

Freedom of Information Policy

(To be read in conjunction with the BEST GDPR Policy)

1. Rationale and Aim

The Freedom of Information Act 2000 came into effect on 30 November 2000 and gives a general right of access to recorded information held by a public authority, including Academies and Trusts, subject to certain exemptions. Bedfordshire Schools Trust (BEST) are committed to complying with the provisions of FOIA.

2. Definitions

- “BEST” means both the Trust and all its legal entities including schools and nurseries.
- “Appropriate Limit” means the limit set by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 as amended from time to time.
- “Fee Notice” means the amount the Requester will need to pay in order for BEST to comply with the request for information.
- “FOIA” means the Freedom of Information Act 2000 and amendments.
- “GDPR” means the General Data Protection Regulation, [and the Data Protection Act 2018]
- “Publication Scheme” means a list of information that will be routinely published via BEST’s website.
- “Requester” means the person making a request for information from BEST.
- “Social Media” means websites and applications that enable users to create and share content or to participate in social networking including, but not limited to, Facebook, LinkedIn, Twitter, Google+, and all other social networking sites, internet postings and blogs. It applies to use of Social Media for Trust, school and nursery purposes as well as personal use that may affect BEST in any way.

3. Procedure for making a request for information

- BEST requires requests for information pursuant to the provisions of FOIA to be made in writing. BEST considers ‘in writing’ to mean communications by post or email.
- Requests for information held by BEST should be sent to the addresses found in Appendix 2.
- A request for information made to BEST should provide the name of the Requester and an address for correspondence and should clearly set out the information being requested.

4. Duty to Assist

- There may be circumstances where it is unclear what information is being requested or where the request for information is such that responding will cause BEST to exceed the Appropriate Limit.
- In these circumstances the BEST will seek to provide advice and assistance to the Requester in order to enable BEST to provide the requester with the information they are seeking to obtain or inform the requester as to why this is not possible.

5. Time Limit for responding to requests for information

- BEST will seek to respond to a request for information promptly and in any event no later than 20 School days¹ or 60 working days² from the date of the request whichever occurs first.
- Where a fee is payable for responding to the request, BEST will disregard any day between a Fee Notice being sent to the Requester and the correct fee being received by BEST when calculating the time limit for responding.
- In the event that BEST are unable to respond within the periods set out above, BEST will write to the Requester advising it will be unable to comply and provide a new time scale for responding to the request.

¹ A school day is any day on which there is a school session.

² A working day means any other day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is on a bank holiday.

6. Fees

- BEST will not charge for the provision of information which is requested subject to the provisions of FOIA³.
- BEST is not obliged to comply with a request for information if the cumulative time spent on locating, retrieving or, if necessary, extracting the information requested is estimated to exceed the Appropriate Limit.
- BEST may decide to provide information requested in excess of the Appropriate Limit without charging a fee where it considers it reasonable and within the public interest to do so.
- Where it appears that responding to a request for information will result in BEST exceeding the Appropriate Limit and BEST does not waive the fee for complying with the request, BEST may provide the Requester with a Fee Notice. BEST will also inform the Requester as to how it has estimated that the Appropriate Limit will be exceeded, what information it could provide within the Appropriate Limit, and provide the Requester with the opportunity to narrow their request.
- Where BEST has issued a Fee Notice and the Requester indicates they are not prepared to pay the fee as set out in the Fee Notice or does not pay the fee as set out in the Fee Notice within three months, BEST is not obliged to comply with the original request. BEST will however consider any narrowed or amended request.
- The appropriate cost limit set out in the Act for public authorities is £450 [and the nominal hourly rate at which such work can be calculated is £25 per hour]. Aggregate requests can also be considered in estimating the cost to the public authority in locating the relevant information and responding to the FOIA Request. After work reaches the limit of this amount, public authorities are entitled to refuse to deal with a FOIA request.

7. Exemptions

- The right to be provided with information requested may be limited by the application of an exemption. Some exemptions are absolute and others are qualified. Where an exemption applies to information requested, BEST may also be exempt from having to confirm or deny that the information exists as well as from disclosing the requested information.
- Where a qualified exemption applies to information requested from BEST, BEST will consider whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- The absolute exemptions most relevant to BEST are those that relate to:
 - Information accessible by other means⁴;
 - Personal Information⁵;
 - Confidential Information⁶;
 - Prohibitions on Disclosure⁷.
- The qualified exemptions most relevant to BEST are those that relate to:
 - (a) Information intended for future publication⁸;
 - (b) Prejudice to the Effective Conduct of Public Affairs⁹
 - (c) Health and Safety¹⁰
 - (d) Legal Professional Privilege¹¹
 - (e) Commercial Interests¹²
- Where BEST relies on an exemption in not complying with a request for information, BEST will write

³ The school may charge for requests where it incurs a costs in photocopying, printing or otherwise reproducing the requested information and/or where the school will incur a significant fee for providing the requested information in the format requested by the Requester. There may also be a charge where the school has issued a Fee Notice and the Requester has agreed to pay the fee as set out in the Fee Notice.

