

Freedom of Information Policy

The Freedom of Information Act (FOIA) came into force immediately for schools that converted to Academies on or after 1st September 2010. This means that under the FOIA any person will be legally entitled to ask an Academy for access to information held by that Academy, subject to clauses. Any request for information in writing received by the academy trust is likely to be either a request under FOIA, environmental legislation, the Data Protection Act, or a combination of any of them.

The Education Fellowship needs to ensure that employees are able to comply with requests for information under the Freedom of Information Act (FOIA).

The Education Fellowship has a duty to provide advice and assistance to anyone requesting information. The FOIA presumes openness, but it recognises the need to protect sensitive information in certain circumstances and provides for certain exemptions. Even where certain exemptions apply, information must still be released if it is in the public interest to do so.

The Education Fellowship may choose to charge a fee for complying with a request for information under the FOIA. This fee will be calculated according to FOI regulations and the person notified of the charge before supplying the information. The Department for Education recommends that academies respond to straightforward enquiries free of charge and charge where the costs are significant.

There are prescribed time limits for responding to requests for information and a well-managed record and information system will enable the Fellowship to reply promptly to requests.

Introduction

The FOIA was introduced to promote greater openness and accountability across the public sector, and establishes a general right of access to information held by public authorities, including academies. Along with Human Rights and Data Protection legislation, FOI aims to build a culture of rights and responsibilities for citizens, which the Fellowship supports.





The Education Fellowship will only accept requests in writing, which includes email and should be for the attention of The Freedom of Information officer

(Chief Executive's office). All requests for information that are not covered by the Data Protection Act 1998 (i.e. from individuals to see their own personal information) or Environmental Information Regulations 1992 are covered by FOIA.

The enquirer is entitled to be told whether the academy holds the information (this is known as the duty to confirm or deny) and, if so, to have access to it. Access can include providing extracts of a document or a summary of the information sought, or access to the original document.

However, the FOIA recognises the need to preserve confidentiality of sensitive information in some circumstances and sets out a number of exemptions.

There are only four reasons for not complying with a valid request for information under FOI:

-  the information is not held
-  the cost threshold is reached (£450)
-  the request is considered vexatious or repeated
-  one or more of the exemptions apply

FOIA provides a series of exemptions. These are outlined in Annex A.

Many of the exemptions are intended to protect sensitive or confidential information. However, some of the "exemptions" are there simply to avoid the legal position where two pieces of law cover the same information requested, or where the information is already available by some other means.

The Education Fellowship is responsible for ensuring all its academies conducts its day to day operations on a basis that stands up to public scrutiny. This document provides the policy framework through which this effective management can be achieved and audited.

Scope of the Policy

The purpose of this policy is to ensure that the provisions of the Freedom of Information Act 2000 are adhered to and in particular that:

- 📄 a significant amount of routinely published information about the Education Fellowship is made available to the public as a matter of course through its website
- 📄 other information not included on the website is readily available on request and such a request is dealt with in a timely manner
- 📄 and in cases where information is covered by an exemption, consideration is given as to whether or not the information should be released

Responsibilities

The Education Fellowship is responsible for establishing policies and procedures in order to comply with the requirements of the Freedom of Information Act 2000.

The Freedom of Information officer is responsible for the development, implementation, monitoring and review of the Education Fellowship's Freedom of Information Policy. The Freedom of Information officer will report to the Board of Trustees.

The Fellowship will make arrangements for the identity of the Freedom of Information Officer to be made known to all staff, students, contractors and volunteers and will also draw to their attention this Policy and associated documentation.

The Freedom of Information Officer is responsible for drawing up guidance and promoting compliance with this policy in such a way as to ensure the easy, appropriate and timely retrieval of information.

The Freedom of Information Officer has access to all relevant documents relating to a legal compliance request and it is the Freedom of Information Officer (in consultation, when necessary, with the board of trustees) that will make the decisions regarding what information is released or exempted.

All staff will be responsible for ensuring compliance with the Freedom of Information Act and for ensuring that the requirements of this Policy are met.

The Freedom of Information Officer must ensure that all new members of staff receive an introductory briefing on the Freedom of Information Act and that relevant staff members within their areas of responsibility receive refresher courses on freedom of information compliance.




