



# Freedom of Information Policy

## September 2023

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<b>Signature of Chair:</b>	
<b>Author/Reviewer:</b>	Trust HR Team
<b>Date for Review:</b>	Autumn Term 2024

## DOCUMENT CONTROL

Unless there are legislative or regulatory changes in the interim, this Policy will be reviewed every 2 years. Should no substantive changes be required at that point, the policy will move to the next review cycle.

<b>First Issue</b>	September 2016	
<b>Linked Policies</b>	Data Protection Policy Complaints procedure Retention of Records Policy	
<b>Target Audience</b>	All Stakeholders	
<b>Dissemination via</b>	School and Trust Websites	
<b>Version</b>	<b>Date</b>	<b>Update Information</b>
1.0	Sept 2018	Reviewed in line with GDPR
1.1	Sept 2023	Added ICO Model Publication Scheme

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## 1. Introduction

Mercia Learning Trust has a strong moral purpose to do what is best for children and families which underpins our ethos. This policy represents part of our ethos and helps to facilitate consistency and quality across our schools.

Under the provisions of the Freedom of Information Act (2000) (FOI), the Trust is required to produce a register of the types of information it will routinely make available to the public. This publication scheme follows a template approved by the Information Commissioner.

The scheme commits our Trust and its schools to:

- Proactively/routinely publish information which is held by us falling within the “Classes” below (see section 2) in line with this scheme.
- Specify the information
- Explain how it will be made available
- Review and update information on a regular basis
- Explain any fees to be charged for the information
- Make this scheme publicly available
- Publish information held by the Trust that has been requested (unless not appropriate to do so)
- Publish information in a digital form that is capable of being re-used
- Make clear if any information is a relevant copyright work (under FOI Section 19(8)) and the Trust is the only owner

The Trust recognises the importance of the Act, and it will ensure that appropriate systems are put in place to publicise what recorded information is kept by the trust and how this information can be accessed on request by the public.

Some information which we hold may not be made available, for example personal information.

## 2. What is a Freedom of Information Request

Any request for any information from the Trust is technically a request under the FOI, whether the individual making the request mentions the FOI or not. However, the ICO has stated that routine requests for information (such as a parent requesting a copy of a policy) can be dealt with outside of the provisions of the Act.

### 3. Publication Scheme

This publication scheme has been prepared and approved by the Information Commissioner and adopted by the Trust. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

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, a public 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 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.

## **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.

## **4. Requesting Information**

### **4.1 Procedure**

Where possible, the Trust will provide information on its website or on the websites of individual schools. If information is not available on websites, we will indicate how information can be obtained by other means and provide it by those means.

Some information may only be available by viewing in person. If this is the case, then information will be provided on request and arrangements made to view the information within a reasonable timescale.

If information is required, contact should be made to the Headteacher of the appropriate school or to the Chief Executive of the Trust in the first instance. Contact details for our schools are available below or on the school's website.

To be valid your request must:

- Be in writing to ensure that we have a clear statement of what is requested
- Be clearly marked 'Freedom of Information Request' to enable us to process your request quickly
- State the enquirer's name and correspondence address to which we can reply (email is sufficient)
- Describe the information requested – there must be enough information to be able to identify and locate the information
- Not be covered by one of the other pieces of legislation

The Trust will keep a record of all requests received under the Freedom of Information Act.

Mercia Learning Trust  
[enquiries@merciatrust.co.uk](mailto:enquiries@merciatrust.co.uk)

Anns Grove Primary School  
[enquiries@annsgrove.sheffield.sch.uk](mailto:enquiries@annsgrove.sheffield.sch.uk)

King Ecgbert School  
[enquiries@ecgbert.sheffield.sch.uk](mailto:enquiries@ecgbert.sheffield.sch.uk)

Mercia School  
[enquiries@merciaschool.com](mailto:enquiries@merciaschool.com)

Nether Edge Primary School  
[enquiries@netheredge.sheffield.sch.uk](mailto:enquiries@netheredge.sheffield.sch.uk)

Newfield School  
[enquiries@newfield.sheffield.sch.uk](mailto:enquiries@newfield.sheffield.sch.uk)

Totley Primary School  
[enquiries@totley.sheffield.sch.uk](mailto:enquiries@totley.sheffield.sch.uk)

Woodlands Primary School  
[enquiries@woodlands.sheffield.sch.uk](mailto:enquiries@woodlands.sheffield.sch.uk)



## 4.2 Does the Trust hold the information?

'Holding' the information means information relating to the business of the Trust which:

1. The Trust has created
2. The Trust has received from another body or person
3. Is held by another body on the Trusts behalf.

