

POLICY



Type of Policy: MAT Policy to adopted in full across all schools
LGB Policy to be reviewed and approved locally

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Review Date: **2023/24 – SPRING TERM**

SOUTH EAST LONDON CATHOLIC ACADEMY TRUST (SELCAT)

FREEDOM OF INFORMATION PUBLICATION SCHEME

Our Vision, Mission & Values

*To create a family of schools that together, through shared support and challenge, strive to provide an authentic Catholic education where all children will be empowered, inspired and flourish.
We will aim for excellence and to become remarkable places of learning and love.*

As an educational provider, the South East London Catholic Academy Trust (SELCAT) has an obligation to publish a freedom of information statement, outlining how we will meet our duties under the Freedom of Information Act 2000, the General Data Protection Regulation (“GDPR”) and associated regulations. The development and effective implementation of this policy fulfils that requirement.

More specifically, this policy outlines our Trust’s policy and procedures for:

- The release and publication of private data and public records.
- Providing applicants with advice and assistance throughout the duration of their requests.

It also clarifies the Trust’s position regarding the appropriate limit to the costs incurred by the trust or academy within the trust in obtaining any requested information, and on charging fees for its provision within the publication scheme (included within this policy).

This policy applies to all data held by SELCAT and each individual academy within the Trust.

1. Legal framework

This policy has due regard to the following legislation:

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

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 (2016) ‘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)’

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

- Data Protection Policy

2. Accepting requests for information

The Trust will only accept a request for information which meets all the following criteria:

- It is in writing
- It states the name of the applicant (not a pseudonym) and an address for correspondence. This may be a postal address or email address.
- It adequately describes the information requested

A request will be treated as made in writing if it meets all the following requirements:

- It is transmitted by electronic means
- It is received in legible form
- It is capable of being used for subsequent reference

Where a request is submitted in a foreign language, the Trust is not expected to obtain a translation of the request. For the request to be processed, the Trust will ask the applicant to provide their request in English.

3. General rights of access to information held by the Trust

Provided that the request meets the requirements set out in this policy, the Trust will comply with its duty to:

- Confirm or deny to any person making a request for information to the Trust or an academy within the Trust, whether it holds information of the description specified in the request.
- Provide the documentation, if the Trust confirms that it holds the requested information.

The duties outlined above will be completed no later than 20 school days, or 60 working days if this is shorter, from receipt of the request.

Where a fee is charged, the timeframe within which the Trust must respond to the request begins from the day the fee is received.

The Trust will not comply where:

- The Trust reasonably requires further information to meet a freedom of information request, has informed the applicant of this requirement, but was not subsequently supplied with that further information.
- The information 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.
- A request for information is exempt under section 2 of the Freedom of Information Act 2000.
- The cost of providing the information exceeds the appropriate limit.
- The request is vexatious.
- The request is a repeated request from the same person made within 60 consecutive working days of the initial one.
- A fee notice was not honoured.
- The requested information is not held by the Trust for the purposes of the Trust's business.

Where information is, or is thought to be, exempt, the Trust will, within 20 school days, give notice to the applicant which:

- States that fact.
- Specifies the exemption in question.

If information falls within scope of a qualified exemption and the Trust needs additional time to consider the public interest test, the Trust or academy may extend the deadline. In most cases, the extension will exceed no more than a further 20 school days; however, the actual length of the extension will be decided on a case-by-case basis.

Where a public interest test extension is required, the Trust will write to the applicant to inform them of this, stating the following information:

- Which exemption(s) the extension relies on and why
- A revised deadline for when the applicant will receive their response

Where a deadline has to be further extended, the Trust will write to the applicant again, stating the information outlined above.

Requests for information that is not recorded by the Trust (e.g. requests for explanations, clarification of policy and comments on the Trust's business) will not be considered valid requests. In these cases, the applicant will be provided with an explanation of why their request will not be treated under the

Freedom of Information Act 2000 and the Trust will respond to the applicant through other channels as appropriate.

