



FREEDOM OF INFORMATION POLICY



Freedom of Information Policy

DATE AGREED	July 2013
DATE TO BE REVIEWED	July 2014
SIGNED	



FREEDOM OF INFORMATION POLICY

Introduction

The Freedom of Information Act 2000 (FOIA) came fully into force on the 1st January 2005. The FOIA gives a right of public access to information held by public authorities. It is a legal right for any person(s) to ask for access to information held by the academy.

Although the FOIA presumes openness it recognises the need to protect sensitive information in certain circumstances and provides for exemptions.

The FOIA is overseen by the Information Commissioner who also has responsibility for the Data Protection Act 1998 (DPA), and The Environmental Information Regulations 2004 (EIRs). The DPA enables individuals to access information about themselves.

The EIRs enable people to access environmental information. The FOIA enables people to access all other information and reasoning behind decisions and policies, which do not fall under DPA or EIR.

The FOIA seeks to promote a culture of openness and accountability amongst public sector bodies, and therefore improve public understanding of how public bodies (which includes the governing bodies of schools/academies) carry out their duties, why they make the decisions they do, and how they spend public money.

The Directors of WISE Academies support this culture of openness and accountability and is committed to providing freedom of information. This policy sets out the school's response to the FOIA, and the ways in which the requirements of the Act will be enacted by the school on a day to day basis.

Information Held by the School

In general, the information held by the academies is already accessible, but within a framework which respects the confidentiality of some of that information, in particular with regard to individual children, school staff, those responsible for governance or regarding any court orders (such information being subject to the Data Protection Act).

A comprehensive list of the documents and other information published by / available from the academies is provided in a separate document entitled "Model Publication Scheme" (see annex to this policy)



FREEDOM OF INFORMATION POLICY

Requests for Information

Any request for information beyond that which is already provided by the school (for example, through the Prospectus and Annual Report, or information about children to which parents already have access) should be made in writing (this includes email) to the Headteachers.

Section 8 of the FOIA states any request should state the applicants name and address for correspondence and describe details of the information being requested. If a request is very general, the academy may contact the enquirer for clarification of the request.

The person making the request for information can also indicate how they would like to receive the information and where possible the academy will try to comply with those wishes. If it is not possible to do so, the school will notify the enquirer and offer an alternative.

Any member of staff may be approached for information beyond which may be regarded as 'normal information'. In this context, 'normal' means the kind of information that teachers and other members of school staff feel confident about giving, as opposed to requests for information which may seem of an intrusive or sensitive nature. If a member of staff receives such a request, they should avoid giving an immediate response and refer the request in the first instance to the Headteacher. Depending upon the nature of the request, the Co-ordinator (after discussion with one of the Headteachers) may then either sanction a response or refer the request to the relevant person(s) or the appropriate level of governance.

Under the FOIA the enquirer is entitled to be told whether the academy holds the information (the duty to confirm or deny) except where certain exemptions apply.

The Headteacher is responsible for ensuring that all members of staff are familiar with this policy and the procedures to be adopted in responding to requests for information under the FOIA.

Responding to Requests for Information

Any requests are to be passed to the Headteacher who will then pass the request on to the relevant person(s) or WISE Academies Head Office.

The relevant person(s) will document any requests received and keep records of their deliberations and outcomes. The potential outcomes are:



FREEDOM OF INFORMATION POLICY

- Agreement to meet the request in full
- Agreement to meet the request in part (with reasons)
- Refusal to meet the request (with reasons)

The relevant person(s) will respond to the enquirer within 20 school days (i.e. excluding weekends and school holidays) of the request being made. (Note: The 20 day time limit starts the day after we have received the request. The period from the day the fees notice is issued, if applicable, to the day the fee is received does not count towards the 20 working day limit for response).

The response to the request in some circumstances may take longer than 20 days. If a request is delayed for any reason (if further information is required/in order to identify and locate the information requested), the enquirer will be kept informed of the progress and where possible provide an expected date for a response.

Under Section 36 of the FOIA 2000, certain information is exempt from disclosure.

The application of Section 36 needs to be approved by a qualified person, which in this case is the Chair of the Local Governing Body, who will give their reasonable opinion that disclosure would or would not be likely to cause the types of prejudice or inhibition within the meaning of the FOIA 2000. [Note: further guidance on this exemption can be found at www.ico.gov.uk].

