The Rivers
C.of E. Academy Trust

Freedom of Information Act Policy

'An extraordinary education for every pupil'

1. Introduction

1.1. This policy is intended to clearly set out Trust requirements under the Freedom of Information Act 2000 (the FOIA).

1.2. The FOIA places legal obligations on public authorities to provide members of the public with access to recorded information held by public authorities and also to proactively publish certain information.

1.3. As a public authority the Trust is obliged to comply with the requirements of the FOIA by responding to requests for information and proactively publishing information. This policy sets out how the Trust will comply with its obligations under the **FOIA**.

2. Definitions

2.1 For the purposes of this policy, the following terms have the following meanings:

2.1.1 ICO means the Information Commissioner's Office, the UK's data protection regulator.

2.1.2 Information is defined in the FOIA as "any item of recorded material held by or on behalf of a public authority in paper or electronic form".

2.1.3 FOIA means the Freedom of Information Act 2000.

2.1.4 School day means any day on which there is a session and pupils are in attendance. School holidays and inset or training days are excluded from the definition of 'school days'.

3. Requests for Information

3.1 Under the **FOIA**, individuals have the right to access recorded information held by the Trust. If any member of our workforce receives a request for information they should inform the Data Protection Officer at the earliest inconvenience.

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

3.2.1 it is made in writing;

3.2.2 it states the name of the requester and provides an address/email address for correspondence; and

3.2.3 it describes the information requested.

3.3 A request may be made in writing (for example by email or letter) to any member of staff. A request may also be made online via the Trust's website or social media accounts.

3.4 The Trust will publish details of its procedure for dealing with **FOIA** requests on the Trust's website, including the contact details of the Data Protection Officer.

4. Procedure for Handling FOIA Requests

4.1 The Trust must respond to **FOIA** requests within 20 **school days** (or 60 working days if this is shorter). In certain circumstances where the Trust considers that a qualified exemption applies, the Trust may extend the period for responding to consider the public interest test for a further 20 **school days** where it is reasonable to do so.

4.2 When responding to the **FOIA** request, the Trust must confirm whether or not the information requested is held by the Trust, provide a copy of the information requested (subject to exemptions set out below), provide details of the internal review procedure (see section 30 below) and explain the right to make a complaint to the ICO.

4.3 There are certain circumstances where the Trust will not be required to provide a response to a **FOIA** request. These are as follows:

4.3.1 The Trust reasonably requires further information in order to clarify the request and has informed the requester of the need for clarification but has not received a response.

4.3.2 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.

4.3.3 The information requested is exempt from disclosure under section 2 **FOIA** (see section 13 below).

4.3.4 The cost of providing the information exceeds the appropriate limit (see section 15 below).

4.3.5 The request is vexatious (see section 28 below).

4.3.6 The request is a repeated request from the same person.

4.3.7 A fee notice was not paid (see section 20 below).

5. Exemptions

5.1 Where the information requested is held by the Trust, the Trust will need to consider whether the information can be released or whether the disclosure is exempt under the **FOIA**.

5.2 Common exemptions that may be applicable to the Trust include:

5.2.1 Section 21 – the information requested is already publicly available.

5.2.2 Section 22 – the information requested is information which the Trust intends to publish at a later date.

5.2.3 Section 31 – the information requested could prejudice the effective detection and prevention of crime.

5.2.4 Section 36 – the information requested is information which, in the opinion of the Chair of Directors of the Trust, would prejudice the effective conduct of the Trust.

5.2.5 Section 38 – the information that could prejudice the physical health, mental health or safety of an individual.

5.2.6 Section 40(1) – the request is for the requester's personal data. This request should be dealt with as a 'subject access request' in accordance with the Trust's policies.

5.2.7 Section 40(2) – the information requested contains personal data of a third party and the disclosure would breach one of the data protection principles.

5.2.8 Section 41 – the information requested is information which has been provided to the Trust in confidence.

5.3 Some of the above exemptions are 'qualified exemptions'. This means that the Trust must consider whether there is an overarching public interest in disclosing the information, even if an exemption applies.

6. The Appropriate Limit

6.1 The Trust is not obliged to provide information where complying with the **FOIA** request exceeds the cost limit set out by Regulation 4 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. The cost limit is currently set at £450, which is equivalent to 24 staff hours.

