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Community

Freedom of Information Act Policy

Policy Date: June 2021

Version: June 2021

**Adopted by the Trustees of
Osprey Learning Trust**

on: 20 July 2021

1. Introduction

1.1 The Freedom of Information (FOI) Act 2000 provides public access to information held by public authorities. 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. They are entitled to be told whether the Osprey Learning Trust (the Trust) holds the information, and to receive a copy, subject to certain exemptions.

1.2 The 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 the information that the Osprey Learning Trust (the Trust) holds about them, a subject access request under the GDPR should be made.

1.3 The Publication scheme commits to the Trust to make information available to the public as part of its normal business activities. It sets out the framework for how the Trust manages its obligations under the Freedom of Information Act, in terms of responding to written requests from the public and publishing certain information about its activities through the Freedom of Information Act Publication Scheme.

2. Scope of the FOI Act

2.1 The Act covers all recorded information held by the Trust. It is not limited to official documents, and it covers, for example, emails, notes, recordings of telephone conversations and CCTV recordings. It is also not limited to information that has been created, so it also covers, for example letters received from members of the public, although there may be a good reason not to release them.

2.2 Requests for recorded information about the handling of previous freedom of information requests (meta requests) should be treated no differently from any other request for recorded information.

2.3 The Act does not cover information that is in someone's head. If a member of public asks for information, information only has to be provided that is already in recorded form. The Trust does not have to create new information or find the answer to a question from staff who may happen to know it.

2.4 The Act covers information that is held on behalf of the Trust. For example, certain types of work are outsourced to another provider. Outsourced services undertaken by an external company may hold information on the Trust's behalf. Some of the information held by the external company may be covered by the Act if a FOI request is received. The company does not have to answer any requests for information it receives, but they may forward requests to the Trust.

2.5 The Act does not cover information the Trust holds solely on behalf of another person, body, or organisation. This means employees' purely private information is not covered, even if it is on a work computer or email account. Information stored solely on behalf of a trade union or Governor/Trustee is also not covered by this Act.

3. FOI Publication Scheme

3.1 The Trust has adopted the Model Publication Scheme for Schools, which has been approved by the Information Commissioner and is Appendix 1 within this policy.

3.2 The scheme commits the Trust to:

- Proactively publish or otherwise make available as matter of routine, information, which is held by the Trust and falls within the classifications.
- Specify the information which is held by the Trust and falls within the classifications.
- Proactively publish or otherwise make available, as 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 makes available under this scheme.
- Produce a schedule of any fees and charged for access to the information which is made proactively available.
- Make this publication scheme available to the public.
- 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; publish the data set, 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 FOI Act section 19. The term 'dataset' is defined in section 11(5) of the FOI. The term 'relevant copyright work' is defined in section 19(8) of the Act.

4. Classes of Information

4.1 The classes of information are:

- **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 are 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, procedures and 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 functions of the Trust.
- **The Services we offer** – advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

5. Responding to Information Requests

5.1 The Trust has a duty to:

- Provide advice and assistance to anyone requesting information. The Trust will respond to straightforward verbal requests for information and will help enquirers to put more complex verbal requests into writing so that they can be handled under the Act.
- Tell enquirers whether or not the Trust holds the information they are requesting and provide access to information the Trust holds in accordance with procedures.

5.2 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 a public authority, the Trust will provide details of where to obtain the information.
- In exceptional circumstance some information may be available only by viewing in person. Where this matter 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 an 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.

5.3 Managing Information Requests:

- The Trust will update its records with the information requests that are received, to enable the Trust to have a complete overview and reports on all FOI requests at an executive level. This will include requests that have been refused.
- Requests must be made in writing, including email, and should include the enquirers name and correspondence address, and state what information they require. They do not have to mention the Act, nor do they have to say why they want the information. However, to help

process requests quickly, requests should be marked “**Publication Scheme Request**”. There is a duty to respond to all requests, telling the enquirer whether or not the information is held, and supplying any information that is held, except where exemptions apply.

