

# Freedom of Information Policy and Publication Scheme

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## **1. Aims**

It is the responsibility of the Endeavour Multi-Academy Trust (MAT) to have procedures in place to ensure that the Trust handles information requests covered by the Freedom of Information Act 2000 (FoIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004 (EIR) in accordance with the provisions laid out therein and that the Trust satisfies the standards set out in the Minister for the Cabinet office and Secretary of State's Codes of Practice on satisfying public authorities obligations under the FoIA, produced under section 45 of that Act.

Endeavour MAT is committed to transparency in its dealings with the public and fully embraces the aims of the Freedom of Information Act 2000 and the access provisions of the Data Protection Act 2018. The Trust will make every effort to meet its obligations under the respective legislation and will regularly review procedures to ensure that it is doing so. The underlying principle of this policy is that the public have a right of access to recorded information held by the Trust and that the Trust should seek to promote an open regime regarding access to information, subject to the exemptions contained within the relevant legislation.

This policy applies to all schools within Endeavour MAT – currently:

Stone Lodge School  
Wilmington Grammar School for Boys  
Wilmington Grammar School for Girls  
Wilmington Primary School

All references to “The Trust” refer to Endeavour MAT and all associated schools therein.

## **2. Legislation and guidance**

The FoIA applies to all public authorities and came fully into force on 1<sup>st</sup> January 2005. It provides the public with a statutory right of access to recorded information held by authorities, subject to certain exemptions.

The Act is fully retrospective and applies to all information that falls within the scope of the Act, not just information created from 1<sup>st</sup> January 2005. Section 19 of the Act also obliges the Trust to make information pro-actively available in the form of an approved “publication scheme” which is published on each of the Trust School's websites.

In addition, individuals currently have a statutory right of access to their own “personal data” under the DPA. Individual access rights to personal data are extended by the FoIA through amendments to the access provisions of the DPA.

The EIR provides a statutory right of access to “environmental information”, as defined in these regulations. The EIR came into force on 1<sup>st</sup> January 2005 and replaces the existing 1992 Regulations. The EIR are also fully retrospective.

The Government’s Information Commissioner enforces these three information regimes.

Each regime contains certain categories of exempt information, where information can be withheld. Any decision to withhold information under an exemption can be referred by the applicant to the Information Commissioner, who can overturn any decision to withhold information. This policy does not cover personal written communications (such as personal e-mails sent by staff). The Trust’s Data Protection Policy establishes the standards regarding the use of “personal data” (as defined in the DPA).

### 3. Definitions

Term	Definition
<b>DPA</b>	Data Protection Act 2018
<b>EIR</b>	Environmental Information Regulations 2004
<b>FoIA</b>	Freedom of Information Act 2000
<b>Information Request</b>	A request for recorded information made under the FoIA, EIR or DPA.
<b>The Public</b>	Any individual or organization anywhere in the world.

**Personal data**

Any information relating to an identified, or identifiable, individual.

This may include the individual's:

- Name (including initials)
- Identification number
- Location data
- Online identifier, such as a username

It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.

## **4. Timescales**

Freedom of Information requests should be dealt with within 20 working days, excluding school holidays. Requests for Data Protection (subject access requests) should be dealt with within 1 calendar month. Requests for pupil education records should be dealt with within 15 working days, excluding school holidays.

## **5. Delegated Responsibilities**

Overall responsibility for ensuring that the Trust meets the statutory requirements of the FoIA, EIR and DPA lies with the Board of Trustees and the Chair of Trustees has overall responsibility for information management issues. They have delegated the day-to-day responsibility of implementation to the Headteacher of each of the Trust Schools. A central register of FOI requests is kept. All Trust staff are briefed on procedures and are responsible for ensuring that they handle requests for information in compliance with the provisions of the various Acts, taking advice from the Trust Data Protection Officer.

Endeavour MAT processes personal data relating to parents, students, staff, governors, visitors and others, and therefore is a data controller. The MAT is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

## **5. Scope**

This policy applies to all recorded information held by the Trust that relates to the business of the Trust. This includes:

- Information created and held by the Trust Central Team and each Trust School;
- Information created by the Trust and held by another organisation on our behalf;
- Information held by the Trust provided by third parties, where this relates to a function or business of the Trust (such as contractual information) and
- Information held by the Trust relating to Members, Trustees and Governors where the information relates to the functions or business of the School.