Compliance with the provisions of the Freedom of Information Act and the requirements of this Policy is the responsibility of all staff, and staff have a duty to ensure they are aware of their obligations under the Act.

Contractors, Short-Term and Voluntary Staff

All staff who employ contractors, short term or voluntary staff must ensure that they are made aware of their obligations under the Act and the requirements of this Policy.



Publication Scheme

The Freedom of Information officer will establish with each enquiry:

-  what publications will be made available
-  how it will do so, and
-  whether or not this information will be made available free of charge or on payment of a fee

Specific Requests for Information

Information not already made available on The Education Fellowship's website, is accessible by making a specific request for information. In this regard the Freedom of Information Act establishes two related rights:

-  the right to be told whether information exists, and
-  the right to receive the information (subject to exemptions)

These rights can be exercised by anyone – natural or legal persons, worldwide.

Any request must be made in a permanent form (for example in writing or by email) and a charge may be made for dealing with any request. Requestors will not be entitled to information to which any of the exemptions in the Act applies. However, only those specific pieces of information to which the exemption applies will be withheld, and information covered by an exemption will be subject to review by The Freedom of Information Officer

The Education Fellowship must respond to any request within 20 working days although further reasonable details can be requested in order to identify and locate the information. If a fee is required, the period of 20 working days is extended by up to 3 months until the fee is paid.

Charges

The Education Fellowship reserves the right to charge an appropriate fee for dealing with a specific request for information not listed on the website in accordance with the Act.

Complaints

The Freedom of Information officer will coordinate any complaints received in respect of this policy.

The complaint should be addressed to The Freedom of Information officer in the first instance. The complaint will be acknowledged immediately and every reasonable effort will be made to offer a more comprehensive reply within 21 days.

If the applicant is not satisfied with the reply then they should inform the Freedom of Information officer within 21 days. The complaint will then be dealt with in accordance with the Complaints Procedure or Grievance Procedure as appropriate.

Exemptions under the Act
















There are 23 exemptions under the Act, some exemptions where the public interest test applies, and others which are absolute exemptions. The full list of exemptions can be found at Appendix 1 of this policy.

The Freedom of Information officer may decide that some information it holds could be regarded as exempt information under the Act. Where a request is made for information which includes exemptions the Freedom of Information officer will consider the prejudice test and the public interest test, and may in some circumstances withhold the requested information.

APPENDIX 1









List of exemptions under the Freedom of Information Act 2000

A. Exemptions where the public interest test applies:

-  Information intended for future publication
-  National security
-  Defence
-  International relations
-  Relations within the United Kingdom
-  The economy
-  Investigations and proceedings conducted by public authorities
-  Law enforcement
-  Audit functions
-  Formulation of government policy, etc.
-  Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords)
-  Communications with Her Majesty, etc., and honours
-  Health and safety
-  Environmental information
-  Personal information (Only where the information concerns a third party and a notice under the Data Protection Act 1998 applies to that information)
-  Legal professional privilege
-  Commercial interests

B. The absolute exemptions





If these exemptions apply it is not necessary to go on to consider whether the disclosure is in the public interest.

-  Information accessible to applicants by other means
-  Information supplied by, or relating to, bodies dealing with security
-  Court records, etc
-  Parliamentary
-  Prejudice to effective conduct of public affairs (only applies to information held by the House of Commons or the House of Lords)
-  Personal information (where the applicant is the subject of the information)
-  Information provided in confidence
-  Prohibitions on disclosure where a disclosure is prohibited by an enactment or would constitute contempt of court

APPENDIX 2

Procedure

All staff will follow the following procedure:

-  On receipt of a telephone enquiry from a member of the public, the enquirer will be asked to write a letter or email to The Freedom of Information Officer setting out the enquiry
-  On receipt of an enquiry in writing, it will be passed to The Freedom of Information officer within 24hrs of receipt
-  The Freedom of Information officer has the delegated powers to the principal day-to-day responsibility for FOIA policy and the provision of advice, guidance, publicity and interpretation
-  The PA to the Freedom of Information Officer will ensure that a well-managed records management and information system exists in order to comply with requests. Ensuring a record of refusals and reasons for refusals is kept, allowing the Education Fellowship to review its access policy on an annual basis