



# FREEDOM OF INFORMATION POLICY

Date Agreed	Body	Review Date
02 November 2016	Board of Trustees	Autumn 2019

## **1 INTRODUCTION**

- 1.1 Policies for the Chiltern Learning Trust are designed to support the ethos, aims and vision of the Trust and each school within it as outlined in the Strategic Intent and School Improvement Plan (SIP).

## **2 RATIONALE**

- 2.1 Chiltern Learning Trust is committed to the Freedom of Information Act 2000 ("FOIA") which came into force on 1 January 2005. The Trust is committed to the principles of accountability and the general right of access to information, subject to legal exemptions. This policy outlines its framework for managing requests.
- 2.2 Under the Freedom of Information Act 2000, any person has a legal right to ask for access to information held by the school or the Trust. They are entitled to be told whether a school or Trust holds the information, and to receive a copy, subject to certain exemptions. The Trust and each school is under a duty to provide advice and assistance to individuals making requests under the FOIA.
- 2.3 The information which a school routinely makes available to the public is included in the Trust's FOIA Publication Scheme. Requests for other information are dealt with in accordance with statutory guidance. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.
- 2.4 The Act is fully retrospective, so that any past records which a school holds are covered by the Act. The Trust has a retention schedule based on the schedule recommended by the Records Management Society of Great Britain, which guides each school as to how long it should keep records. It is an offense to wilfully conceal, damage or destroy information in order to avoid responding to an enquiry, so it is important that no records that are the subject of an enquiry are amended or destroyed.
- 2.5 Requests received under the FOIA could be addressed to anyone employed by the Trust. However, all requests for information received should be referred to the Chiltern Learning Trust Company Secretary, who will decide firstly if the request is an FOIA request and secondly how it is to be dealt with and by whom within the Trust.
- 2.6 Staff need to be aware of the process for dealing with requests. Requests must be made in writing, (which can include email), and should include the enquirers name and correspondence address, and state what information they require. They do not have to mention the Act, nor do they have to say why they want the information. There is a duty to respond to all requests, telling the enquirer whether or not the information is held, and supplying any information that is held, except where exemptions apply. There is no need to create information which doesn't exist in order to respond to an enquiry, although gathering information from multiple sources should not be discounted. There is a time limit of 20 working days for responding to the request (but see appendix 1).

## **3 SCOPE**

- 3.1 The Company Secretary is responsible for ensuring compliance with this policy and procedures. This policy and procedures applies to all staff within the Trust when requests for information are received.

- 3.2 Requests for personal data are covered by the Data Protection Act. Individuals can request to see what information the school or the Trust holds about them. This is known as a Subject Access Request, and must be dealt with accordingly.
- 3.3 Requests for information about anything relating to the environment – such as air, water, land, the natural world or the built environment and any factor or measure affecting these – are covered by the Environmental Information Regulations (“EIR”). Requests under the EIR are dealt with in the same way as those under the FOIA, but they can be verbal.

## **4 ASSOCIATED DOCUMENTS**

- 4.1 The following documents have relevance to this policy:
- The Chiltern Learning Trust FOIA Publication Scheme
  - Retention Schedule
  - Each school’s Data Protection Policy

## **5 PROCEDURE**

### **5.1 Obligations and duties**

The Trust recognises its duty to provide advice and assistance to anyone requesting information.

- 5.1.1 The Trust recognises its duty to tell enquirers whether or not it holds the information they are requesting (the duty to confirm or deny), and provide access to the information held in accordance with the procedures laid down in Appendix 1.

### **5.2 Publication scheme**

The Trust has created a Publication Scheme derived from the Model Publication Scheme for Academies approved by the Information Commissioner.

The Publication Scheme and the materials it covers will be readily available from the Company Secretary, c/o Denbigh High School and from each school’s website.

### **5.3 Dealing with requests**

The Trust will respond to all requests in accordance with the procedures in Appendix 1 and will ensure that its staff are aware of the procedures.

### **5.4 Exemptions**

Certain information is subject to either absolute or qualified exemptions. The exemptions are listed in Appendix 2.

- 5.4.1 When the Trust wishes to apply a qualified exemption to a request, it will invoke the public interest test procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information.
- 5.4.2 The Trust will maintain a register of requests where it has refused to supply information, and the reasons for the refusal. The register will be retained for five years from the date of the request.

### **5.5 Public interest test**

Unless it is in the public interest to withhold information, it has to be released. Having established that a qualified exemption definitely applies to a particular case, the Trust must then carry out a public interest test to identify if the public interest in applying the exemption outweighs the public interest in disclosing it.

## 5.6 Charging

Most information will be freely available through each school's website. Enquirers will be directed to the school's website if the information they request is available on it.

5.6.1 The Trust reserves the right to charge a fee for complying with requests for information under FOIA, other than information available through its website. The fees are according to FOIA regulations and the enquirer will be asked for payment of the charge before the information is supplied

5.6.2 Under Section 12 of the FOIA, the Trust does not have to comply with a request for information if the estimated cost of compliance exceeds £450.

## 5.6.3 Responsibilities

The Trust has delegated responsibility for compliance with the FOIA to the Headteacher of each school. Responsibility for day-to-day compliance with the FOIA and the Trust's policy has been sub-delegated to the Company Secretary, who will also co-ordinate responses to all enquiries and be a point of reference for advice and staff training.