The information provided to the applicant will be in the format that they have requested, where possible. Where it is not possible to provide the information in the requested format, the Trust will assist the applicant by discussing alternative formats in which it can be provided.

The information provided will also be in the language in which it is held, or another language that is legally required.

If, under relevant disability and discrimination regulations, the Trust is legally obliged to provide the information in other forms and formats, it will do so.

In some cases, a request may be dealt with under more than one access regime, e.g. if the request involves both information about the Trust and personal information, it will be dealt with under the Freedom of Information Act 2000 and the Data Protection Act 2018. Staff are made aware that it is a criminal offence to alter, deface, block, erase, destroy or conceal any information held by the Trust with the intention of preventing disclosure following a request.

4. The appropriate limit

The Trust will not comply with any freedom of information request that exceeds the statutorily imposed appropriate limit of £450.

When determining whether the cost of complying with a freedom of information request is within the appropriate limit, the Trust will take account only of the costs we reasonably expect to incur in relation to:

- Determining whether it holds the information.
- Locating the information, or a document which may contain the information.
- Retrieving the information, or a document which may contain the information.
- Extracting the information from a document containing it.

Costs related to the time spent by any person undertaking any of the activities above on behalf of the Trust, are to be estimated at a rate of £25 per person per hour.

The Trust is not required to search for information in scope of a request until it is within the cost limit. If responding to one part of a request would exceed the cost limit, the Trust does not have to respond to any other parts of the request.

Where multiple requests for information are made to the Trust within 60 consecutive working days of each other, either by a single person or by different persons who appear to be acting in concert, the estimated cost of complying with any of the requests is to be taken to be the total costs to the Trust of complying with all of them.

5. Charging fees

The Trust may, within 20 school days, give an applicant who has requested information from the Trust or from an academy within the Trust, a written notice stating that a fee is to be charged for the Trust's compliance.

Charges may be made for disbursements, such as the following:

- Production expenses, e.g. printing and photocopying

- Transmission costs, e.g. postage
- Complying with the applicant's preferences about the format in which they would like to receive the information, e.g. scanning to a CD

Fees charged will not exceed the total cost to the Trust of:

- Informing the person making the request whether we hold the information.
- Communicating the information to the person making the request.

Where a fee is to be charged, the Trust will not continue with the request unless the requested fee is paid within a period of three months, beginning with the day on which the fees notice is given to the applicant.

Once a fee is received, the Trust will inform the applicant of the revised response deadline, i.e. an additional 20 school days (or 60 working days).

Where the Trust has underestimated the cost to be charged to an applicant, a second fees notice will not be issued; instead, the Trust will bear the additional costs.

When calculating the 20th school day in which to respond to a freedom of information request, the period beginning the day on which the fee notice is given to the applicant and ending with the day on which the fee is received will be disregarded.

6. Means of communication

Where, on making a request for information, the applicant expresses a preference for communication by any one of the following means, the Trust will, as far as is practicable, give effect to that preference:

- The provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant.
- The provision to the applicant of a reasonable opportunity to inspect a record containing the information.
- The provision to the applicant of a digest, or summary of the information, in permanent form or in another form acceptable to the applicant.

Where a preference is not stated by the applicant, the Trust will communicate by any means which are reasonable under the circumstances.

7. Providing advice and assistance

The Trust will meet its duty to provide advice and assistance, as far as is reasonable, to any person who proposes to make, or has made, requests for information to the Trust or academy within the Trust.

The Trust may offer advice and assistance in the following circumstances:

- If an individual requests to know what types of information the Trust holds and the format in which it is available, as well as information on the fees regulations and charging procedures.
- If a request has been made, but the Trust is unable to regard it as a valid request due to insufficient information, leading to an inability to identify and locate the information.
- If a request has been refused, e.g. due to an excessive cost, and it is necessary for the Trust to assist the individual who has submitted the request.

The Trust will provide assistance for each individual on a case-by-case basis.

