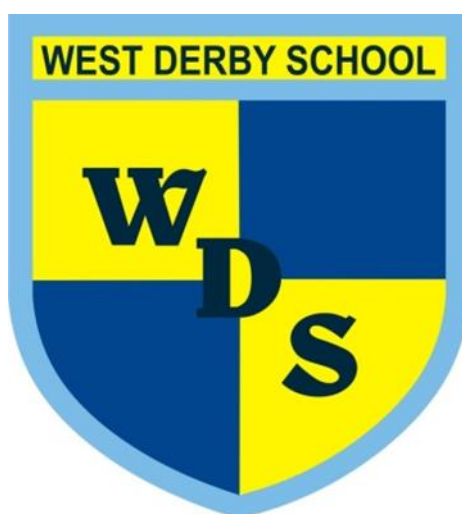


# WEST DERBY SCHOOL



## Freedom of Information Act Policy

This policy will be reviewed	Annually
Last reviewed on:	31 March 2023
Approved on:	10 October 2024
Next review date:	10 October 2025
Signed:	S Graham (Headteacher)

## **1. About this policy**

- 1.1. This policy outlines the Trust Board's approach to requests made under the Freedom of Information Act 2000 (FOIA) to West Derby School ("the School").
- 1.2. The Trust Board complies with the provisions of the FOIA which allows any member of the public or an organisation to request information from public bodies including Academies created under the Academies Act 2010.

## **2. Who is responsible for this policy**

- 2.1. The Trust Board has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework for freedom of information.
- 2.2. The Trust Board has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Director of Governance and Compliance.

## **3. Publication scheme**

- 3.1. The Trust Board understands its duties under the FOIA to be transparent and proactive in relation to the information that it makes public.
- 3.2. The Trust Board's publication scheme is appended to this policy under appendix A.

## **4. Requests**

- 4.1. The FOIA applies to all recorded information held by the School, along with information held by a third party organisation on behalf of the School. It does not extend to information held by the School on behalf of a third party.
- 4.2. Requests must be made in writing and directed to the Director of Governance and Compliance. An address from the requester for correspondence must also be provided.
- 4.3. When a request is made the requester must provide an adequate description of the information that he/she is seeking. In the event that an inadequate description is given the School will be entitled to seek clarification. For the avoidance of doubt the statutory time period shall not commence until this clarification has been provided by the requester.
- 4.4. In the event that a requester cannot be readily identified from the request or appears to be using a pseudonym the School may require the requester to provide information to verify their identity. Until such time as the identification of the requester has been verified the statutory time period for providing a response will not commence.

- 4.5. Any member of staff that receives a freedom of information request (or believes that they may have done so) should forward it without delay to the Director of Governance and Compliance. The Trust Board has a statutory timeframe to adhere to which is 20 school days. In certain circumstances the Trust Board may extend this period. The requester will be informed and provided with a reason for the need to extend. This may include, but is not limited to, the need to liaise with third parties.
- 4.6. The Trust Board will provide a response to a freedom of information request within 20 school days unless the data subject is notified that the statutory timeframe is extended by a necessity to consider the public interest test.
- 4.7. If an exemption applies to any of the information requested by the requester this will be set out in the response provided.

## **5. Advice and assistance**

- 5.1. The Trust Board will provide advice and assistance to requesters in accordance with Section 16 of the FOIA.

## **6. Cost**

- 6.1. The School will be entitled to apply the statutory costs cap of £450 to a request or a linked series of requests made within a period of 60 working days. If the cost of providing the requested information exceeds £450 the School may charge a fee or refuse to provide the information. If a fee is to be charged it must be with the agreement of the requester and payment will be requested prior to any work being undertaken.
- 6.2. Costs will be charged in accordance with the Freedom of Information (Appropriate Limit and Fees) Regulations 2004.

## **7. Internal review**

- 7.1. The Trust Board operates an internal review procedure for any requester that is dissatisfied with the handling of their freedom of information request. Internal reviews will be carried out by a Trustee who has not been involved in making the original decision or responding to the request.
- 7.2. As part of the Trust Board's internal review procedure, the Trustee will consider whether or not the request was handled appropriately and in accordance with the requirements of the FOIA.
- 7.3. Requesters seeking an internal review must write to the Director of Governance and Compliance within 20 school days of the date of the Trustee's response to the original request stating the grounds for the review.