⁴ Section 21 – Freedom of Information Act 2000

⁵ Section 40 - Freedom of Information Act 2000

⁶ Section 41 - Freedom of Information Act 2000

⁷ Section 44 – Freedom of Information Act 2000

⁸ Section 22 – Freedom of Information Act 2000

⁹ Section 36 – Freedom of Information Act 2000

¹⁰ Section 38 – Freedom of Information Act 2000

¹¹ Section 42 – Freedom of Information Act 2000

¹² Section 43 – Freedom of Information Act 2000

to the Requester setting out the exemption relied on explaining the reason(s) BEST considers that the exemption applies to the information requested and, where appropriate, why it has decided that the public interest in withholding the information outweighs the public interest in disclosing it.

8. Requests for Personal Data

- A request by an individual for their own personal data made subject to the provisions of FOIA will be treated as a subject access request.
- A request for the personal data of a third party will be refused where the provision of that information will contravene any of the principles of the GDPR, pursuant to Section 40(2) of FOIA.
- For further detail please refer to BEST's GDPR Policy on Subject Access Requests.

9. Repeat and Vexatious Requests

- BEST will not comply with a request for information which is considered to be vexatious.
- In determining whether a request is vexatious, BEST will consider whether the request is likely to cause a disproportionate or unjustified level of disruption, irritation or distress to the Trust, school, nursery, staff or governors. BEST will also consider the burden on the Trust, school or nursery and any possible distress to its staff or board of governors in responding to the request, the motive of the Requester and the seriousness of the request.
- BEST will also not comply with a request for information which is identical or substantially similar to a previous request made by the Requester unless a reasonable time has elapsed between the current request and the previous request.
- In considering whether a reasonable time has elapsed the Trust will take into account the time that has passed between the current request and the previous request and likelihood that the information requested will differ significantly from the information provided in the response to the previous request.

10. Complaints

- Appeals against any decision not to supply information which the school(s) or nursery consider exempt should be made to the Chief Operating Officer (COO) of BEST, or if the appeal is against a decision not to supply information by the Trust, the appeal should be directed to the Chief Executive Officer (CEO) who will review the original decision.
- If a requester is unhappy with the outcome of their complaint or the way a request for information has been handled can complain to the Information Commissioner at:
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Tel: 01625 545 700.

11. Monitoring and Evaluation

This policy will be reviewed by the Chief Operating Officer (COO), every 3 years or earlier if required and may be subject to change.

12. Implementation and Review

This policy will be made known to all staff, parents/carers and governors, and published on the BEST website. Copies are also available upon request from the Trust, school or nursery offices. This policy will be reviewed every three years or earlier if required.

Policy Owner: COO, BEST

(author of original draft, Assistant Principal, Robert Bloomfield Academy)

Date Agreed	May 2019
Authorising Committee	Trust Board
Review Date	May 2022

APPENDIX A – Freedom of Information Publication Scheme

Introduction

The Freedom of Information Act 2000 (FOIA) requires all public authorities (including schools) 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.

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

BEST has adopted the ICO Model Publication Scheme in full, unedited. The Guide to Information below should be read together with the ICO Model Publication Scheme which can be found at: <https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>

The Local Governing Body are responsible for monitoring of this scheme and have delegated to the Principal the day-to-day responsibility for implementation of the FOI policy and the provision of advice, guidance, publicity and interpretation of the policy.

Information to be published. This includes datasets where applicable	How the information can be obtained	Cost
Class 1 - Who we are and what we do (Organisational information, structures, locations and contacts) Only current information will be made available	Website	Free
Who’s who in the school	Staff list/ website	Free
Who’s who on the governing body / board of governors and the basis of their appointment	Staff Handbook/Website Student/Parent/Staff Portals	Free
Instrument of Government / Articles of Association	Website	Free
Contact details for the Head teacher/Principal/Manager and for the governing body, via the school/nursery (named contacts where possible).	Website/Headed Paper/Compliment slips	Free

School/nursery prospectus (if any)	Hard copy from school or nursery office On-line version on the website	Free
Annual Report (if any)	Website	5p per sheet
Staffing structure	Hard copy from school office	5p per sheet
School session times and term dates	Website/Hard copy	5p per sheet
Address of school and contact details, including email address.	Website/letter headed paper	Free
Class 2 – What we spend and how we spend it (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	Website/hard copy from Chief Finance Officer	5p per sheet
Trust Annual Accounts	Website/Hard copy	5p per sheet
Annual budget plan and financial statements	Hard copy	5p per sheet
Capital funding	Hard copy	5p per sheet
Financial audit reports	Hard copy	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	5p per sheet
Procurement and contracts the school 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	5p per sheet
Pay policy	Hard copy	5p per sheet