Where the Trust wishes to ask a different public authority to deal with a request by transferring it to them, this will only be done with the agreement of the applicant.

In order to provide assistance as outlined above, the Trust will engage in the following good practice procedures:

- Make early contact with an individual and keep them informed of the process of their request.
- Accurately record and document all correspondence concerning the clarification and handling of any request.
- Give consideration to the most appropriate means of contacting the applicant, taking into account their individual circumstances.
- Discuss with the applicant whether they would prefer to receive the information in an alternative format, in cases where it is not possible to provide the information requested in the manner originally specified.
- Remain prepared to assist an applicant who has had their request denied due to an exemption.

The Trust will give particular consideration to what level of assistance is required for an applicant who has difficulty submitting a written request. In circumstances where an applicant has difficulty submitting a written request, the Trust will:

- Make a note of the application over the telephone and then send the note to the applicant to confirm and return – the statutory time limit for a reply would begin here.
- Direct the individual to a different agency that may be able to assist with framing their request.

This list is not exhaustive, and the Trust may decide to take additional assistance measures that are appropriate to the case.

Where an applicant's request has been refused either because the information is accessible by other means or the information is intended for future publication or research, the Trust, as a matter of good practice, will provide advice and assistance. The Trust will advise the applicant how and where information can be obtained, if it is accessible by other means.

Where there is an intention to publish the information in the future, the Trust will advise the applicant of when this publication is expected.

If the request is not clear, the Trust will ask for more detail from the applicant in order to identify and locate the relevant information, before providing further advice and assistance.

If the Trust believes the applicant has not provided their real name, the Trust will inform the applicant that the request will not be responded to until further information is received from the applicant.

If the Trust is able to clearly identify the elements of a request, it will respond following usual procedures and will provide advice and assistance for the remainder of the request.

If any additional clarification is needed for the remainder of a request, the Trust will ensure there is no delay in asking for further information.

Applicants are given one month to provide any requested clarification. If an applicant decides not to follow the Trust's advice and assistance and fails to provide clarification, the Trust is under no obligation to contact the applicant again.

If the Trust is under any doubt that the applicant did not receive the advice and assistance, the Trust will re-issue it.

The Trust is not required to provide assistance where an applicant's request is vexatious or repeated, as defined under section 14 of the Freedom of Information Act 2000.

Where the Trust has already sent a refusal request in relation to a previous vexatious request, the Trust is not obliged to send another notice for future vexatious requests.

An ongoing evidence log is kept, recording relevant correspondence or behaviour that has been taken into account when a request has been classed as vexatious.

The Trust is not required to provide information where the cost of complying with a request exceeds the limit outlined in the Freedom of Information Act 2000. In such cases, the Trust will firstly provide the applicant with advice and assistance to help them reframe or refocus their request with a view of bringing it within the cost limit. Then the Trust will consider whether any information can be provided free of charge if the applicant refuses to pay the fee.

If a request is refined, it will be treated as a new request.

A record will be kept of all the advice and assistance provided.

8. Consultation with third parties

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 or an academy within 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 or academy within the Trust

The Trust will consider if a third party needs to be directly consulted about a request, particularly, for example, if there are contractual obligations that require consultation before information is disclosed.

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.

It is ultimately the Trust's decision as to whether information in scope of a request will be released following any relevant consultation.

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.

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.

9. Complaints

If you wish to make a complaint about this scheme then initially this should be directed to:

**Data Protection Officer
SELCAT
Mary Magdalen House
Howson Road
London
SE4 2BB**

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 2000 and that deals with formal complaints.

10. Publication scheme

The Trust will meet its duty to adopt and maintain a publication scheme which specifies the information which it will publish on Trust websites, and whether the information will be available free of charge or on payment. See appendix 1.

The publication scheme will be reviewed and, where necessary, updated in line with the review of this policy.

Appendix 1 - Publication Scheme

This scheme follows the model approved by the ICO and sets out the classes of information which we publish or intend to publish; the format in which the information will be made available and whether the information is available free of charge or on payment.

