

FREEDOM OF INFORMATION POLICY

Date Approved by Board:	3 July 2018
Date of Review:	July 2020
Responsible Department:	Information Services
Policy Applies to:	Wellspring Trust and all Academies within the Trust

The Equality Act 2010 requires public bodies, in carrying out their functions, to have due regard to the need to:

- eliminate discrimination and other conduct that is prohibited by the Act*
- advance equality of opportunity between people who share a protected characteristic and people who do not share it*
- foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.*

In the development of this policy due regard has been given to achieving these objectives.

Executive Summary

Wellspring Academy Trust has a duty to publish statement that details how it will meet its duties under the Freedom of Information Act 2000.

All Freedom of Information (FOI) requests should be sent to the Trust's Data Protection Officer (DPO) FOI@wellspringacademies.org.uk for optimal processing and to support monitoring and evaluation purposes.

Where a FOI request is received directly by an employee this must be logged with the DPO via the same email address, including the full details of the request and the actual date received. The Trust has 20 working days to respond to FOI requests. The first working day is the day after the request was received. All requests for public information are covered by the Act and FOI may arrive in hard copy format or via social media channels.

Some requests for information may be received that do not require a formal FOI process to be initiated. An example of this could be a request that can be managed as a normal customer service enquiry and where information is readily available. If in doubt, or should the requestor state the request to be a formal FOI, then this policy must be followed.

This policy contains details of the general rights of access, including what we will and will not respond to. Where appropriate, a fee may be charged. Details of this can be found in the 'charging fees' section of this policy.

The Trust will endeavour to provide information in the format requested, so long as it is practicable to do so. The Trust will also provide advice and assistance, as far as is reasonable, to any person who proposes to make, or has made, requests for information.

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1. Statement of Intent

As an educational provider, Wellspring Academy Trust has an obligation to publish a Freedom of Information Statement, outlining how it will meet its duties under the Freedom of Information Act 2000 and associated regulations. The development and effective implementation of this policy fulfils that requirement.

More specifically, this policy outlines:

- How Wellspring Academy Trust and its Academies will respond to requests from individuals for access to information held about them.
- The Academies' policy and procedure for the release and publication of private data and public records.

It also clarifies the position regarding the appropriate limit to the costs incurred by an Academy in obtaining any requested information and on charging fees for its provision.

2. Legal Framework

2.1 This policy has due regard to the following legislation:

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

2.2 This policy should be viewed in conjunction with Wellspring Trust's Data Protection Policy which includes guidance on subject access requests relating to personal data.

3. Accepting Requests for Information

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

- It is in writing; addressed to the Data Protection Officer
 - Email: FOI@wellspringacademies.org.uk
 - Postal Address: Wellspring Academy Trust, Digital Media Centre, County Way, Barnsley S70 2JW
- It states the name of the applicant and an address for correspondence;
- It describes the information requested.

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

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

4. General Right of Access to Information Held by the Trust / Academy

4.1 Provided that the request complies with section 2 of this policy, we will, no later than 20 working days from receipt of the request, comply with our duty to:

- Confirm or deny to any person making a request for information to the Trust or Academy, whether we hold information of the description specified in the request;
- Provide the documentation if we confirm that we hold the requested information.

4.2 We will not comply with section 4.1 of this policy where:

- We reasonably require further information to meet a freedom of information request and have informed the applicant of this requirement, though were 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 Part 2 of the 2000 Freedom of Information Act;
- 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.

4.3 Where information is, or is thought to be exempt, we will, within 20 working days, give notice to the applicant which:

- States the fact;
- Specifies the exemption in question;
- States why the exemption applies.

5. The Appropriate Limit

5.1 We will not comply with any freedom of information request where the cost exceeds the statutorily imposed appropriate limit of £450.

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

- Determining whether we hold 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.

5.3 Costs related to the time spent by any person undertaking any of the activities outlined in section 5.2 of this policy on behalf of the Academy or Trust are to be estimated at a rate of £25 per person per hour.

5.4 Where multiple requests for information are made to the Academy or 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 Academy or Trust of complying with all of them.

6. Charging Fees

6.1 We may, within 20 working days, give an applicant who has requested information from the Academy a written notice stating that a fee is to be charged for our compliance.

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

- Informing the person making the request whether we hold the information;

- Communicating the information to the person making the request.

6.3 Where a fee is to be charged, we will not comply with section 4 of this policy 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.

6.4 We will not take into account any costs which are attributable to the time spent by persons undertaking any of the activities mentioned in section 5.2 above.

6.5 When calculating the twentieth working day in which to respond to a freedom of information request, the period beginning with 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.

7. Means by Which Communication is to be Made

7.1 Where, on making a request for information, the applicant expresses a preference for communication by any one of the following means, 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.

8. Providing Advice and Assistance

8.1 We will meet our 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 us.

9. Publication Scheme (Appendix 1)

9.1 The Academy will meet its duty to adopt and maintain a publication scheme which specifies the information which it will publish on the Academy's website, and whether the information will be available free of charge or on payment.