Information means both hard copy and digital information, including emails. If the School/Trust does not hold the information, we do not have to create or acquire it just to answer the enquiry, although a reasonable search should be made before responding.

## 4.3 Vexatious, manifestly unreasonable or repeated requests

The Act states that there is no obligation to comply with vexatious requests. This is taken to mean a request which is designed to cause inconvenience, harassment, or expense, rather than to obtain information, and would require substantial diversion of resources or would otherwise undermine the work of the School/Trust. We do not have to comply with repeated identical or substantially similar requests from the same applicant unless a reasonable interval has elapsed between requests.

## 5. Dealing with a Request

The Trust will normally confirm within five working days whether it holds the information you request and, where it is held, will provide it within 20 school days.

The response time starts from the time the request is received. Where we have asked the enquirer for more information to enable us to answer, the 20 days start time begins when this further information has been received.

Information will be delivered electronically where possible to reduce cost but, paper copies can be provided by contacting the Trust using the above contact details.

In some circumstances information may be withheld in accordance with the exemptions applicable under the legislation. The Trust may not be able to provide the information you request for any of the following reasons:

- Where the information requested relates to an opinion and not matters of fact
- The information contains personal data and cannot be disclosed under UK GDPR
- We do not hold the information

- We are applying an exemption to the disclosure (see Section 6)
- It would cost the Trust more than £450 to provide the information (this figure is set by Government and is based on the work exceeding 18.5 staff hours to gather the information).

If we are unable to provide the information, we will do all we can to advise you as to how you might obtain the information elsewhere or in a different way to keep the cost down.

The Trust will seek advice as necessary to clarify any points or to help resolve any disputes over information requests.

If you do not accept the reasons for the Trust declining to disclose the information in your request, you should write to the Headteacher if your request was made direct to a school, or the Chair of the Trust in the first instance. If you are not happy with the response, you may wish to contact the Information Commissioner at [www.ico.org.uk](http://www.ico.org.uk).

## 6. Exemptions

The guidance allows a number of exemptions, where this is the case, we will inform the requester. Common exemptions that might apply include:

- Section 40 (1) – the request is for the applicant’s personal data. This must be dealt with under the subject access regime in the Data Protection Act
- Section 40 (2) – compliance with the request would involve releasing third party personal data, and this would be in breach of the Data Protection Act
- Section 41 – information that has been sent to the Trust (but not the Trust’s own information) which is confidential
- Section 21 – information that is already publicly available, even if payment of a fee is required to access that information
- Section 22 – *information that the Trust intends to publish at a future date*
- Section 43 – *information that would prejudice the commercial interests of the Trust and/or a third party*
- Section 38 – *information that could prejudice the physical health, mental health or safety of an individual (this may apply particularly to safeguarding information)*
- Section 31 – *information which may prejudice the effective detection and prevention of crime – such as the location of CCTV cameras*
- Section 36 – *information which, in the opinion of the Chair of Trustees of the Trust, would prejudice the effective conduct of the school/Trust. There is a special form for this on the ICO’s website to assist with the obtaining of the chair’s opinion.*

The sections mentioned in italics are qualified exemptions. This means that even if the exemption applies to the information, the Trust must also carry out a public interest weighting exercise, balancing the public interest in the information being released, against the public interest in withholding the information.

## **7. Charges**

The purpose of this scheme is to make the maximum amount of information 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.

Whilst we will provide most information free of charge, we may charge a fee for photocopying/printing/faxing/postage of longer documents where the required information is not listed in our Publication Scheme as being available either free of charge or at a stated charge. If you ask for information in an expensive alternative format, we may charge for this, subject to legislation, such as the Disabilities Discrimination Act.