The Act states that requests should not be allowed to cause a drain on the academy's time, energy and finances to the extent that they negatively affect our normal public functions (in excess of 3.5 days). The Academy can reserve the right to refuse a request if it is likely to be in excess of 3.5 days to find, sort and edit the information requested. Under these circumstances the Committee will provide an opportunity for the request to be refined.

Wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence.

Any expressions of dissatisfaction with the information provided or the decision to refuse to supply information by the Appeals Committee should then be addressed to the Information Commissioner's Office (ICO).

Vexatious Requests

Under section 14 of the FOIA if the Committee receives several requests from the same person, or a series of requests that the Academy thinks are intended to



FREEDOM OF INFORMATION POLICY

disrupt its work, these may be treated as repeated or vexatious. In this case the Academy may refuse to provide the information requested but would issue a refusal notice within 20 school days from receipt of the request to the enquirer to explain the decision and reasons for withholding the information (Note: this must include information regarding the appeals process).

Appeals

Upon notification of a refusal to meet the request (either in part or in whole), the party making the request for information may appeal the decision. Any such appeal will be considered by the Directors of WISE Academies.

The matter will be dealt with in a timely manner such that a response can be made to the enquirer within 20 school days of the request being made.

If the enquirer is still not satisfied with the outcome they can commence the complaints process to the ICO. The complaint should be submitted within 6 months of the outcome of the internal review. The enquirer must provide supporting information and evidence along with the completed complaints form. This can be done via email to casework@ico.gsi.gov.uk or by post to First contact team, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow SK9 5AF

Use of Information Provided

The Freedom of Information Act allows access to information, but it does not give the enquirer permission to re-use that information for commercial gain. Therefore, the enquirer may reproduce the Academy's copyright protected information free of charge, without specific permission, provided it is not being reproduced for profit, material or financial gain.

The material must be reproduced accurately and must not be used in a misleading context. If the enquirer is publishing the material or issuing it to others, they must acknowledge the source of the information, its copyright status and the date of publication, if known.

This permission to reproduce the academy's copyright protected material does not extend to any material that is identified as being the copyright of a third party. Under those circumstances, the enquirer must seek authorisation to reproduce the material from the copyright holder concerned.

Record Keeping

Records will be entered into a "Freedom of Information Requests Log" kept within



FREEDOM OF INFORMATION POLICY

the academy. Such records will remain on file for a period of six years and will be disposed of at a set time in a calendar year.

The log will include details of:

- The party making the request for information;
- The date upon which the request was received (date stamp) and to whom it was addressed;
- If relevant, the date upon which the request was subsequently referred (internal/external);
- The nature of the information requested;
- The date and time of any meeting(s) convened to consider the request;
- The outcome of any deliberations, including summary reasons for any refusal (in whole or in part) to meet the information request;
- The response made to the party requesting the information, including the person nominated to implement the response (Headteacher or other), the date and format of the response and the details of the information provided.
- Any subsequent appeal made by the enquirer
- The outcome of the appeals process, including summary reasons for a refusal (in whole or in part) to meet the information request;
- The response to the party making the appeal, including the person nominated to implement the response, the date and format of the response and the details of the information provided.

The appeals process shall be conducted without reference to the records of the original meeting at which the request for information was refused.

Charges

For single copies of information covered by this publication there is a £15.00 administration charge. If your request means that we have to do a lot of photocopying or printing, or pay a large postage charge, or is for a priced item such as some printed publications or videos we will let you know any additional cost before fulfilling your request.

Information published on our website is free, although you may incur costs from your Internet service provider. If you don't have Internet access, you can access our website using a local library or an Internet café.

All requests for information will be subject to charges where appropriate to cover the costs of photocopying and postage.

If a fee is not received within 3 months of issuing a fees notice we are no longer obliged to respond to the request. (FOIA 2000 fees notice attached)



FREEDOM OF INFORMATION POLICY

Policy Review

This policy will be reviewed from time to time by the Directors of WISE Academies.