- 7.4. The Trustee will endeavour to respond to requests for internal review within 20 school days of receipt of the request. Where this is not possible, the Trustee will write to the requester to inform them of the expected date of response to their request for internal review.
- 7.5. Requesters who are unhappy with the outcome of the internal review may raise a complaint with the Information Commissioner's Office.
- 7.6. For further information on FOIA requests, exemptions and duties that apply under the legislation please see the guidance maintained on the Information Commissioner's website.

## 8. Refusing a request and withholding information

8.1 The Freedom of Information Act contains 23 exemptions whereby information can be withheld. The School will only withhold information if it falls within the scope of one or more of these exemptions:

8.11 Where an absolute exemption applies the School can automatically withhold the information; and,

8.12 When the exemption is non-absolute the information can only be withheld when the School determines that the public interest is best served by withholding the information.

8.13 The Information Commissioner's Office maintains up to date guidance on exemptions which can be applied to a FOI request.

8.2 The School can also withhold the following information:

8.21 contractual information where its disclosure under FOIA could be treated as an actionable breach of confidence; and,

8.22 data relating to third parties and whose release would be contrary to the UK GDPR or the Data Protection Act 2018.

8.3 The School will also refuse to supply information under the FOIA where the request is considered vexatious or repeated.

8.4 The School will send the Requester a written refusal notice if their request is denied.

## 9. Third party information

9.1 The release of third party information will be carefully considered to prevent actions for breach of confidence, or, in the case of living individuals, breaches of the DPA and/or UK GDPR.

9.2 When the requested information relates to a living individual's personal data as defined in the DPA/UK GDPR, its disclosure within a FOI request could be a breach. Therefore, the release of third-party personal information relating to living individuals will be considered in accordance with the data protection principles, and, in particular, the third party provisions of the DPA/UK GDPR.

## Appendix A – Publication Scheme

Information to be published	How the information can be obtained	Charge
<b>Class 1 – Who we are and what we do</b> (Organisational information, structures, locations and contacts)		
Staff and their roles	Website	Free
Members and Trustees and the basis of their appointment	Website	Free
Articles of Association	Website	Free
Contact details for the Headteacher and for the Trust Board	Website/Director of Governance and Compliance (via the school office)	Free
School Prospectus	School Website	Free
Staffing structure	Hard copy	5p per sheet (photocopying)
School session times and dates	Website	Free
<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)		

Final Accounts	Website	Free
Annual budget and financial statements	Hard copy	5p per sheet (photocopying)
Pay Policy	Hard copy	5p per sheet (photocopying)
Staffing and grading structure	Hard copy	5p per sheet (photocopying)
<b>Class 3 – What our priorities are and how we are doing</b> (Strategies and plans, performance indicators, audits, inspections and reviews)		
School Profile  Government supplied performance data The latest Ofsted report Appraisal Policy and procedures adopted by the Trust Board School development/action plan	Website Website Hard copy  Hard copy	Free Free 5p per sheet (photocopying) As above
<b>Class 4 – How we make decisions</b> (Decision making processes and records of decisions)		
Admissions Policy	Website	Free
Agendas of meetings of the Trust Board and its committees	Hard copy	5p per sheet (photocopying)

Minutes of Trust Board meetings and its committees (excluding 'confidential items')	Hard copy	5p per sheet (photocopying)
<b>Class 5 – Our Policies and Procedures</b> (Current written protocols, policies and procedures for delivering our services and responsibilities)		
School policies including but not limited to:  Charging Policy Health and Safety Policy Complaints Procedure Staff Discipline and Grievance Policies Staff Code of Conduct Staffing structure UK GDPR/Data Protection Policy Public Sector Equality Duty Objectives Safer recruitment policy Relationships and Sex Education Policy SEND Policy Accessibility Plan Behaviour Policy (Incorporating Anti-Bullying)	Website Hard copy Website Hard copy Website Hard copy Website Website Website Website Website Website Website	Free 5p per sheet Free 5p per sheet Free 5p per sheet Free Free Free Free Free Free Free
<b>Class 6 – Lists and Registers</b> (Currently maintained lists and registers only)		
Asset register	Available by inspection	Free
Register of Pecuniary Interests (Trustees)	Website	Free
<b>Class 7 - The services we offer</b>		
Curriculum and courses	Website	Free

Extra-curricular activities	Website	Free
Revision sessions	Website	Free
Lunch Menu	Website	Free