A. Classes of information

Information that is available under this scheme includes:

1. Who we are and what we do
2. What we spend and how we spend it
3. How we are doing
4. How we make decisions
5. Our policies and procedures
6. Lists and registers
7. The services we offer

Information which **will not** be made available under this scheme includes:

- 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, or notes, documents in older versions, emails or other correspondence.
- 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.

B. How to request information

Requested documents under this scheme will be delivered electronically where possible either by being available on the Trust or individual academy websites or by email. Paper copies can be provided on request. Documents can be translated under disability legislation into accessible formats where possible.

C. Charges

The purpose of the publication scheme is to make the maximum amount of information readily available with minimum inconvenience and cost to the public. Charges may be made for actual disbursements incurred such as photocopying, postage and packaging and the costs directly incurred as a result of viewing information. If a charge is to be made, confirmation of the payment due will be given before the information is provided.

Photocopying	Black and white (double sided)	5p per A4 sheet
	Colour (double sided)	10p per A4 sheet
Postage	Royal Mail 2 nd Class	Actual cost
Statutory fee	In accordance with the relevant legislation	

Class 1 – Who we are and what we do – Organisational information, locations and contacts, constitutional and legal governance.

What information is available?	How can the information can be obtained?	Is there a charge for the information?
Multi-Academy Trust Governance Structure	Trust website	No charge
Trust Senior Leadership Team	Trust website	No charge
Academies Local Governing Bodies	Individual academies website	No charge
Academies staff structure	Individual academies website	No charge
Term dates, times and holidays	Individual academies website	No charge
Contact details of Headteacher and Local Governing Bodies	Individual academies website	No charge
Location, contact information, addresses	Individual academies website / Trust website	No charge
Articles of Association	Trust website	No charge
School prospectus and curriculum	Individual academies website	No charge

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) - Current and previous years

What information is available?	How can the information can be obtained?	Is there a charge for the information?
Statutory Report & Accounts	Trust website/Companies House	No charge
Capital funding and income generation	Trust website	No charge
Pay Policy	Hard copy	Email – No charge Hard copy – see Schedule of charges
Funding Agreement	Trust website	No charge

Class 3 –How we are doing - (Performance indicators, inspections and reviews.) - Current information as a minimum:

What information is available?	How can the information can be obtained?	Is there a charge for the information?
Latest Ofsted Reports	Ofsted website / Individual academies website	No charge
Performance Tables	Get Information about schools website	No charge

Class 4 – How we make decisions - Decision making processes and records of decisions - Current and previous three years as a minimum

What information is available?	How can the information can be obtained?	Is there a charge for the information?
Admissions Policy / decisions	Individual academies website	No charge
Governing Board meeting agendas and minutes – (this will exclude information that is properly regarded as private to the meeting)	Hard Copy	Email – No charge Hard copy – see Schedule of charges

Class 5 – Our policies and procedures - Current written protocols, policies and procedures for delivery our services and responsibilities - Current information as a minimum

What information is available?	How can the information can be obtained?	Is there a charge for the information?
Trust Policies	Trust website / Individual academies website	No charge
Complaints Procedure		
Child Protection Policies		
Safeguarding Policies		
SEND Policy		
Behaviour Policies		
Data Protection Policy		
Charging & Remissions Policy		
Equal opportunities policy		

Class 6 – Lists and registers - Current written protocols, policies and procedures for delivery our services and responsibilities -

Information Available	How the information can be obtained	Charge for the information
Disclosure logs of Trust Directors (Trustees) and Local Governing Bodies	Trust website / Individual academies website	No charge

Class 7 – The services we offer – Information about the services we offer, including leaflets, guidance & newsletters

Information Available	How the information can be obtained	Charge for the information
School newsletters	Individual academies website	No charge
School prospectus	Individual academies website	No charge
School publications	Individual academies website	No charge
Extra-Curricular activities	Individual academies website	No charge