



Freedom of Information Act (FOIA) Policy

The Bay Learning Trust
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Document Control

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1. About this policy

- 1.1. This policy outlines the Bay Learning Trust's (**Trust**) approach to requests made under the Freedom of Information Act 2000 (FOIA).
- 1.2. The Trust complies with the provisions of the FOIA which allows any member of the public to request information from public bodies including Academies created under the Academies Act 2010.

2. Who is responsible for this policy

- 2.1. The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework for freedom of information.
- 2.2. The Trust has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Trust's Data Protection Officer. Their contact details are:

Data Protection Officer
The Bay Learning Trust
The Lodge
Ripley St Thomas
Ashton Road
LA1 4RR
Email: DPO@baylearningtrust.com
Phone: 01524 581872

3. Publication scheme

- 3.1. The Trust understands its duties under the FOIA to be transparent and proactive in relation to the information that it makes public.
- 3.2. The Trust's publication is appended to this policy.

4. Requests

- 4.1. The FOIA applies to all recorded information held by the Trust, along with information held by a third party organisation on behalf of the Trust.

- 4.2. Requests must be made in writing and directed to the Executive Headteacher/Headteacher or Data Protection Officer for Trust related queries. An address for correspondence must also be provided.
- 4.3. When a request is made the requester must provide an adequate description of the information that they are seeking. In the event that an inadequate description is given the Trust will be entitled to seek clarification. For the avoidance of doubt the statutory time period shall not commence until this clarification has been provided by the requester.
- 4.4. In the event that a requester cannot be readily identified from the request or appears to be using a pseudonym the Trust may require the requester to provide information to verify their identity. Until such time as the identification of the requester has been verified the statutory time period for providing a response will not commence. In the event that the Trust believes that the requester is not using their real identity it may refuse to deal with the request.
- 4.5. Any member of staff that receives a Freedom of Information request (or believes that they may have done so) should forward it without delay to the Trust's Data Protection Officer. The Trust has a statutory timeframe to adhere to which is 20 school days, and failure to promptly report a Freedom of Information request (or a request believed to be a Freedom of Information request) may lead to disciplinary action. In certain circumstances the Trust may extend this period. The requester will be informed and provided with a reason for the need to extend. This may include, but is not limited to, the need to liaise with third parties.
- 4.6. The Trust will provide a response to a freedom of information request within 20 school days unless the data subject is notified that the statutory timeframe is extended by a necessity to consider the public interest test.
- 4.7. If an exemption applies to any of the information requested by the requester this will be set out in the response provided.

5. Advice and assistance

- 5.1. The Trust will provide advice and assistance to requesters in accordance with Section 16 of the FOIA.

6. Cost

- 6.1. The Trust will be entitled to apply the statutory costs cap of £450 to a request or a linked series of requests made within a period of 60 working days. If the cost of providing the requested information exceeds £450 the Trust may charge a fee or

refuse to provide the information. If a fee is to be charged it will only be done with the prior agreement of the requester and payment will be requested prior to any work being undertaken.

- 6.2. Costs will be charged in accordance with the Freedom of Information (Appropriate Limit and Fees) Regulations 2004 (or any successor).

7. Internal review

- 7.1. The Trust operates an internal review procedure for any requester that is dissatisfied with the handling of their Freedom of Information request. Internal reviews will be carried out by a senior member of Trust staff or Director who has not been involved in making the original decision or responding to the request.
- 7.2. As part of the Trust's internal review procedure, the reviewer will consider whether or not the request was handled appropriately and in accordance with the requirements of the FOIA.
- 7.3. Requesters seeking an internal review must write to the Trust's Data Protection Officer within 40 school days of the date of the initial response to the original request stating the grounds for the review.
- 7.4. The Trust will endeavour to respond to requests for internal review within 20 school days of receipt of the request. Where this is not possible, the Trust will write to the requester to inform them of the expected date of response to their request for internal review.
- 7.5. Some information requested may be subject to an exemption under the FOIA. In the event that it is, the Trust will set out the exemption and sufficient information as to why the exemption applies.
- 7.6. Requesters who are unhappy with the outcome of the internal review may raise a complaint with the Information Commissioner's Office.
- 7.7. For further information on FOIA requests, exemptions and duties that apply under the legislation please see the guidance maintained on the Information Commissioner's website.

8. Refusing a request and withholding information

- 8.1. The Freedom of Information Act contains exemptions whereby information can be withheld. The Trust will only withhold information if it falls within the scope of one or more of these exemptions:

8.1.1. Where an absolute exemption applies the Trust can automatically withhold the information; and,

8.1.2. When the exemption is non-absolute the information can be only be withheld when the Trust determines that the public interest is best served by withholding the information.

8.1.3. The Information Commissioner's Office maintains up to date guidance on exemptions which can be applied to a FOI request.

8.2. The Trust can also withhold the following information;

8.2.1. contractual information where its disclosure under FOIA could be treated as an actionable breach of confidence; and,

8.2.2. data relating to third parties and whose release would be contrary to the UK GDPR or the Data Protection Act 2018.

8.3. The Trust will also refuse to supply information under the FOIA where the request is considered vexatious or repeated.

8.4. The Trust will send the Requester a written refusal notice if their request is denied.

9. Third Party Information

9.1. The release of third party information will be carefully considered to prevent actions for breach of confidence, or, in the case of living individuals, breaches of the DPA and/or UK GDPR.

9.2. When the requested information relates to a living individual's personal data as defined in the DPA/UK GDPR, its disclosure within a FOI request could be a breach. Therefore, the release of third-party personal information relating to living individuals will be considered in accordance with the data protection principles, and, in particular, the third party provisions of the DPA/UK GDPR.