If a charge is to be made, confirmation of the payment due (fee notice) will be given before the information is provided and we will provide the information on receipt of payment. The time allowed for us to provide the information (20 working days) does not include the period between the issuing of the fee notice and the receipt of the payment.

For more substantial items, the fee charged depends on whether we estimate that it would cost more or less than £450.00 to provide the information.

In the vast majority of cases the cost will be under £450, and we will then charge only for photocopying, printing, faxing and postage. We may also charge for any work required to put the information into the required format, which could involve, for example:

- summarising the information
- translating the information into a different language

Please note that we do not have facility to transfer any request for information onto digital media e.g. USB, CD.

## 8. Guide to Information available from Mercia Learning Trust under the FOI Publication Scheme

This is not an exhaustive list but, outlines the types of information available and where to find it. If the information you require is not listed, you should contact the Trust at the address given above.

Information	On Trust Website – Free	On School Website – Free	Signposted to another website	On Request – electronic Free	On Request – hardcopy with charge
<b>Class 1 – Who we are and what we do</b>					
Who’s who in the Trust/School	X	X			
Governance – Trustee names, details of how to contact	X				
Governance – Local Governing Body (school) names, details of how to contact		X			
Articles of Association	X				
Contact details for the Headteacher and for the governing body, via the school (named contacts where possible).		X			
School prospectus and curriculum		X			
School session times and term dates		X			
Gender Pay Report	X				
TU Facility Time	X				
<b>Class 2 – What we spend and how we spend it</b>					
Audited accounts	X				
Annual budget plan and financial statements				X	X
Capital funding – details of funding allocated along with information on building and capital projects				X	
Additional funding – details of action plans and impact ie. pupil premium		X			

<b>Information</b>	<b>On Trust Website – Free</b>	<b>On School Website – Free</b>	<b>Signposted to another website</b>	<b>On Request – electronic Free</b>	<b>On Request – hardcopy with charge</b>
Financial audit reports (Trust)				X	X
Procurement and contracts – details of procedures used for the acquisition of goods and services. Details of contracts that have gone through a formal tendering process				X	X
Pay policy				X	
Remuneration of key personnel	X				
Governors’ allowances	X				
<b>Class 3 - What our priorities are and how we are doing</b>					
Performance data or a direct link to it			X		
Ofsted report			X		
Performance management policy and procedures adopted by the Trust/Governing body.				X	X
The Trust’s future plans; for example, major proposals for and any consultation on school future		X		X	X
Safeguarding and child protection	X	X			
<b>Class 4 – How we make decisions</b>					
Admissions – arrangements and procedures		X			
Admissions – information on application numbers and number of successful applicants by criteria				X	X
Governance – Trustee agenda, minutes and papers, with the exception of information that is properly considered to be private				X	X
Governance – Local Governing Body agenda, minutes and papers, with the exception of information that is properly considered to be private				X	X

Information	On Trust Website – Free	On School Website – Free	Signposted to another website	On Request – electronic Free	On Request – hardcopy with charge
<b>Class 5 – Our policies and procedures</b>					
Statutory policies	X	X			
All other non-statutory policies				X	X
<b>Class 6 – Lists and Registers</b>					
<b>Currently maintained lists and registers only (excludes attendance registers)</b>					
Admissions Register	Available by inspection only	Free			
Business Interests	X	X			
Curriculum circulars and statutory instruments				X	X
Disclosure logs				X	X
Asset Register	Available by inspection only	Free			
Any information the school is currently legally required to hold in publicly available registers				X	X
<b>Class 7 – The services we offer (current information only)</b>					
Extra-curricular activities		X			
Services for which the school is entitled to recover a fee, together with those fees	X Charging and Remissions Policy	X Charging and Remissions Policy			
School publications, leaflets, books and newsletters  (note: newsletters and other relevant communications are free to parents and carers)		X			

## Schedule of Charges

Type of Charge	Description
Disbursement cost	Photocopying/printing @ 10p per sheet (black and white or colour)
	Postage (actual cost of Royal Mail standard 2nd class)
Statutory Fee	£450 (in accordance with ICO and based on 18.5 hours of work)

