offer or accept confidentiality arrangements that are not set out within a contract with a third party. The Trust and the third party will both be aware of the legal limits placed on the enforceability of expectations of confidentiality and the public interest in transparency. Such expectations will only be created where it is appropriate to do so.

6.6 Contractors must comply with requests from the Trust for access to information they hold on behalf of the Trust. Requests for information held by a contractor on behalf of the Trust will be responded to by the Trust. If a contractor receives a request, this will be passed onto the Trust for consideration.

## 7. Consultation with third parties

7.1 The Trust may need to consult third parties about information held in scope of a request to consider whether it would be suitable to disclose the information. Situations where third parties may need to be consulted include the following:

- When requests relate to persons or bodies who are not the applicant and/or the Trust
- When the disclosure of information is likely to affect the interests of persons or bodies who are not the applicant or the Trust

- 7.2 The Trust will consider if a third party needs to be directly consulted about a request, particularly, if there are contractual obligations that require consultation before information is disclosed.
- 7.3 Third parties will also be consulted where the Trust is proposing to disclose information relating to them or information that is likely to affect their business or private interests. The views of third parties will be given appropriate weighting when deciding how to respond to a request. For example, if the third party created or provided the information, they may have a better understanding of its sensitivity.
- 7.4 It is ultimately the Trust's decision as to whether information in scope of a request will be released following any relevant consultation.
- 7.5 Where the Trust decides to release information following consultation with a third party, the third party will be informed in advance that the information is going to be disclosed.
- 7.6 Where the Trust intends to release information that relates to a large number of third parties, the Trust will consider whether it would be more appropriate to contact a representative organisation who can express views on behalf of the third parties, rather than contacting each party individually. If no representative organisation exists, the Trust may also consider only notifying or consulting a sample of the third parties relating to the disclosure. Decisions will be made on a case-by-case basis.

## **8. Equality Impact Statement**

- 8.1 We will do all we can to ensure that this policy does not discriminate, directly or indirectly. We shall do this through regular monitoring and evaluation of our policies. On review we shall assess and consult relevant stakeholders on the likely impact of our policies on the promotion of all aspects of equality, as laid down in the Equality Act (2010). This will include, but not necessarily be limited to: race; gender; sexual orientation; disability; ethnicity; religion; cultural beliefs and pregnancy/ maternity.

## **9. Feedback and complaints**

- 9.1 To make any comments about this publication scheme and policy, for further assistance, or to make a complaint, please write to: Data Protection Officer, Exceed Academies Trust, Dawnay Road, Bradford BD5 9LQ or email: [info@exceedacademiestrust.co.uk](mailto:info@exceedacademiestrust.co.uk)
- 9.2 If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made, then this should be addressed to the Information Commissioner's Office. This is the organisation that ensures compliance with the Freedom of Information Act 2020 and deals with formal complaints. The complaint should be made in writing to: The Case Reception Unit, Customer Services Team, information Commissioner's Officer, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF



## Appendix A – Publication Schedule

Information to be published	How the information can be obtained
<b>Class 1 - Who we are and what we do</b> (Organisational information, structures, locations and contacts) This will be current information only	
Who's who in the Trust and its schools	Trust website School websites
Who's who on the members/Trust Board/Local Advisory Boards	Trust website School websites
Articles of Association/Funding Agreement	Trust website
Contact details for the CEO, Headteacher and for the Trust Board, Local Advisory Boards via the Trust/schools (named contacts where possible)	Trust website School websites
School prospectus (if any)	School websites
Staff and structure – names of key personnel	Trust website School websites
School session times and term dates	Trust website School websites
Address of school and contact details, including email address	Trust website School websites
<b>Class 2 – What we spend and how we spend it</b> (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit) This should be a minimum of current and the previous 2 financial years (accounts that have been filed with Companies House).	
Annual Budget Plan	Hard Copy
Annual Report and Financial Statements	Trust website
Capital funding	Hard Copy
Financial Audit reports	Hard Copy
Procurement and contracts the Trust 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
Pay Policy	Hard Copy
<b>Class 3 – What our priorities are and how we are doing</b> (Strategies and plans, performance indicators, audits, inspections and reviews) Current information as a minimum	
School profile	School websites
Government supplied performance data	School websites
The latest Ofsted reports	School websites
Performance management policy and procedures	Hard Copy



Information to be published	How the information can be obtained
The school's future plans; for example, proposals for and any consultation on the future of the school, such as a change in status	Trust website School websites
Safeguarding and Child Protection	School websites
<b>Class 4 – How we make decisions</b> (Decision making processes and records of decisions) Current and previous three years as a minimum	
Admissions policy/decisions (not individual admission decisions) – where applicable	Trust website School websites
Agendas and minutes of meetings of the Trust Board and its committees (NB this will exclude information that is properly regarded as private to the meetings)	Hard Copy
Agendas and minutes of meetings of the Local Advisory Boards (NB this will exclude information that is properly regarded as private to the meetings)	Hard Copy
<b>Class 5 – Our policies and procedures</b> (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only	
Trust Policies including: <ul style="list-style-type: none"> <li>• Charging &amp; Remissions policy</li> <li>• Complaints procedure</li> <li>• Staff code of conduct policy</li> <li>• Discipline and grievance policies</li> </ul>	Trust website Trust website Hard Copy Hard Copy
Pupil and curriculum policies, including: <ul style="list-style-type: none"> <li>• Curriculum</li> <li>• Sex &amp; Relationship Education</li> <li>• Special Educational Needs &amp; Disability</li> <li>• Accessibility</li> <li>• Careers Education (secondary)</li> <li>• Pupil Behaviour</li> <li>• Anti Bullying</li> <li>• Attendance</li> </ul>	School websites School websites School websites School websites School websites School websites School websites School websites
Records management and personal data policies, including: <ul style="list-style-type: none"> <li>• Information security policies</li> <li>• Records retention destruction and archive policies</li> <li>• Data protection (including information sharing policies)</li> </ul>	Trust website
Equality and Diversity (Policies, schemes, statements, procedures and guidelines relating to equal opportunities)	Trust website School websites

Information to be published	How the information can be obtained
<p><b>Class 6 – Lists and Registers</b> (Information held in registers required by law and other lists and registers relating to the functions of the authority) Currently maintained lists and registers only</p>	
Curriculum circulars and statutory instruments	Hard Copy
Any information the school is currently legally required to hold in publicly available registers (this does not include the attendance register)	Hard Copy
Asset register	Hard Copy
Any information the school is currently legally required to hold in publicly available registers	Hard Copy
<p><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) Current information only</p>	
Extra-curricular activities	School websites
Out of school clubs	School websites
Services for which the school is entitled to recover a fee, together with those fees	School websites
School publications, leaflets, books and newsletters	School websites

## Appendix B – Schedule of Charges

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information, including staff hours in preparation of documentation when this is over 2 hours.

DESCRIPTION	BASIS OF CHARGE
Photocopying/printing	@ current cost per sheet as per photo copier contract (e.g. 5p black & white, 15p colour)
Postage	Actual cost of postage Royal Mail standard 2 <sup>nd</sup> class or special delivery where required/requested
Staff hours (over 2 hours per request)	£25 per hour

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.