6.2 When estimating how long it will take to comply with a **FOIA** request, the Trust can only take into account the following activities:

6.2.1 determining whether or not we hold the information;

6.2.2 finding the requested information, or records containing the information;

6.2.3 retrieving the information or records; and

6.2.4 extracting the requested information from records.

6.3 When estimating the amount of time it will take to comply with a **FOIA** request, the Trust cannot take into account the time needed to decide whether exemptions apply, to redact exempt information, or to carry out the public interest test.

6.4 Where the costs and resources of removing or redacting exempt information are likely to place a disproportionate burden on staff, the Trust may consider whether the request is vexatious (see section 28 below).

7. Charging Fees

7.1 In certain circumstances, the Trust is permitted to charge a fee for certain costs in complying with a request. This includes charging for communication costs such as photocopying, printing and postage. The Trust is unable to charge fees for other costs such as staff time.

7.2 Where the Trust wishes to charge a fee, it must send a fees notice to the requester within 20 school days (or 60 working days if this is shorter) giving the requester notice that a fee is to be charged for the Trust's compliance with the request.

7.3 Where a fee is to be charged, the Trust does not need to comply with the request until the fee is paid.

8. Responding to a FOIA Request

8.1 The Trust will respond to a **FOIA** request within 20 **school days** (or 60 working days if this is shorter) by:

8.1.1 confirming or denying whether the Trust holds the information requested;

8.1.2 providing a copy of the information held by the Trust (unless an exemption applies);

8.1.3 explaining why any information has been withheld or redacted, quoting the appropriate section number in the **FOIA** and explaining how the information requested falls within that exemption. If the public interest test has been applied, this should also be explained;

8.1.4 providing details of the right to an internal review (see section 30 below); and

8.1.5 providing details of the right to make a complaint to the ICO.

8.2 If the requester asks for information to be provided in a specified format, the Trust will provide a response in that format where it is reasonable to do so.

9. Providing Advice and Assistance

9.1 The **FOIA** places obligations on the Trust to provide advice and assistance to individuals who make or are thinking of making a **FOIA** request.

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

9.2.1 where we have reason to believe the requester has not provided their real name, we will request it.

9.2.2 where the request is ambiguous, we will seek clarification on the request by asking for further information to help identify and locate the information requested.

9.2.3 where the request would exceed the appropriate limit, we will provide the requester with advice and assistance to help them reframe the request in a way in which would bring it within the appropriate limit.

9.2.4 where the information requested is available elsewhere, we will direct the requester of where to access the information.

9.3 The Trust is not obliged to provide advice and assistance where the request is vexatious or repeated.

10. Vexatious Requests

10.1 The Trust does not have to comply with a request for information if the request is vexatious.

10.2 Requests will be considered on a case-by-case basis to determine whether they are vexatious. Considerations will include:

10.2.1 the burden on the Trust;

10.2.2 the motive of the requester;

10.2.3 the value or serious purpose of the request; and

10.2.4 any harassment or distress (of and to staff).

10.3 Where a request is considered to be vexatious, the requester should be notified that the request is being refused and inform the requester of their right to request an internal review and make a complaint to the ICO. There may be certain circumstances where it would not be appropriate to provide a full explanation of the reasons why the request is being refused, if the response would only encourage follow-up requests or correspondence.

11. Internal Review Procedure

11.1 If a requester is unhappy about the way in which the Trust has handled their request, they are able to request an internal review. All responses to FOIA request should provide the requester with details of how to request an internal review.

11.2 Requests for an internal review should be submitted within 20 school days of receipt of the Trust's response to the FOIA request.

11.3 The Data Protection Officer will usually conduct the internal review unless they are unavailable. If the Data Protection Officer is unavailable, another member of staff will be appointed to conduct the internal review.

11.4 The internal review process will review the way in which the request was dealt with and will either uphold or overturn the original decision. The requester should be notified of the outcome within 20 school days of receipt of the request for an internal review. If it becomes clear at any stage of the internal review process that the Trust will be unable to provide a response within this time period, it should notify the requester of the delay.

12. Publication Scheme

12.1 The Trust is also required to adopt and maintain a publication scheme which specifies the information which it will publish on the Trust's website, and whether the information will be available free of charge or there is a fee to access the information.

