



TUDHOE LEARNING TRUST

FREEDOM OF INFORMATION

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Introduction

Tudhoe Learning Trust is committed to the Freedom of Information Act, to the principles of accountability and to the general right of access to information held by the Trust, subject to the exemptions contained within the relevant legislation.

The Freedom of Information Act was introduced to promote greater openness and accountability across the public sector.

The Freedom of Information Act provides public access to information recorded and held by public authorities such as government departments, local authorities, the NHS, state schools and police forces. However, the Act does not necessarily cover every organisation that receives public money. For example, it does not cover some charities that receive grants and certain private sector organisations that perform public functions.

It does this in two ways:

- public authorities are obliged to publish certain information about their activities;
- Members' of the public are entitled to request information from public authorities.

Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.

The Information Commissioner's Office is responsible for regulating and enforcing the Act. The Information Commissioner's Office is an independent authority which has legal powers to ensure schools comply with the Act.

This policy outlines the School's responsibilities to the Act and provides a framework for managing requests. 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.

For the purposes of this policy, the 'public' is defined as any individual or organisation anywhere in the world and an 'information request' refers to any request for recorded information made under the Freedom of Information Act, Environmental Information Regulation or Data Protection Act. This policy applies to all information held by the Trust regardless of how it was created or received. It applies irrespective of the media on which the information is stored and whether the information is recorded on paper or held electronically.

What does the Act cover?

The Freedom of Information Act provides the public with a statutory right of access to recorded information held by the Trust, subject to certain exemptions within 20 working days. The Act is fully retrospective and applies to all information that falls within the scope of the Act no matter how old it may be or whether it is in draft format. Section 19 of the Act also obliges the Trust to make information pro-actively available in the form of an approved 'publication scheme'.

In addition, individuals currently have a statutory right of access to their own personal data under the Data Protection Act where a living individual may be

identified. Individual's access rights to personal data are extended by the Freedom of Information Act through amendments to the access provisions of the Data Protection Act.

The Environmental Information Regulation provides a statutory right of access to 'environmental information', as defined in these Regulations. The Environmental Information Regulation are also fully retrospective.

The Information Commissioner enforces these three information regimes.

Each regime contains certain categories of exempt information, where information can be withheld.

Responsibilities

As a public authority the Trust has a responsibility to make information available in accordance with the Freedom of Information Act. In this Trust, responsibility for compliance with this and related policies rests with the Trust Chief Executive Officer who has delegated those responsibilities to the Head Teacher. Complaints regarding the use of this policy should be directed to the Trust Chief Executive Officer.

All Trust staff have a responsibility to ensure that any request for information they receive is directed to the Head Teacher to ensure that it is dealt with under the Act and in compliance with this policy. They are also responsible for good information handling practice and for implementing records management policies and procedures as appropriate to their post.

Exemptions & Exclusions?

The Freedom of Information Act does not give people access to their own personal data (information about themselves) such as their health records or credit reference file. If a member of the public wants to see information that a public authority holds about them, they should make a subject access request under the General Data Protection Regulations. A request for personal information should be dealt with in line with our Trust Subject Access Request Procedure, which can be found in the Data Protection Policy.

Procedure for Dealing with a Request for Information

The Trust recognises that anyone has the right to make a request for information. Any senior member of staff within the Trust will deal with a Freedom of Information request in a fair and reasonable manner and in line with current legislation and Trust policy.

Upon receipt of a Freedom of Information request the Trust will:

- Confirm whether or not the information requested is held within the Trust.
- Where appropriate provide details of the information.

The Trust will not provide personal information. Requests for information of this kind will be considered and dealt with as a Subject Access Request. See the Trust's Subject Access Request Procedure in Data Protection Policy.

The Trust will make every effort to respond to a request for information within 20 school working days. Requests for information must be made in writing.

Refusing a Request for Information

The Head Teacher will consider refusing a request for information under the following circumstances:

- Dealing with the request will cost too much money and take up too much staff time.
- There is reasonable belief that the request is frivolous or vexatious.
- A similar or identical request has been made previously by the same person.

The Head Teacher will also consider withholding some or all information where disclosure will have the potential to cause harm, pose a threat to the safeguarding of a child or jeopardise a police investigation or trial in court. Consideration will also be given to the provisions made in the General Data Protection Regulations. Ultimately, the

The Head Teacher will make a decision about whether or not to refuse a request based on whether or not it is in the public's interest to do so.

Where the Head Teacher makes a determination to refuse a request for information a Refusal Notice will be issued to the person making the request.

Where the requester is unhappy with this decision, they may write to the Trust's Chief Executive Officer outlining their reasons within 10 school working days.

The Trust's Chief Executive Officer will review the decision to refuse a request for information. The decision of the Trust's Chief Executive Officer is final.

Publication Scheme

The Trust recognises its obligations with regard to the publication of information relating to policy, procedure, minutes of meeting, financial information and annual reports. Each school within the Trust has its own website where relevant information is published and kept up to date and the Trust has a website where collective information relating to the Trust organisation as a whole is published and maintained regularly. Any information that is not published may be requested from the Trust in writing. The Trust will consider any request for information in a fair and reasonable manner and deal with any complaints swiftly. However, in the event that a requester is dissatisfied with any element of the way the Trust has handled a request then the dispute will be resolved through the Information Commissioners Office.

In line with Information Commissioner Office approved good practice Tudhoe Learning Trust has adopted and will comply with the Information Commissioner Office Model Publication Procedure:

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so;
- to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19. The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The term 'relevant copyright work' is defined in section 19(8) of that Act.

Classes of Information:

Who we are and what we do.

Organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it.

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing.

Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions.

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures.

Current written protocols for delivering our functions and responsibilities.

Lists and Registers.

Information held in registers required by law and other lists and registers relating to the functions of the authority.

The Services we offer.

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of 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.

The method by which information published under this scheme will be made available.

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, the authority will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where the authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

Charges which may be made for Information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying

- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the public authority.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

Written Requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

Any fee the Trust charges will be proportionate, reasonable and every effort will be made to keep charges to a minimum.

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More information about freedom of information requests can be found here:

<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/>