## 5.8 Complaints

Any comments or complaints will be dealt with through the school's normal complaints procedure.

5.8.1 If, on investigation, the Trust's original decision is upheld, then the Trust has a duty to inform the complainant of their right to appeal to the Information Commissioner's Office.

Appeals should be made in writing to the Information Commissioner's Office at:

FOI/EIR Complaints Resolution, Information Commissioner's Officer  
Wycliffe House,  
Water Lane  
Wilmslow,  
Cheshire  
SK9 5AF

## 5.9 Records:

Record	Retention time (Min)	Disposal authority
Register of Requests	Five years	Company Secretary
Original Written Requests	Five years	
Response to Requests	Five years	
Correspondence Related to Freedom of Information Requests	Five years	

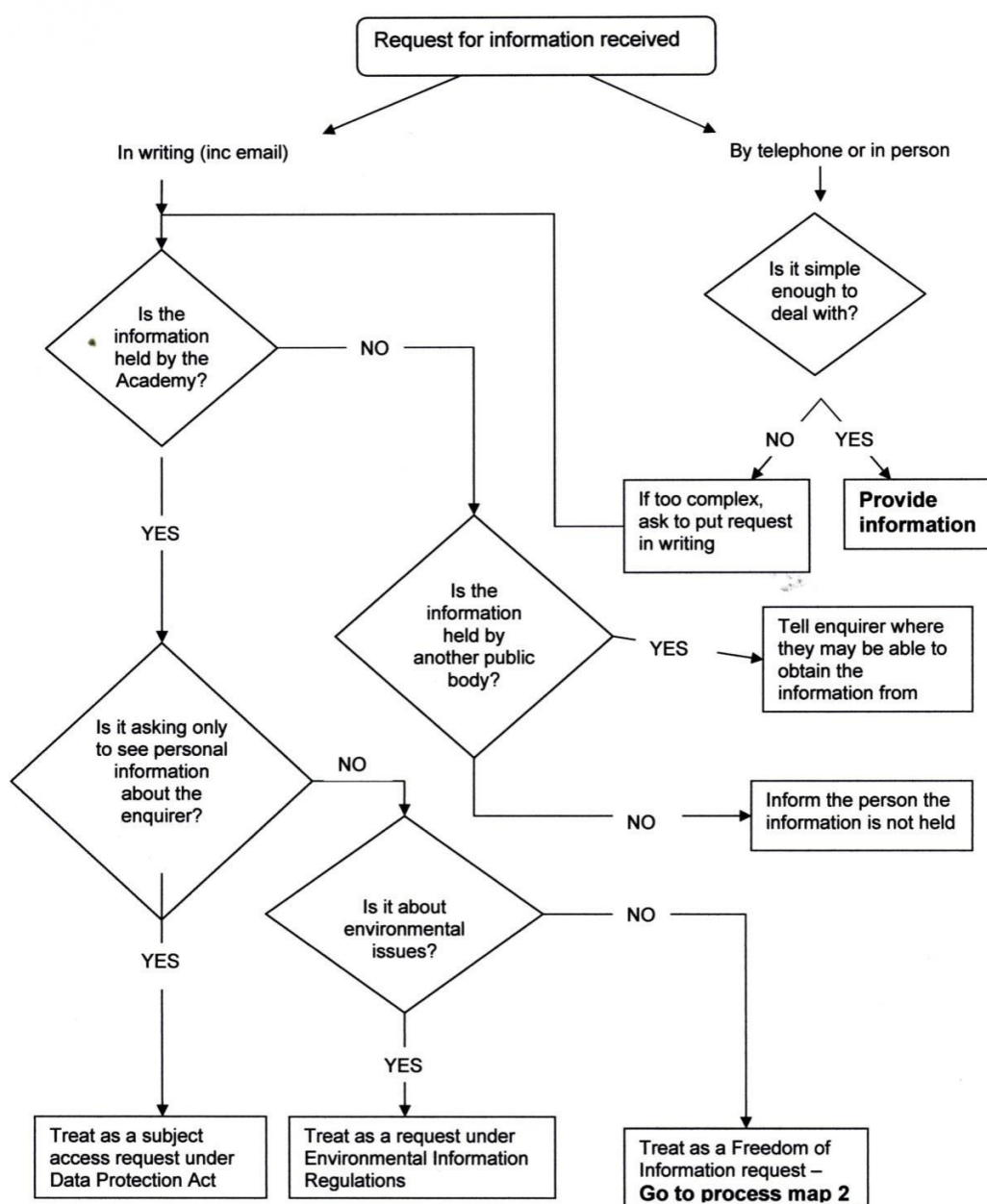
## 6 Policy Review

This policy will be kept under review in order to keep it in line with relevant legislation and modifications authorised by the Board of Trustees.

# Procedure for dealing with requests

## Process maps

### 1 PROCESS MAP FOR RECEIVING REQUESTS FOR INFORMATION



Note: Verbal requests for information which fall under the Environmental Information Regulations will be accepted. However, enquirers will be asked to put them in writing if their request is unclear. All requests must be in writing.

## Procedure for dealing with requests

## 2 PROCESS MAP FOR HANDLING FOI ENQUIRIES

