

## FREEDOM OF INFORMATION POLICY

Status:	Approved	
Date of Review:	Summer 2019	
Responsibility:	Provision	
Date of Approval:	Committee:	22 February 2016
	Full Governors:	2 March 2016
	Esher Learning Trust:	15 March 2016 & 30 April 2018

### 1. Introduction

Esher Learning Trust is committed to the Freedom of Information Act 2000 and to the principles of accountability and the general right of access to information, subject to legal exemptions. This policy outlines our response to the Act and a framework for managing requests. Requests under FoI can be addressed to anyone employed by the Trust; therefore, all staff will be made aware of this policy.

Under the Freedom of Information (FoI) Act, any person has a legal right to ask for access to information held by the schools within the Trust. They are entitled to be told whether the school or Trust holds the information, and to receive a copy, subject to certain exemptions.

The information which the Trust routinely makes available to the public is included in the Publication Scheme. Requests for other information will be dealt with in accordance with the statutory guidance. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

The Act is fully retrospective, so that any past records which the school or Trust holds are covered by the Act. It is an offence 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.

Requests must be made in writing, (including 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 a time limit of 20 working days excluding school holidays for responding to the request.

### 2. Scope

The FoI Act joins the Data Protection Act (DPA) and the Environmental Information Regulations (EIR) as legislation under which anyone is entitled to request information from the Trust.

Requests for an individual's own personal data are covered by the Data Protection Act (DPA) and dealt with as a subject access request under DPA.

Requests for information about anything relating to the environment are covered by the Environmental Information Regulations (EIR) and requests are dealt with in accordance with those Regulations. Requests for a third party's personal information are dealt with under FoIA but there is an exemption for such personal information in FoIA that may apply. Any other information is a request under FoIA, and will be dealt with accordingly.

### **3. Obligations and Duties**

Esher Learning Trust recognises its duty to:

- provide advice and assistance to anyone requesting information. We will respond to straightforward verbal requests for information, and will help enquirers to put more complex verbal requests into writing so that they can be handled under the Act.
- tell enquirers whether or not we hold the information they are requesting (the duty to confirm or deny), and provide access to the information we hold in accordance with the guidance issued by the Information Commissioners Office <https://ico.org.uk/for-organisations/guide-to-freedom-of-information> . Schools should check for the most recent guidance when dealing with information requests.

### **4. Records Management**

The Trust recognises that the efficient management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the institution.

- Records are defined as all those documents created, received or maintained by staff of the Trust in the course of carrying out its functions and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy or electronically.
- The Trust has a corporate responsibility to maintain its records and record keeping systems in accordance with the regulatory environment. The person with overall responsibility for this is the Executive Headteacher.
- The Bursar is responsible for records management in each school and will give guidance for good records management practice so that information will be retrieved easily, appropriately and timely.
- The Trust Business Manager is responsible for records management across the Trust and will give guidance to school Bursar's where required.
- Individual staff and employees must ensure that records for which they are responsible are accurate, and are maintained and disposed of in accordance with the Trust's retention schedule.

### **5. Publication Scheme**

Esher Learning Trust has adopted the Model Publication Scheme for Schools approved by the Information Commissioner. This is published on our website; a paper copy will be supplied if requested.

All information covered by our publication scheme is either available on our website or available in paper form.

If we receive multiple requests for the same information, consideration will be given to amending our publication scheme to include the information.

### **6. Dealing with Requests**

All requests will be dealt with in accordance with the guidance issued by the Information Commissioners Office

### **7. Exemptions**

Certain information is subject to either absolute or qualified exemptions. We follow the guidance on exemptions from the Information Commissioners Office.

We will maintain a register of requests where we have refused to supply information, and the reasons for the refusal. The register will be retained for 5 years.

## 8. Public Interest Test

Unless it is in the public interest to withhold information, it has to be released. We will apply the Public Interest Test before any qualified exemptions are applied and follow the guidance issued by the Information Commissioners Office

## 9. Charging

Information on our website is free. Single paper copies of information covered by our publication scheme are also provided free to individuals.

If a request involves a large amount of photocopying or printing, a large postage charge etc. we will charge you for our direct costs. The charges will be calculated according to FoI regulations.

We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum.

## 10. Responsibilities

The Headteacher in each school has delegated responsibility for the day to day implementation of the FoIA.

The Bursar is the Freedom of Information Co-ordinator in each school with responsibility for ensuring information in the publication scheme is freely available and the provision of advice and guidance both to staff and to any person requesting information. The Trust Business manager will provide advice and guidance to schools if required.

## 11. Complaints

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

If on investigation the Trust's original decision is upheld, the Trust will 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. They can be contacted at:

FOI/EIR Complaints Resolution

**Information Commissioner's Office**

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF