



South East Cornwall Multi Academy Regional Trust

Freedom of Information Act Policy

| Date | Changes |
|-------------|--|
| March 18 | Original draft circulated to LGCs and Trust Board |
| 26/3/18 | All SMART-Trust policies which unions requested further consultation on were removed from sites and previous policies reinstated to enable establishment of a JCNC and a fresh round of consultation |
| 24/04/19 | Copy sent to senior staff, unions, LGC, legal and Trust Board inviting comments |
| 15/05/19 | Consultation with unions in JCNC meeting at Liskeard |
| 15/05/19 | Version sent for final check prior to publishing |
| 22/07/19 | Approved by Trust Board |

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Introduction

The Freedom of Information Act 2000 (which is referred to as FOIA in the rest of this document) gives a right of public access to information held by public authorities, including Academies (by virtue of the Academies Act 2010). It is a legal right for any person(s) (or persons corporate) to ask for access to information held by SMART Multi Academy Trust (the Trust) relating to the delivery of its public task. The Trust Board and Local Governing Committees are committed to the culture of openness and accountability and the general right of access to information, subject to legal exemptions. This policy outlines the framework for managing requests.

The FOIA does not give people access to their own personal data. If a member of the public wishes to see information that the Trust holds about them, they should make a data protection subject access request under the prevailing Data Protection legislation.

The scheme commits the Trust:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the Trust and falls within the classifications below
- To specify the information which is held by the Trust 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 Trust 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 Trust that has been requested, and any updated versions it holds, unless the Trust 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 Trust 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 Trust 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 the Trust, 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 Trust 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.

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 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 the 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 Trust, 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 Trust. 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 the Trust 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.

Requests should be addressed to:

| School | Website and email addresses | Contact for FOIA requests |
|-------------------------------------|--|---|
| Dobwalls Community Primary School | www.dobwalls.cornwall.sch.uk secretary@dobwalls.cornwall.sch.uk | School Secretary, Dobwalls Community Primary School, Dobwalls, Liskeard, PL14 4LU |
| Landulph Primary School | www.landulphschool.co.uk secretary@landulph.cornwall.sch.uk | School Secretary, Landulph Primary School, Landulph, Saltash, PL12 6ND |
| Liskeard School & Community College | www.liskeard.cornwall.sch.uk enquiries@liskeard.cornwall.sch.uk | The Data Manager, Liskeard School & Community College, Luxstowe, Liskeard, PL14 3EA |

| | | |
|-----------------------------------|--|---|
| Looe Community Academy | www.looe.cornwall.sch.uk enquiries@looe.cornwall.sch.uk | The Business Manager, Looe Community Academy, Sunrising, East Looe, PL13 1NQ |
| Saltash.net Community School | www.saltash.net enquiries@saltash.cornwall.sch.uk | The Data Manager, Saltash.net Community School, Wearde Road, Wearde, Saltash, PL12 4AY |
| SMART Multi Academy Trust | www.smart-trust.net CEO@smart-trust.net | PA to the CEO, SMART Trust, CBU Office, Liskeard School & Community College, Luxstowe, Liskeard, PL14 3EA |
| Trewidland Primary and Pre-School | www.trewidland.cornwall.sch.uk secretary@trewidland.cornwall.sch.uk | School Secretary, Trewidland Primary and Pre-School, Trewidland, PL14 4SJ |

To ensure that requests are dealt with promptly, the envelope should be clearly marked 'Freedom of Information Act request'.

The Trust must comply promptly with the request and no later than 20 working days (a working day is any day other than a Saturday, Sunday, bank holiday or school holiday) after the date of receipt of the request. Where the Trust requires a fee to process the request, the 'clock' will stop on the date it issues a fees notice to the applicant and restart once payment is received.

Refusing a request

The Trust has a duty to either confirm or deny whether the information requested is held; or provide the applicant with the information. If the Trust is refusing to meet either, it will issue a refusal notice to the applicant detailing why and state the section of the FOIA being relied upon, including any public interest and prejudice tests. The Trust has the right to refuse an entire request if:

- It would cost too much or take too much staff time to deal with the request
- It is vexatious
- It repeats a previous request from the same person.

Exemptions

The FOIA contains a number of exemptions that allow the Trust to withhold information from the applicant. Some exemptions are based on the harm that may arise from disclosing the information, such as if disclosure would be likely to prejudice a criminal investigation or someone's commercial interests.

Most exemptions are not absolute but require a public interest test, consideration must be taken for the public interest arguments before deciding whether to disclose the information or refuse the request.

Reviews and complaints

If a request is refused, the applicant can write to the Trust asking for the decision to be reviewed. If the decision to refuse the application is upheld, the applicant can complain to the Information Commissioner's Office, in writing to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
0303 123 1113

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Appendix 1 – Schedule of charges

| Type of charge | Description | Basis of charge |
|-------------------|---|--|
| Disbursement cost | Photocopying/printing at 4p per sheet (black and white) | Actual cost |
| | Photocopying/printing at 20p per sheet (colour) | Actual cost |
| | Postage | Actual cost of Royal Mail standard |
| Statutory fee | | In accordance with the relevant legislation (quote the actual statute) |
| Other | | |

Appendix 2 – Flowchart for dealing with FOIA requests