9.2 Our publication scheme will be reviewed periodically and updated where necessary.

APPENDIX 1

Freedom of Information Publication Scheme

This scheme follows the model approved by the Information Commissioner's Office 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.

1. Classes of Information

Information that **is available** under this scheme includes:

- Who we are and what we do.
- What we spend and how we spend it.
- What our priorities are and how we are doing.
- How we make decisions.
- Our policies and procedures.
- Lists and registers.
- The services we offer.

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

- Information regarding the disclosure of that 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 is difficult to access for similar reasons.

2. How to Request Information

Requested documents under this scheme will be delivered electronically where possible, but paper copies can be provided by contacting the Trust Data Protection Officer (contact details above). To enable the request to be processed quickly, all correspondence should be marked:

“FREEDOM OF INFORMATION REQUEST”

Documents can be translated under disability legislation into accessible formats where possible.

3. Charges

In most cases, information in this scheme may be downloaded from the Academy or Trust website or other publicly accessible websites free of charge. Should an enquirer require a hard copy or in the case of information not be obtainable through the Academy or Trust website, the Academy or Trust reserves the right to charge for actual disbursements incurred such as:

- Photocopying – at 10 pence per sheet of A4 paper
- Postage and Packaging – at the actual cost to the Academy or Trust
- Any other costs directly incurred as a result of the information request – at the actual cost to the Academy or Trust.

Single paper copies are also available free of charge to parents and prospective parents of pupils at the Academy.

Equality Impact Assessment

This document should be completed when developing or reviewing all policies and procedures, both at Trust level and by individual Academies

Stage 1 – The policy/procedure

Title of policy/procedure	Freedom of Information Policy
Department responsible for the policy/procedure	Information Services
Is it a new or previously approved policy/procedure?	Previously approved
If previously approved, what was the date?	September 2017
Name and role of assessor(s)	Jonny Wathen - CIO

Stage 2 – Further information

1. Describe the main aims, objectives and purpose of the policy/procedure	To support organisational compliance with statutory regulation such as the Freedom of Information Act 2000 and the GDPR 2018.
2. Who is expected to benefit from this policy/procedure?	Employees, pupils, parents/carers and our supply chain.
3. Which individuals/groups/organisations have been consulted [^] regarding this policy/procedure (name and roles)?	Guidance has been sought from The School Bus, DfE, Sector representatives, WAT Executive colleagues and example policies from other MATs.

[^] If any further consultation would be beneficial in ensuring that there is no adverse impact, this should be done prior to the policy/procedure being submitted to the approving body

Stage 3 – Assessing the impact on different groups of people

In the checklist within this document please indicate whether (and how) the policy/procedure affects particular groups of people (primarily ‘Equality Target Groups’) compared to others. Please complete the checklist, noting the following guidance:

Positive impact: a policy or practice where the impact on a particular group of people is more positive than for other groups, eg, accessible website design. It can also include legally permitted positive action initiatives designed to improve workforce imbalance, such as job interview guarantee schemes for disabled people.

Negative impact: a policy or practice where the impact on a particular group of people is more negative than for other groups, eg, where the choice of venue for a staff social occasion precludes members of a particular faith or belief group from participating.

Neutral impact: a policy or practice with neither a positive nor a negative impact on any group or groups of people compared to others.

Stage 4 – Confirming completion of the Assessment

The manager responsible for developing or updating the policy/procedure is required to sign this document. The complete document (including the checklist) should then be attached to the draft policy/procedure and submitted for reference to the body which is responsible for approving it.

Stage 5 – Including a statement regarding the equality impact assessment process

The following text should be inserted (in italicised text) into the introductory section of all draft policies/procedures:

The Equality Act 2010 requires public bodies, in carrying out their functions, to have due regard to the need to:

- *eliminate discrimination and other conduct that is prohibited by the Act*
- *advance equality of opportunity between people who share a protected characteristic and people who do not share it*
- *foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.*

In the development of this policy/procedure due regard has been given to achieving these objectives.

Confirmation of completion of the equality impact assessment process by the manager who is responsible for developing or reviewing the policy/procedure:

Name: Jonny Wathen Job title: Chief Information Officer

Signature: *J. Wathen* Date: 30.05.18

Confirmation that the EIA has been reviewed by a person who was not involved in the production or review of the policy:

Name Karen Froggatt Job title Chief Governance Officer

Signature *K. Froggatt* Date 26/6/18

Enc: completed checklist

Equality Impact Assessment Checklist

Groups	Level of impact of the policy			Reasons / comments
	Positive	Negative	Neutral	
Equality Target Groups				
Men	Yes			A positive impact will be realised by all group in relation to individual rights and freedoms aspect of GDPR.
Women	Yes			
People from black and other minority ethnic communities	Yes			
People with a disability or additional needs	Yes			
Gay, Lesbian and Bi-sexual people	Yes			
Transgender people	Yes			
Older people (50+)	Yes			
Younger people (age 17-25)	Yes			
Faith or belief groups	Yes			
Other groups				
People with mental health issues	Yes			
People with economic/social needs	Yes			