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Company Registration Number: 10745840 (England and Wales)

Ethos Academy Trust

# Freedom of Information and Publication Scheme Policy

March 2023

1	Summary	Freedom of Information and Publication Scheme Policy		
2	Responsible person	CFOO (Chief Financial and Operations Officer)		
3	Accountable ELT member	CFOO (Chief Financial and Operations Officer)		
4	Applies to	<input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Support Staff <input type="checkbox"/> Teaching Staff		
5	Trustees and/or individuals who have overseen development of this policy	Dewi Bennett CFOO (Chief Financial and Operations Officer) Finance, Audit & Risk Committee (FARC)		
6	Headteachers/Service Heads who were consulted and have given approval (if applicable)	N/A		
8	Ratifying committee(s) and date of final approval	FARC 02.02.23		
9	Version number	1.5		
10	Available on	Every	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Trust Website <input checked="" type="checkbox"/> Y <input type="checkbox"/> N Academy Website <input type="checkbox"/> Y <input checked="" type="checkbox"/> N Staff Portal <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
11	Related documents (if applicable)			
12	Disseminated to	<input type="checkbox"/> Trustees <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Support Staff <input type="checkbox"/> Teaching Staff		
13	Date of implementation (when shared)	22.11.21		
14	Date of next formal review	July 2024		
15	Consulted with Recognised Trade Unions	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N		

Date	Version	Action	Summary of changes
November 2021	1.3	Policy review	Updated to include GDPR (General Data Protection Regulations) rather than the Data protection Act.
March 2023	1.4	Policy review	No changes necessary (some minor reformatting)

## **Freedom of Information Act Policy & Publication Scheme**

### **1. PART 1: SCOPE OF THIS POLICY**

- 1.1. This policy covers requests for information under the Freedom of Information Act 2000 (“**FOIA**”). It also covers enquiries relating to matters under the Environmental Information Regulations 2004, namely enquiries about air, water, land, natural sites, built environment, flora and fauna, and health, and any decisions and activities affecting any of these.
- 1.2. This policy does not cover enquiries or subject access requests under GDPR (General Data Protection Regulations) i.e., where the enquirer asks to see what personal information Ethos Academy Trust holds about them. These enquiries will be dealt with under the Data Protection Policy which can be found on the Trust’s website.
- 1.3. This policy outlines our approach to information requests, details of the Publication Scheme and how information requests will be handled. “Information” includes both hard copy and digital information, including email.

### **2. PART 2: GENERAL APPROACH TO FOI**

- 2.1. The Trust acknowledges that, under the FOIA, any person has a legal right to ask for access to information held by Ethos Academy Trust. We recognise our duty to:
  - 2.1.1. provide advice and assistance to anyone requesting information
  - 2.1.2. tell enquirers whether or not we hold the information they are requesting unless exempted from this duty (the duty to confirm or deny)
  - 2.1.3. provide access to the information we hold, subject to legal exemptions, in accordance with the procedures laid down in Part 4 of this policy.
- 2.2. We recognise the presumption of openness that underlies the FOIA. We are committed to maintaining a well-managed records management and information system in order to comply efficiently with requests and we will adopt a straightforward approach to meeting requests for information.
- 2.3. The board of trustees of Ethos Academy Trust are responsible for overseeing access to information. Day-to-day responsibility for the implementation of this FOIA policy and the provision of advice, guidance, publicity and interpretation of this policy is delegated to the Chief Executive Officer who is responsible for coordinating FOIA procedures, managing requests for information and leading on staff training]. We will also ensure that all members of staff are aware of this policy and know that all requests for information should be passed without undue delay to the Chief Executive Officer.
- 2.4. We acknowledge that wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence and we will take all reasonable steps to ensure

that records that are subject to a request for information are not deleted or amended by anyone within the Trust.

### **3. PART 3: PUBLICATION SCHEME**

- 3.1. Information which the Trust routinely makes available to the public is included in our Publication Scheme. The Publication Scheme is based on the model scheme approved by the Information Commissioner.
- 3.2. The board of trustees of Ethos Academy Trust are responsible for collating and publicising the Publication Scheme, a copy of which is attached at **Annex A** and can also be found on the Trust's website.

### **4. PART 4: REQUESTS FOR INFORMATION**

#### **Making a request for information**

- 4.1. The Academy will only deal with valid FOI requests for information under this policy. A valid FOI request must:
  - 4.1.1. be in writing (includes letter, email or fax)
  - 4.1.2. state the enquirer's name and correspondence address (includes email addresses)
  - 4.1.3. describe the information requested - there must be enough information to be able to identify and locate the information
  - 4.1.4. not be a request falling under GDPR (General Data Protection Regulations) (i.e. be a request for information about yourself or your child)
- 4.2. In order that your request can be dealt with as quickly and efficiently as possible, you should submit your request by letter to Chief Executive Officer. This can be delivered by post or by hand at the reception desk. Contact details for the Chief Executive Officer can be found at the bottom of the relevant Publication Scheme.