THE BAY
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Freedom of Information Act Publication Scheme

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1. Context

This publication scheme is based on the model scheme prepared and approved by the Information Commissioner.

This publication scheme commits the Trust and its academies 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 school. Additional assistance regarding the definition of these classes can be found in sector specific guidance issued by the Information Commissioner.

The scheme commits the Trust and its academies to:

- proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the school and falls within the classifications below.
- specify the information which is held by the Trust / school and falls within the classifications below.
- proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- 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.
- review and update on a regular basis the information the Trust / school makes available under this scheme.
- produce a schedule of any fees charged for access to information which is made proactively available.
- 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.

2. Classes of information

The Trust and its academies provide information in the following classes as set out in the Information Commissioner's Model Publication Scheme.

<i>Who we are and what we do.</i>	Organisational information, locations and contacts, constitutional and legal governance.
<i>What we spend and how we spend it.</i>	Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.
<i>What our priorities are and how we are doing.</i>	Strategy and performance information, plans, assessments, inspections and reviews.
<i>How we make decisions.</i>	Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.
<i>Our policies and procedures</i>	Current written protocols for delivering our functions and responsibilities.

<i>Lists and registers</i>	Information held in registers required by law and other lists and registers relating to the functions of the school.
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The classes of information will not generally include:

- Information the disclosure of which is prevented by law, exempt under the Freedom of Information Act, or 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.

3. Method of publication

Where possible, information will be provided on a website, most commonly the main school site or Bay Learning Trust 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 Trust / school 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 and 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 Trust 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.

4. Charges for information published

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 Trust 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 the school, justified, and
- are in accordance with a published schedule or schedules of fees which is readily available to the public

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.

5. Written requests

Information held not published under this scheme can be requested in writing to the School Business Manager, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

Appendix 1

Guide to information produced by the Bay Learning Trust and/or its academies under the Model Publication Scheme

Information to be published	How the information can be obtained
Who we are and what we do Organisational information, structures, locations and contacts <i>Current information only</i>	
- Academy Funding Agreement - Academy staff and structure - Governing Body - School session times, term dates and holidays - Location and contact information – address, telephone number and website - Contact details for the Head teacher and the Governing Body - Curriculum outlines - Academy prospectus	All information published on Trust or school website
Academic outcomes – GCSE and A Level results	Information on school's website DfE website 'Compare School Performance' https://www.gov.uk/school-performance-tables
What we spend and how we spend it Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit <i>Current and previous financial year as a minimum</i>	
- Annual budget plan and financial statements - Capital funding - Additional funding - Procurement and projects - Staffing and grading structure - Pay policy - Governors' allowances - Pupil Premium funding report - PE and sport premium funding report (Primary)	Annual financial statements published on the Bay Learning Trust website https://www.baylearningtrust.com/ For other information contact the School Business Manager at the academy
What our priorities are and how we are doing Strategies and plans, performance indicators, audits, inspections and reviews <i>Current information as a minimum</i>	
Academy profile - Government supplied performance data	DfE website 'Compare School Performance' https://www.gov.uk/school-performance-tables
Academy profile - the latest Ofsted report	Available online at www.ofsted.gov.uk and via school website
Performance management information	Contact School Business Manager
Academy's future plans	
Child protection – policies and procedures on safeguarding and promoting the welfare of children	All information published on school website

How we make decisions Decision making processes and records of decisions <i>Current and previous three years as a minimum</i>	
Admissions policy, arrangements and procedures and right of appeal	Admissions section on school website
- Agendas of meetings of the governing body and its sub-committees - Minutes and papers of meetings (as above) – this will exclude information that is properly regarded as private to the meetings.	Contact Clerk to Governors at the relevant academy
Our policies and procedures Current written protocols, policies and procedures for delivering our services and responsibilities <i>Current information only</i>	
Academy policies including: - Charging and remissions policy - Health and Safety and risk assessment - Complaint's procedure - Staff conduct policy - Discipline and grievance policies - Pay policy - Staffing structure implementation plan - Information request handling policy - Staff recruitment policies	Certain policies published in the policy section of Trust or academy website. For other policies, contact the School Business Manager
Student and curriculum policies, including: - Home-school agreement - Curriculum - Relationships and sex education - Special educational needs - Accessibility - Equality - Collective worship - Careers education - Student behaviour and discipline	Certain policies published in the policy section of Trust or academy website. For other policies, contact the School Business Manager
Records management and personal data policies, including: - Information security policies - Records retention and destruction and archive policies - Data protection (including information sharing policies)	Certain policies published in the policy section of Trust or academy website. For other policies, contact the School Business Manager
Charging regimes and policies	Certain policies published in the policy section of Trust or academy website. For other policies, contact the School Business Manager
Lists and Registers <i>Currently maintained lists and registers only</i>	
- Curriculum circulars and statutory instruments - Disclosure logs - Asset register	Contact School Business Manager of the relevant academy

Any information the academy is currently legally required to hold in publicly available registers	
The services we offer Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses <i>Current information only</i>	
- Extra-curricular activities - Out of school clubs - School publications and newsletters	Refer to information published on academy website
Services for which the Academy is entitled to recover a fee, together with those fees	Policies section of academy website

Appendix 2 - Schedule of charges

This describes how the charges have been arrived at.

Type of charge	Description	Basis of charge
Disbursement cost	Photocopying/printing @ 10p per sheet (black & white)	Actual cost *
	Photocopying/printing @ 50p per sheet (colour)	Actual cost *
	Postage	Actual cost of Royal Mail standard 2nd class
Statutory Fee		In accordance with the relevant legislation