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.	Trust Annual Accounts – Website/Hard copy	5p per sheet
Governors' allowances that can be incurred or claimed, and a record of total payments made to individual governors.	Hard copy	5p per sheet
Class 3 – What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews) Current information will be made available	Website or hard copy	5p per sheet
School profile (if any) And in all cases: <ul style="list-style-type: none"> • Performance data supplied to the English Government, or a direct link to the data • The latest Ofsted / Estyn / Education and Training Inspectorate report - Summary - Full report 	Website	Free If copies required 5p per sheet
Performance management policy and procedures adopted by the governing body.	Hard copy	5p per sheet
Performance data or a direct link to it	Website/Prospectus	Free
The school's future plans; for example, proposals for and any consultation on the future of the school, such as a change in status	3 yr plan – hard copy	5p per sheet
Safeguarding and child protection policies and procedures	Website	Free

Class 4 – How we make decisions (Decision making processes and records of decisions) Current and previous three years as a minimum	Hard copy/website	5p per sheet
Admissions policy/decisions (not individual admission decisions) – where applicable	Hard copy/website	5p per sheet
Agendas and minutes of meetings of the governing body and its committees. (NB this will exclude information that is properly regarded as private to the meetings).	Hard copy/website	5p per sheet
Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information will be made available only.	Hard copy/website	Free
School policies		
Records management and personal data policies	Hard copy / website	5p per sheet
Charging regimes and policies	Website/Hard Copy See Charging and Remissions Policy	5p per sheet
Class 6 – Lists and Registers Currently maintained lists and registers will be made available only (this does not include the attendance register).	(Hard copy or website; some information may only be available by inspection)	5p per sheet
Curriculum circulars and statutory instruments	Website	Free
Disclosure logs	Unnamed statement	5p per sheet
Asset register	Viewing only	Free
Any information the school/nursery is currently legally required to hold in publicly available registers (This does not include the attendance registers)	Website	Free
Class 7 – The services we offer (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)	(Hard copy or website; some information may only be available by inspection)	Free

Current information will be made available only		
Extra-curricular activities	Website	Free
Out of school clubs	Website	Free
Services for which the school or nursery are entitled to recover a fee, together with those fees	Website	Free
School publications, leaflets, books and newsletters	Website	Free

How to request information:

You can request a copy of the information you want from the contact details in Appendix B.

If the information you are looking for is not available via our publication scheme and is not on our website, you may still ask if we have it. Please contact the Trust, school or nursery in writing, by email, fax or letter.

Please state that this is a Freedom of Information Request.

Paying for information:

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

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

Schedule of Charges:

This describes how the charges set out in the Guide to Information above have been arrived at.

Type of Charge	Description	Basis of Charge
Disbursement cost	Photocopying/printing @ 5p per sheet (black & white)	Actual cost 5p
	Photocopying/printing @ 8p per sheet (colour)	Actual cost 8p
	Postage	Actual cost of Royal Mail standard 2nd class
Re-licensing the use of datasets (No personal data will be disclosed)	<p>If the dataset is a relevant copyright work, the school will provide it under the terms of a specified licence.</p> <p>A relevant copyright work is one for which the school owns the copyright and database rights, and which is not a Crown copyright or Parliamentary copyright work.</p> <p>The Open Government Licence (OGL) is the default licence for datasets that can be re-used without charge; other licences (the Non-Commercial Government Licence and the Charged Licence) are available where that is not appropriate.</p> <p>The school may charge a fee for communicating the information and a fee for making the dataset available for reuse if this requires cost and effort in publishing this in a re-usable form.</p> <p>Under our publication scheme the school will publish datasets that have been requested, and any updated versions it holds, unless it is satisfied that it is not appropriate to do so.</p>	There is no re-use fee if the dataset is provided under the OGL or the Non-Commercial Government Licence.

	<p>Factors that can be taken into account when deciding whether it is not appropriate include whether the information is exempt and the cost and effort of publishing in a re-usable form.</p> <p>Complaints that the school has not met its duties under the dataset provisions will be dealt with by the Information Commissioner, in consultation with the National Archives as appropriate.</p>	
Other	£2 which includes research for each item.	

APPENDIX B – Contact Details



Organisation	Name	Telephone No.	Email
Bedfordshire Schools Trust (BEST)	Craig Smith (COO)	01462 413511	FOI@bestacademies.org.uk
Samuel Whitbread Academy	Ian Butler	01462 629900	swa-info@bestacademies.org.uk
Etonbury Academy	Victoria Lockey	01462 730391	FOlofficerETA@bestacademies.org.uk
Pix Brook Academy	Stephen Adams	TBC	PBA-office@bestacademies.org.uk
Robert Bloomfield Academy	Vince Holmes	01462 628800	RBA-Enquiries@bestacademies.org.uk
St Christophers Academy	Rebecca Tootell	01582 500960	SCA-admin@bestacademies.org.uk
Gothic Mede Academy	Michael Warlow	01462 732002	GMA-Office@bestacademies.org.uk
Gravenhurst Academy	Carol Davison	01462 711257	gravenhurst-info@bestacademies.org.uk
Langford Village Academy	Linda Howley	01462 629000	langford-info@bestacademies.org.uk
Lawnside Academy	Clare Webb	01767 312313	LSA-office@bestacademies.org.uk
BEST Nursery (Arlesey)	Heather Hudson	01462 732168	hhudson@bestacademies.org.uk
BEST Nursery (Shefford)	Heather Hudson	01462 815637	hhudson@bestacademies.org.uk