#### **Timescales for responding to requests for information**

- 4.3. We will endeavour to deal with your request promptly and certainly within the legally prescribed limit of 20 school days i.e. excluding weekends and school holidays. Where the 20th day to respond to a request is during a non-school day, we have up to 60 days to respond.
- 4.4. The response time will start from the time the request is received. Where further information is required from you before we can deal with your request, we shall contact you as soon as practicable using the correspondence address provided. We do not have to deal with your request until the further information is received. Where a fee is to be made (see below), we are also not required to deal with your request until payment has been received. If you choose to pay any fee by cheque the fee will not be regarded as having been received until the day the cheque has cleared. The 20 school days countdown will only begin or restart once the further information and/or payment has been received.

- 4.5. If a qualified exemption applies (see below) and we need more time to consider the public interest test, we will send you a response within 20 school days stating that an exemption applies and giving you estimate of the date by which a decision on the public interest test will be made. This will normally be within a further 10 working days.

#### **Charges relating to requests for information**

- 4.6. We follow the Department for Education recommendation that academies should ordinarily charge for dealing with requests for information to recover the costs to academy resources that would otherwise support teaching and learning.
- 4.7. We are not required to comply with a request for information where we estimate that the cost of compliance will exceed £450. In estimating the cost of compliance, we are entitled to consider:
- 4.7.1. Prescribed costs i.e. the costs we reasonably expect to incur in determining whether we hold the information; locating the information or a document containing it; retrieving the information or a document containing it; and extracting the information from a document containing it. This includes staff time at £25 per hour (excluding time needed to consider whether the information requested is exempt from disclosure or in redacting documents).
  - 4.7.2. Communication costs i.e. costs we expect to directly and reasonably incur in informing you whether we hold the information and communicating the information to you, including reproducing any document containing the information (e.g. printing or photocopying) or postage.
- 4.8. If our estimated cost of complying with your request does not exceed £450, we are entitled to charge the actual communication costs incurred by us, but not the prescribed costs.
- 4.9. If our estimated cost of complying with your request does exceed £450, we will advise you accordingly and advise what, if any, information can be provided for under £450 and/or suggest a narrowed version of your request that could be handled within this limit. Should you wish us to provide the information as initially requested, we are entitled to charge:
- 4.9.1. the estimated costs of compliance with the request (see 4.7 above)
  - 4.9.2. the actual communication costs; **and**
  - 4.9.3. staff time, at £25 per hour per person, spent on the activities included under communication costs
- 4.10. If a fee is payable, we will notify you as soon as practicable (the “fees notice”). The fee notice will state the amount we will charge and advise you how you can pay. If we do not receive payment within three months of issuing you with the fees notice, we are no longer obliged to respond to your request.

## Right to refuse to comply with a request for information

4.11. There are only four reasons we may refuse to comply with a valid request for information under the FOIA:

4.11.1. The information is not held by us

Once we have received your request, we will ascertain whether we hold the information requested. “Holding” information means information relating to the business of the Academy that we have created, received from another body or person, or is held by another body on our behalf. If, after reasonable enquiry, we are able to confirm that we do not hold the information requested, we will advise you accordingly using the correspondence address provided.

4.11.2. The cost threshold is reached (£450)

See ‘*Charges relating to requests for information*’ above.

4.11.3. The request is considered vexatious or repeated

There is no obligation on us to comply with vexatious requests. This is a request designed to cause inconvenience, harassment, or expense rather than to obtain information, and would require a substantial diversion of resources or would otherwise undermine our work.

4.11.4. One or more of the exemptions apply

There are more than 20 exemptions. They are set out in **Annex B**. Where the potential exemption is a qualified exemption, we will also consider the public interest test to identify if the public interest in applying the exemption outweighs the public interest in disclosing it.

4.12. Each case will be considered on its merits and we will maintain records on any refusals made and the reasons for them. Records will be retained for 5 years in accordance with statutory guidance.