This policy applies to **all staff** employed by Endeavour MAT, and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

### **5.1 Trust Board**

Endeavour MAT Board of Trustees has overall responsibility for ensuring that our schools comply with all relevant data protection and freedom of information obligations.

### **5.2 Data Protection Officer**

The Data Protection Officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with the Freedom of Information Act, and developing related policies and guidelines where applicable.

They will provide an annual report of their activities directly to the Trust Board and, where relevant, report to the Board and the Local Governing Bodies their advice and recommendations on school data protection and freedom of information issues.

The DPO is also the first point of contact for individuals who are making a freedom of information request and will provide advice and guidance to staff and the public on any such requests.

Full details of the DPO's responsibilities are set out in their job description.

Our DPO is contactable via email at [dpo@endeavour-mat.co.uk](mailto:dpo@endeavour-mat.co.uk)

### **5.3 Headteacher**

The Headteacher of each school within The Trust has been delegated responsibility for compliance with the FoIA within their school and acts as the representative of the Trust Board on a day-to-day basis.

### **5.4 All staff**

Staff are responsible for contacting the DPO in the following circumstances:

- On receipt of an information request;
- Supplying information to the DPO when requested to comply with a FoIA request;
- With any questions about the operation of this policy, data protection law, freedom of information regulations and retaining personal data or keeping personal data secure;
- If they have any concerns that this policy is not being followed.

## **6. Requesting Information**

The Trust has a duty under both the FoIA and EIR to provide advice and assistance to applicants making information requests. This includes assisting the applicant in making the application for information. Although no such duty exists under the DPA, the same level of care will be provided. FoI requests should be made in writing (incl. email) to the Trust.

### **6.1 Charges**

The three information regimes contain different provisions that permit charges to be made for responding to information requests. The Board of Trustees may charge a fee for complying with requests, as calculated in accordance with FoIA regulations. If a charge is to be made, the Trust will give written notice to the applicant before supplying the information requested. The Trust will only charge for the cost of copying and transmitting information, not for time taken in reaching decisions regarding whether information is covered by an exemption. Where the Trust estimates that the cost of locating the information will exceed the statutory threshold of £450, it will consider whether or not to comply with the request. The Trust is not obliged to comply with such a request but may choose to do so.

### **6.2 Publication Scheme**

Section 19 of the FoIA obliges all public authorities to make information pro-actively available in the form of a “publication scheme”. This scheme lists categories, or “classes” of information that will routinely be made available without the need for a specific information request – Appendix I of this policy.

## **7. Withholding Information**

The Freedom of Information Act contains 25 exemptions whereby information can be withheld. There are two categories; absolute and non-absolute. The Trust will only withhold information if it falls within the scope of one or more of these exemptions.

Where an absolute exemption applies, the Trust can automatically withhold the information. However, where the exemption is non-absolute the information can only be withheld where the Trust decides that the public interest is best served by withholding the information.



The absolute exemptions most relevant to the Trust are those that relate to:

- information accessible by another means
- personal information
- confidential information
- prohibitions on disclosure.

The non-absolute exemptions most relevant to the Trust are those that relate to:

- information intended for future publication
- prejudice to the effective conduct of public affairs
- health and safety
- legal professional privilege
- commercial interests.

Certain exemptions also contain a “prejudice test”, which means that the exemption can only be claimed if disclosing the information would prejudice the interest protected by the exemption. The Trust will only withhold information covered by the exemption. Complete files or documents will not be withheld just because part of the information is covered by an exemption. The Trust will only apply an exemption where it has reason to believe that prejudice might occur to the interest protected by the exemption. In addition, wherever a “public interest” exemption is being considered, the Trust will only withhold that information which it can demonstrate that the public interest will be best served by withholding.

When considering withholding information under a non-absolute exemption the Trust will take into account whether the release of the information would:

- promote further understanding of current issues of public debate;
- promote the accountability of decisions taken by the Trust and the spending and allocation of public money;
- bring to light matters of public safety;
- allows the public to understand and challenge decisions made by the Trust;

- be otherwise in the public interest.

Where information is withheld under an exemption in most cases the reason behind the decision will be made clear to the applicant, citing the exemption under which the information is being withheld. The applicant will also be given details of the right to challenge the decision through the Board of Trustees and the right of appeal to the Information Commissioner's Office.