12.2 Details of the Trust's publication scheme is set out an Annex One.

13. Contact Details

13.1 FOIA requests can be submitted via email to – dpo@riverscofe.co.uk.

13.2 If anyone has any concerns or complaints about this Freedom of Information Policy or the Trust's publication scheme, they should contact the Data Protection Officer by dpo@riverscofe.co.uk.

13.3 If you require a paper version of any information set out in the Trust's Publication Scheme, please contact the Trust by email info@riverscofe.co.uk

13.4 If you are not satisfied with the assistance provided or have a complaint about the way in which we have dealt with your request, a complaint can be made to the ICO by contacting: Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5A, telephone: 0303 123 1113, website: www.ico.org.uk

14. Review

14.1 This policy is reviewed every year by the Data Protection Officer.

14.2 The next scheduled review date for this policy is 31 August 2027.

Annex One – Model Publication Scheme

CLASS ONE – WHO WE ARE AND WHAT WE DO (Applies to current information only)

• Information available	• How the information can be obtained
Articles of association	Companies House website
Funding agreements	DfE Website
Ethos and Values	Individual academy website
Governing Body – Names, contact details and basis of their appointment	Individual academy website
Staffing Structure – Names of key personnel	Individual academy website
School Opening Times and Term Dates – Details of school times, holidays and term dates	Individual academy website
Location and contact details – Postal address, telephone number, email address and website address	Individual academy website
Name and contact details of the Headteacher and the Governing Body	Individual academy website
School prospectus and outline of the school curriculum	Individual academy website
Gender Pay Gap Reporting	Trust website

CLASS TWO – WHAT WE SPEND AND HOW WE SPEND IT (Applies to current information and previous two financial years)

• Information available	• How the information can be obtained
Annual financial statements, capital funding and income generation	Trust website

• Information available	• How the information can be obtained
Statutory Accounts	Trust website / Companies House website
Procurement and Contracts - Details of procedures used for the acquisition of goods and services and details of contracts that have gone through a formal tendering process	Trust website
Staff and trustee expenses – Details of the Trust's policy on claiming expenses	Trust website – [Finance Policy]
School Session Times and Term Dates – Details of school times, holidays and term dates	Individual academy website
Executive Pay – Details of the number of employees whose salary and related benefits exceeded £100,000 during the previous academic year	Trust website
Pupil Premium Strategy – Details of how the Trust is spending its pupil premium funding and education outcomes disadvantage pupils are achieving	Individual academy website
PE and Sport Premium – Details of the amount of premium received, a breakdown of how it will be spent, impact and how improvement will be sustained	Individual academy website

CLASS THREE – WHAT OUR PRIORITIES ARE AND HOW WE ARE DOING (Current information as a minimum)

• Information available	• How the information can be obtained
Latest Ofsted report	Individual academy website / Ofsted website
Examination results	Trust website / Government website
SEND Information Report – Details of report prepared in accordance with s.69 Children and Families Act 2014	Individual academy website
Future plans – Details of any major proposals on future plans or consultations	Trust website / Individual academy website

CLASS FOUR – HOW WE MAKE DECISIONS (Current information and previous three years)

• Information available	• How the information can be obtained
Information available	How the information can be obtained
Admissions Policy	Individual academy website
Governing Board meeting agendas and minutes – This will not include information which is exempt from disclosure under the Freedom of Information Act.	Trust website

CLASS FIVE – OUR POLICIES AND PROCEDURES (Applies to current information only)

• Information available	• How the information can be obtained
Policies including: Charging and Remissions Policy Complaints Policy Behaviour Policy Data Protection and Freedom of Information Policy Equality and Diversity policies Safeguarding and child protection Policy Health and Safety Policy Special Educational Needs Policy Relationships and Sex Education Policy Remote Education Policy Uniform Policy	Individual academy website
Careers Programme Information	Individual academy website

CLASS SIX – LIST AND REGISTERS (Applies to current information only)

• Information available	• How the information can be obtained
Information the Trust is legally required to maintain in lists and registers	Available on request subject to certain exemptions under the Freedom of Information Act 2000

CLASS SEVEN – THE SERVICES WE OFFER (Applies to current information only)

• Information available	• How the information can be obtained
Extra-curricular activities and out of schools clubs	Individual academy website
School publications	Individual academy website
Services for which the academy is entitled to recover a fee together with the details of those fees	Individual academy website
Leaflets, booklets and newsletters	Individual academy website