4.13. If we refuse to provide the information, we will notify you in writing, explaining:

4.13.1. the fact that we cannot provide the information asked for

4.13.2. which exemption(s) we believe apply

4.13.3. why the exemption(s) apply to this enquiry (if it is not self-evident)

4.13.4. reasons for refusal if based on cost of compliance

4.13.5. in the case of qualified exemptions, how we have applied the public interest test, specifying the public interest factors taken into account before reaching the decision

4.13.6. reasons for refusal on vexatious or repeated grounds

4.13.7. the internal complaints procedure

### **The duty to confirm or deny**

4.14. A person applying for information has the right to be told if the information requested is held, and if that is the case to have the information sent (subject to any of the exemptions). We do not have to confirm or deny if:

4.14.1. the exemption is an absolute exemption, or

4.14.2. in the case of qualified exemptions, confirming or denying would itself disclose exempted information

### **Consultation with third parties**

4.15. Consultation with third parties may be required if their interests could be affected by release of the information requested, and any such consultation may influence the decision. Consultation will be necessary where:

4.15.1. disclosure of information may affect the legal rights of a third party, such as the right to have certain information treated in confidence or rights under Article 8 of the European Convention on Human Rights

4.15.2. the views of the third party may assist us to determine if information is exempt from disclosure, or

4.15.3. the views of the third party may assist us to determine the public interest test

### **Redaction**

4.16. If a request is made for a document which contains exempt information (for example, it contains personal information about a third party whose release to a third party would breach the Data Protection Act), the document may be issued by blanking out the relevant exempt information. This process is known as redacting.

4.17. The general procedure for redaction is:

4.17.1. the exempt information will be masked and then photocopied so nothing shows through;

4.17.2. an annotation will be provided in the margin against each redaction, stating which exemption and section of the Act applies

## **5. PART 5: COMPLAINTS**

5.1. Any comments or complaints will be dealt with through our normal complaints' procedure.



- 5.2. If on investigation our original decision is upheld, then you have the right to appeal to the Information Commissioner's office. Appeals should be made in writing to the Information Commissioner's office. They can be contacted at:

Complaints Resolution  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Or

Enquiry/Information Line: 01625 545 700  
Email: [publications@ic-foi.demon.co.uk](mailto:publications@ic-foi.demon.co.uk).  
Website: [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

## ANNEX A PUBLICATION SCHEME FOR Ethos Academy Trust

### 1. Introduction: what is a Publication Scheme and why has it been developed

The Trust is responsible for collating and publicising its own Publication Scheme about the work of the Academy.

This Publication Scheme commits us to make information available to the public as part of our normal business activities.

This Scheme commits the Academy to:

- proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the Academy and falls within the classes of information below
- specify the information which is held by us and falls within the within the classes of information below
- proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme
- 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
- review and update on a regular basis the information we make available under this scheme
- produce a schedule of any fees charged for access to information which is made proactively available
- make this publication scheme available to the public

The classes of information include:

- **Who we are and what we do** - Organisational information, locations and contacts, constitutional and legal governance
- **What we spend and how we spend it** - Financial information relating to projected and actual income and expenditure, tendering, procurement, and contracts
- **What our priorities are and how we are doing** - Strategy and performance information, plans, assessments, inspections, and reviews
- **How we make decisions** - Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.
- **Our policies and procedures** - Current written protocols for delivering our functions and responsibilities.
- **Lists and Registers** - Information held in registers by law and other lists and registers relating to the functions of the Academy
- **The services we offer** - Advice and guidance, booklets, and leaflets, transactions, and media releases. A description of the services offered.

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

## **2. The method by which information published under this Publication Scheme will be made available**

Where it is within our capability, information will be provided on the Academy's website.

Where it is impracticable to make information available on the website, this Scheme sets out how information can be obtained.

Where you cannot or do not wish to access the information via the specified means, you should contact the Academy (see below) to discuss an alternative means of viewing the information. In exceptional circumstances information may be available only by viewing in person. You should contact the Academy (see below) to make an appointment to view the information which we will endeavour to accommodate within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. If we are legally required to translate the information, we will do so. Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this Scheme.

## **3. Charges which may be made for information published under this Scheme**

The purpose of this Scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Material which is published and accessed on a website will be provided free of charge. Charges may be made for actual disbursements incurred such as:

- Photocopying
- Postage and Packaging
- The costs directly incurred as a result of viewing information

Charges may also be made for information provided under this Scheme where they are legally authorised, they are justified in all the circumstances and are in accordance with a published schedule of fees in this Publication Scheme. If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment will be requested prior to provision of the information.

## **4. Written Requests**

Information held by us that is not published under this Scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

## **5. Contact details**

If you require a paper version of any information, or want to ask whether information is available please contact us:

T: 01924 469170

E: [enquiries@eat.uk.com](mailto:enquiries@eat.uk.com)

Website: [www.eat.uk.com](http://www.eat.uk.com)

To help us process requests quickly, any correspondence should be clearly marked "Publication Scheme Request".