Where the Trust plans to apply an exemption, it will consider whether other trusts/schools hold similar information. If this is considered likely, the Trust may contact the relevant trust/school(s) to ensure that a consistent response is provided to the applicant. The Trust will also refuse to supply information under the FoIA, where the request is considered "vexatious" or "repeated" and under the EIR, where the request is considered 'manifestly unreasonable'.

## **8. Releasing a Third Party's Information**

The release of third party information (either an individual or other organisation) will be considered carefully to prevent actions for breach of confidence or, in the case of living individuals, breaches of the DPA. Both the EIR and FoIA permit information to be withheld when its release would breach the provisions of the DPA. When the requested information relates to a living individual and amounts to "personal data" as defined in the DPA, its disclosure could breach the DPA. Therefore, the release of third-party personal information relating to living individuals will be considered in accordance with the data protection principles set out in Article 5(1) and Section 34(1) of the DPA.

Where appropriate, the Trust will contact the individual to ask for permission to disclose the information. If consent is not obtained, either because it was not considered appropriate to approach the third party or the third party could not be contacted or consent is refused.

The Trust will then consider if it is reasonable to disclose the information, taking into account:

- any duty of confidentiality owed to the third party
- the steps taken to seek consent
- whether the third party is able to give consent and
- any express refusal of consent.

The decision to disclose third party information will also consider the impact of disclosure on the third party, relative to the impact on the applicant of withholding the information. Where the third party has been acting in an official, rather than private capacity, the Trust will be minded to disclose the information, although decisions will be made on a case by case basis. Where the information relates to a staff member,

the provisions of the DPA will still apply in many circumstances but the nature of the information will influence the Trust's decision whether to release the information.

Where the information relates to a matter clearly private to the individual, e.g. a disciplinary hearing, the information will almost certainly be withheld. However, where the information relates to the member of staff acting in their official capacity, e.g. an expense claim, the information will normally be released. The exemption relating to the release of a third party's personal data will not be used to withhold information about administrative decisions taken by the Trust.

As the DPA only relates to living individuals, the exemption relating to Data Protection under both the EIR and FoIA will not apply to information held about the deceased. Where the request might be controversial the DPO will take advice from the Trust Board where necessary.

Where the third party is an organisation, rather than an individual, the provisions of DPA 2018 will not apply. The Trust will consider consulting the third party concerning the release of their information where:

- the views of the third party may assist the Trust to decide whether an exemption under the Act applies to the information and
- in the event of the public interest test being applied, where the views of the third party may assist the Trust to make a decision relating to where the public interest lies.

Consultation will not be undertaken where:

- the Trust will not be disclosing the information due to some valid reason under the Act
- the Trust is satisfied that no exemption applies to the information and therefore cannot be withheld and
- the views of the third party will have no effect on the decision e.g. where there is other legislation preventing disclosure.

Where input from a third party is required, the response time for the request remains the same. Therefore, it will be made clear to the third party at the outset that they have a limited time for their views to be provided and that where responses are not immediate, the decision to disclose may have to be made without their input in order for the Trust to comply with the statutory time limits dictated by the legislation. The Trust will endeavour to inform individuals and organisations submitting information that the information might be released following an information request and, where appropriate, will provide the supplier of the information opportunity to request confidentiality or supply reasons as to why the information should be treated confidentially.

## **9. Information held within contracts with the Trust**

Any contractual information, or information obtained from organisations during the tendering process, held by the Trust are subject to the provisions of the FoIA and EIR.

Whenever the Trust enters into contracts, it will seek to exclude contractual terms forbidding the disclosure of information beyond the restrictions contained in the legislation. A standard form of wording will be included in contracts to cover the impact of FoIA and EIR in relation to the provision of information held in contracts.

The Trust can withhold contractual information where its disclosure under either the FoIA or EIR could be treated as actionable breach of confidence. Where the Trust intends to include non-disclosure provisions in a contract, it will agree with the contractor a schedule of the contract that clearly states which information should not be disclosed. The Trust will only agree to enter into confidentiality clauses where the information is confidential in nature and that it is confident that the decision to restrict access to the information could be justified to the Information Commissioner.

Where information is not covered by the exemption relating to information accepted in confidence, a further exemption specifically under FoIA may be relevant, relating to commercial interests. This exemption is subject to a “public interest” test. Whenever the Trust has to consider the release of such information, it will contact the relevant organisation to obtain its opinions on the release of the information and any exemptions they may think relevant. However, the Trust will make the final decision relating to the disclosure of the information.