- FOI requests should either be emailed to scott.deeming@ospreylearningtrust.co.uk or by post to Jon Newman, Chief Finance Officer, Osprey Learning Trust, Exeter Road, TQ14 9HZ.
- There is a time limit of 20 school days for responding to a request. Where required, a reasonable extension of time to consider the public interest can be put in place. An extension beyond an additional 20 school days should be exceptional.
- Certain information is subject to either absolute or qualified exemptions. When applying a qualified exemption to a request, the public interests test procedures need to be applied to determine if a public interest in applying the exemption outweighs the public interest disclosing the information. Exemptions include:
 - The Trust does not hold the information.
 - The information is exempt under one of the FOI Act exemptions or Environmental Information Regulations 2004 (EIR) exceptions, or its release is prohibited under another act or regulation.
 - The information is readily and publicly available from an external website; such information may have been provided either by the Trust or on its behalf. The Trust must provide a direct link to that information.
 - The information is archived, out of date or otherwise inaccessible; or
 - It would be impractical or resource-intensive to prepare the material for routine release.
 - Unless it is in the public interest to withhold the information, it will be released.

6. Charging

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 may occur for the supply of information.

- Charges made by the Trust for routinely published material will be justified and transparent, and kept to a minimum.
- Charges may be made for information subject to a charging regime specified in the Act.
- Charges may also be made for actual disbursements incurred such as: staff time, photocopying, postage and packaging, and the costs directly incurred as a result of viewing the information.
- If a charge is to be made, confirmation of payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

7. Complaints

7.1 If a member of the public is unhappy with the service they have received regarding their request and they wish to make a complaint or request a review of the decision, they should put it in writing to: Chief Finance Officer, Osprey Learning Trust, Exeter Road, TQ14 9HZ.

7.2 The Trust will aim to determine all complaints within 10 school days of the date of receipt. The complaint will be dealt with by another member of the Trust Executive Team.

7.3 Following investigation, if the original decision is upheld, then the Trust has a duty to inform the complainant of their right to appeal to the Information Commissioner's Office, which will be detailed in the response letter. Appeals should be made in writing to the ICO as follows:

FOI/EIR Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

8. Publication and Review

8.1 This Publication Scheme will be published on the Trust's website and included in the Trust's policy review schedule.

8.2 The Trustees, who may delegate this to a nominated Trustee, will be responsible for overseeing, reviewing and organising the revision of this Publication Scheme. It will be reviewed every three years or upon change of relevant legislation. The application and outcomes of this policy will be monitored to ensure it is working effectively.

Amendment Record

Version #	Date	By	Nature of Change	Next Review Date
1	23/06/2021	S Deeming	New policy	As required. No later than June 2025.

Appendix 1 – Publication Scheme

Information to be published	How the information can be obtained?
Who we are and what we do	
<i>Organisation information, locations and contacts, constitutional and legal governance</i>	
Osprey Learning Trust Organisational information	Website
Locations and contacts	Website
Governance and structure	Website
Articles of Association	Website
School curriculums	School websites
School timings and contact information	School websites
What we spend and how we spend it	
<i>Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts</i>	
Annual accounts for the previous year	Website
Capital Funding (Annual Accounts)	Website
Financial Audit Reports	Hard Copy
Procurements and Contracts	Hard Copy
Pay Policy	Hard Copy
Staff allowances, expenses and salary information	Hard Copy
What our priorities are and how we are doing	
<i>Strategy and performance information, plans, assessments, inspections and reviews</i>	
Osprey Learning Trust vision	Website
Performance data	School websites
Ofsted reports	School websites
Safeguarding and CP	All websites
How we make decisions	
<i>Policy proposals and decisions. Decision making processes, internal criteria, procedures and consultations</i>	
Admissions policies	Website
Governance structure	Website
Minutes of Trust Board meetings	Hard Copy/Website
Consultation surveys with students/parents and staff	Hard Copy
Policies and Procedures	
<i>Current written protocols for delivering our functions and responsibilities</i>	
Trust/School policies and other documents	Website/School Websites
GDPR, Privacy Notices and Data Retention	Website
Charging and Remissions	Website
Lists and Registers	
<i>Information held in registers required by law and other lists and registers relating to the functions of the Trust</i>	

Disclosure logs	Hard Copy
Risk Register	Hard Copy
Asset Register	Hard Copy
The Services we offer	
<i>Advice, guidance, booklets and leaflets, transactions and media releases. A description of the services offered</i>	
Extra-curricular activities	School Websites
Out of school clubs	School Websites
School publications/news	School Websites
Services in which the Trust and schools can recover fees	Hard Copy
Leaflets/school letters	Hard Copy