FREEDOM OF INFORMATION POLICY

APPENDIX 1

Checklist for action on receipt of a request for information

- Decide whether the request is a request under DPA(Data Protection Act 1998), EIR (The environmental information regulations 2004) or FOIA (The freedom of information act 2000)
- Decide whether the academy holds the information or whether it should be transferred to another body
- Provide the information if it has already been made public
- Inform the enquirer if the information is not held
- Consider whether a third party's interests might be affected by disclosure and if so consult them
- Consider whether any exemptions apply and whether they are absolute or qualified
- Carry out a public interest test to decide if applying the qualified exemption outweighs the public interest in disclosing the information
- If a request is made for a document that contains exempt personal information ensure that the personal information is removed as set out in guidance
- Decide whether the estimated cost of complying with the request will exceed the appropriate limit
- Consider whether the request is vexatious or repeated



FREEDOM OF INFORMATION POLICY

APPENDIX 2 - HOW TO REQUEST INFORMATION

To be valid any requests for information must be in writing (including fax and e-mail) and has the name and correspondence address of the enquirer and has details of the information required. You can request a copy of the information you want from the contact detailed below, or visit our website at www.wiseacademies.co.uk.

If the information you're looking for isn't available via the scheme and isn't on our website, you can still ask if we have it. You can contact the academy by telephone, email or letter.

Email: townend@wiseacademies.co.uk

Tel: 0191 553 6996

WISE Academies, Borodin Avenue, Town End Farm, Sunderland, SR5 4NX

To help us process your request quickly, please clearly mark any correspondence **"PUBLICATIONS SCHEME REQUEST"** (in **bold CAPITALS**).



FREEDOM OF INFORMATION POLICY

APPENDIX 3 - PUBLICATION SCHEME - CLASSES OF INFORMATION

Class 1 - Who we are and what we do

Organisational information, locations and contacts, constitutional and legal governance.

- Who's who in the Academy
- Who's who on the Board of Directors, Local Governing Bodies and the basis of their appointment
- Contact details for the Principal and for the Governing Board (named contacts where possible with telephone number and email address (if used))
- Academy Prospectus (available via website)
- Staffing structure
- Academy session times and term dates

Class 2 - What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

- Annual budget plan and financial statements
- Information to be published
- Capitalised funding
- Additional funding
- Procurement and projects
- Pay policy
- Staffing and grading structure
- Directors' and Members' allowances

Class 3 - What our priorities are and how we are doing

Strategy and performance information, plans, assessments, inspections and reviews.

- Academy profile:
 - Government supplied performance data
 - The latest Ofsted report – Summary and Full Report
- Performance Management policy and procedures adopted by the Directors.



FREEDOM OF INFORMATION POLICY

- Academy Improvement Plan
- Safeguarding policies and procedures

Class 4 - How we make decisions

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

- Admissions Policy/decisions (not individual admission decisions)
- Agendas of meetings of the Directors, Local Governing Bodies and (if held) its sub-committees
- Minutes of meetings (as above) – N.B. This will exclude information that is properly regarded as private to the meetings.

Class 5 - Our policies and procedures

Current written protocols for delivering our functions and responsibilities.

Academy policies including:

- Charging and remissions policy
- Health and Safety
- Complaints procedure
- Staff conduct policy
- Discipline and grievance policies
- Staffing structure implementation plan
- Information request handling policy
- Equality and diversity (including equal opportunities) policies
- Staff recruitment policies
- Home-school agreement
- Curriculum
- Sex education
- Special educational needs
- Accessibility
- Race equality
- Collective worship
- Careers education
- Student discipline
- Information security policies
- Records retention destruction and archive policies
- Data protection (including information sharing policies)



FREEDOM OF INFORMATION POLICY

Class 6 - Lists and Registers

Information held in registers by law and other lists and registers relating to the functions of the Academy.

- Curriculum circulars and statutory instruments
- Disclosure logs
- Asset register
- Any information the school is currently legally required to hold in publicly available registers **(THIS DOES NOT INCLUDE THE ATTENDANCE REGISTER)**

Class 7 - The services we offer

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

- Extra-curricular activities
- Out of academy clubs
- Academy publications
- Services for which the school is entitled to recover a fee, together with those fees
- Leaflets books and newsletters

What we will generally not publish

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.
- 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 it is difficult to access for similar reasons.
- Minutes and papers that are properly declared confidential