The Trust can also withhold information contained in contracts where any of the other exemptions listed in the FoIA or EIR are appropriate, although information will only be withheld in line with the Trust’s policy on the use of exemptions. All future contracts should contain a clause obliging contractors to co-operate fully and in a timely manner where assistance is requested in responding to an FoIA or EIR request.

## **10. Complaints Procedure**

Whenever the Trust withholds information under an exemption, or for any other reason, it will inform the applicant of their right to complain about the decision through the Trust’s complaints procedure and of the right of appeal to the Information Commissioner.

Any complaint received will be dealt with in accordance with the Trust’s complaints procedure as detailed in its Complaints Policy. If the result of the complaint is that any decision to withhold information be overturned, this information will be supplied as soon as it is possible.

## 11. Requests for Personal Data

The Data Protection Act 2018 entitles an individual to his or her 'personal data', as defined in that Act, known as a "Subject Access Request"

Whenever a request is made under the DPA for personal data, the Trust will provide the applicant with the relevant information relating to that individual that is accessible under both the DPA and FoIA, subject to any exemptions. Where it is not possible to remove third party information without rendering the response useless to the individual, the provision of third party information will be considered in line with Section 8 of this policy regarding the disclosure of third party information.

## 12. Illegal Actions

It is a criminal offence under any of the three information regimes for members of staff to alter, deface or remove any record (including e-mails) following receipt of an information request. Both the FoIA and EIR contain specific provisions to make such action a criminal offence.

## 13. Monitoring arrangements

The DPO is responsible for the monitoring and review of this policy.

This policy will be reviewed and updated if regulations change that affect our Trusts practices. Otherwise this policy will be reviewed **every 3 years**, agreed by Endeavour MAT Trust Board and shared with the individual school Local Governing Bodies. A copy of this policy will be available on all Trust websites. Comments from staff, parents and members of the public on this policy and its implementation are welcome and can be addressed to: Chief Executive Officer, Endeavour MAT, Parsons Lane, Wilmington, Kent, DA2 7BB

## 14. Links with other policies and procedures

This data protection policy is linked to our:

- Endeavour MAT Data Protection Policy
- Endeavour MAT Data Retention Policy

## Appendix I: Publication Scheme

The Freedom of Information Act 2000 requires all public authorities to adopt and maintain a publication scheme. In 2008 the Information Commissioner's Office (ICO) changed the emphasis in the approval and operation of publication schemes to a generic model with effect from 1 January 2009.

This model commits a public authority to '*produce and publish the method by which specific information will be available so that it can be easily identified and accessed by members of the public*'.

Endeavour MAT has adopted the ICO Model Publication Scheme in full.

<b>Information to be published.</b> <b>This includes datasets where applicable</b>	<b>How the information can be obtained</b>	<b>Cost for hard copy</b>
<b>Class 1 - Who we are and what we do</b> (Organisational information, structures, locations and contacts) Only current information will be made available	(hard copy and/or website)	
Who's who in the school	Website/hard copy	Free Copy 5p per sheet
Who's who on the Trust Board/Local Governing Bodies and the basis of their appointment	Websites	Free
Instrument of Government / Articles of Association	Website	Free
Contact details for the Head Teacher and for the Trust Board and Local Governing Bodies, via the Trust (named contacts where possible).	Websites/Headed Paper	Free

School prospectus (if any)	Online versions on Trust schools websites.	Free If copy required: taken from website at 5p per sheet
Annual Report (if any)	Website	Free
Staffing structure	Websites	Free
School session times and term dates	Websites/ Student Planner	Free Copy 5p per sheet
Address of Trust and Trust schools and contact details, including email address.	Websites/letter headed/compliment slips	Free
<b>Class 2 – What we spend and how we spend it</b> (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit) Information from the current and previous financial year will be made available.	Hard copy (from Trust COO or School Business Manager)	
Annual Accounts	Website	Free
Annual budget plan and financial statements	Hard Copy on request	5p per sheet
Capital funding	Hard Copy on request	5p per sheet

Financial audit reports	Hard Copy on request	5p per sheet
Details of expenditure items over £2000 – published at least annually but at a more frequent quarterly or six-monthly interval where practical.	Hard Copy on request	5p per sheet
Procurement and contracts the Trust has entered into, or information relating to / a link to information held by an organisation which has done so on its behalf (for example, a local authority or diocese).	Hard Copy on request	5p per sheet
Pay policy	Website	Free
Staff allowances and expenses that can be incurred or claimed, with totals paid to individual senior staff members (Senior Leadership Team or equivalent, whose basic actual salary is at least £60,000 per annum) by reference to categories.	Hard Copy	5p per sheet
Staffing, pay and grading structure. As a minimum the pay information should include salaries for senior staff (Senior Leadership Team or equivalent as above) in bands of £10,000; for more junior posts, by salary range.	The Trust Annual Accounts - website	Free
Members/Trustees/Governors' allowances that can be incurred or claimed, and a record of total payments made to individual governors.	Hard Copy	5p per sheet
<b>Class 3 – What our priorities are and how we are doing</b> (Strategies and plans, performance indicators, audits, inspections and reviews) Current information will be made available	(hard copy on request or website)	
The Trust and school profiles <ul style="list-style-type: none"> <li>• Performance data supplied to the English Government, or a direct link to the data</li> <li>• The latest Ofsted report Summary</li> </ul>	Website and link to DfE performance tables	Free Free



Full report	Website link	If copies required 5p per sheet
Performance management policy and procedures adopted by the Trust Board.	Hard copy	5p per sheet
Performance data or a direct link to it	Website	Free
The Trust's future plans; for example, proposals for and any consultation on the future of the Trust, such as change in status, expansion	Website	Free
Safeguarding and child protection policies and procedures	Websites	Free
<b>Class 4 – How we make decisions</b> (Decision making processes and records of decisions) Current and previous three years as a minimum	(hard copy on request or website)	
Admissions policies/decisions (not individual admission decisions) – where applicable	Website/Hard copy	Free
Agendas and minutes of meetings of the Trust Board and Local Governing Bodies and their committees. (NB this will exclude information that is properly regarded as private to the meetings).	Hard Copy on request from Clerk to the Trust	5p per sheet
<b>Class 5 – Our policies and procedures</b> (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only will be made available.	(hard copy or website)	
Trust and School policies and procedures	Websites/Hard copy	5p per sheet
Records management and personal data policies, including:		

<ul style="list-style-type: none"> <li>• Information security policies</li> <li>• Records retention, destruction and archive policies</li> <li>• Data protection (including information sharing policies)</li> </ul>	<p>Hard Copy</p> <p>Websites/Hard Copy</p>	<p>5p per sheet</p>
<p>Charging regimes and policies.</p> <p>This should include details of any statutory charging regimes. Charging policies should include charges made for information routinely published. They should clearly state what costs are to be recovered, the basis on which they are made and how they are calculated.</p> <p>If the school charges a fee for re-licensing the use of datasets, it should state in its guide how this is calculated (please see “How to complete the Guide to information”).</p>	<p>Websites – Charging and Remissions Policy</p>	<p>Free</p>
<p><b>Class 6 – Lists and Registers</b></p> <p>Currently maintained lists and registers only (this does not include the attendance register).</p>	<p>(hard copy or website; some information may only be available by inspection)</p>	
<p>Curriculum circulars and statutory instruments</p>	<p>Websites</p>	<p>Free</p>
<p>Disclosure logs</p>	<p>Unnamed summary only on request</p>	<p>5p per sheet</p>
<p>Asset register</p>	<p>Viewing only</p>	<p>Free</p>
<p>Any information the school is currently legally required to hold in publicly available registers (this does not include attendance registers)</p>	<p>Websites</p>	<p>Free</p>
<p><b>Class 7 – The services we offer</b></p> <p>(Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)</p> <p>Current information will be made available</p>	<p>(hard copy or website; some information may only be available by inspection)</p>	

Extra-curricular activities	Student portals	Free
Out of school clubs	Student portals	Free
Services for which the school is entitled to recover a fee, together with those fees	Websites	Free
School publications, leaflets, books and newsletters, school blogs	Student and Parent Portals Websites	Free
<b>Additional Information</b> Information not itemised in the lists above	Websites	Free

Information on all of our websites is free (apart from any connection costs payable to your internet service provider). If you do not have internet access, you can access all of our websites using a local library or internet café.

Single printed copies of information covered by this publication scheme are provided free unless otherwise stated. If your request means that we have to carry out significant copying or printing, or pay a large postage charge, or is for a priced item such as some printed publications we will let you know the cost before fulfilling your request.