



LAURUS
—
TRUST

Freedom of Information Policy

SMBC and Laurus Trust

Date of Review: 01/09/24

Date of Next Review: 01/09/26

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Introduction

Maintained schools are legally required to comply with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR).

The proprietors of Academies are also subject to the FOIA and EIR but only in respect of information held for the purposes of functions under Academy arrangements (pursuant to section 1 of the Academies Act 2010).

The Trustees of the Laurus Trust are defined as a public authority under Schedule 1 of the FOIA and will use all appropriate and necessary means to ensure that it complies with the legislation and associated Codes of Practice issued by the Minister for the Cabinet Office and the Secretary of State pursuant to Section 45 (5) and Section 46 (6) of the Freedom of Information Act 2000; and section 16 (4) of the Environmental Information Regulations.

The FOIA gives the public a general right to ask public authorities whether they hold certain information and, if they do, the right to be given that information, subject to certain conditions and exemptions.

The EIR regulates public access to all environmental information held by public authorities.

Scope

This policy applies to all information that is created, received or maintained by the Trust/School.

It covers all types of information, regardless of format such as official documents, drafts, emails, notes, telephone and CCTV recordings, and information held by other organisations on the school's behalf.

FOIA and EIR do not deal with the collection and use of personal data, which is governed by UK data protection legislation. Subject access requests are dealt with under the Data Protection Act 2018 (DPA 2018) and not FOIA or EIR (see Data Protection Policy).

Responsibilities

The Trustees have delegated the day-to-day responsibility for compliance with the FOI to the Head of School.

Requirements

Under the FOIA and EIR the Trust is required to:

- *provide advice and assistance to anyone requesting information.*
- *tell enquirers whether or not we hold the information they are requesting (the duty to confirm or deny) and provide access to the information we hold in accordance with the procedures laid down in Appendix 1.*

Publication Scheme

The Laurus Trust has adopted the Model Publication Scheme for Schools approved by the Information Commissioner. The Publication Scheme is published on our website and the materials it covers will be readily available from the office or online at dataprotection@laurustrust.co.uk.

Dealing with Requests

The Trust will respond to all requests in accordance with the procedures laid down in Appendix 1.

Exemptions and Exceptions

The Trust will consider if information requested is subject to an exemption or an exception. Most of these are listed in Annex B.

Where necessary the Trust will invoke the public interest test procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information.

Public Interest Test

The Trust will apply the Public Interest Test before any qualified exemptions are applied. Unless it is in the public interest to withhold information, it will be released.

Charging

The Trust will respond to most requests free of charge, and only charge where significant costs are incurred. The Trust may choose to charge a fee for complying with requests for information under FOI. The fees will be calculated according to FOI regulations and the person notified of the charge before information is supplied.

Complaints

Any comments or complaints will be dealt with through the Trust/school's normal complaints procedure. The Trust/school will maintain records of all complaints and their outcome.

If on investigation the Trust/school's original decision is upheld, then the Trust/school has a duty to inform the complainant of their right to appeal to the Information Commissioner's office.

Appendix 1 - Procedure for Dealing with Requests

To handle a request for information the Trustee's or delegated person will need to ask themselves a series of questions. These are set out below and shown on pages 10 and 11 as process maps.

Is it a request for information under the Freedom of Information Act (FOIA) or Environmental Information Regulations (EIR)?

A request for information may be covered by one, or all, of three information rights:

Data Protection enquiries (or subject access requests) are ones where the enquirer asks to see what personal information the Trust holds about the enquirer. If the enquiry is a Data Protection request, we will follow our existing Trust's Data Subject Rights guidance.

EIR enquiries are ones which relate to air, water, land, natural sites, built environment, flora and fauna, and health, and any decisions and activities affecting any of these. These could therefore include enquiries about recycling, phone masts, school playing fields, car parking etc.

FOI enquiries are concerned with all other information and the reasoning behind decisions and policies. The request does not have to mention the FOI Act. An FOI request is a request for information that is not already available, made by an applicant to the Trust/school. Under Section 1 (1) of the FOIA, any person making a request for information to a public authority is entitled to be informed in writing by the public authority, whether it holds information of the description specified in the request, and if that is the case, to have that information communicated to them.

Do I have to treat EIR requests differently to FOI requests?

There are many similarities between the two regimes, including the timescales for responding to a request.

However, the EIRs do not specify that requests must be in writing, which means that telephone requests on environmental matters will also be valid (although in practice it is advisable to make a written record of any verbal requests received).

There are some differences in the way that information that is not disclosed is dealt with. FOI has a series of exemptions that can be applied, while the EIRs have a series of exceptions. There are also some differences in the way that extremely time-consuming requests are dealt with.

What information is covered by the Freedom of Information Act 2000 (FOIA) and EIR?

The FOIA and EIR covers all recorded information held by the Trust/school. This is defined in Section 84 of the Act as 'information recorded in any form'. This includes official documents, drafts, emails, notes, telephone and CCTV recordings, and information held by other organisations on the school's behalf.

What information is not covered?

The FOIA and EIR does not cover information that is not held in recorded form. The Trust/school is not required to create new information to respond to a request. Additionally, the FOIA does not cover information that the Trust/school holds solely on behalf of another person, body or organisation.

Who can make a request?

Anyone, anywhere in the world can submit a request to the Trust/school. The applicant does not need to be a UK citizen or resident. FOI and EIR requests can also be submitted by organizations such as newspapers, campaign groups or even other public authorities.

What makes a request valid?

For a request to be valid under the FOIA and EIR it must:

- include the applicant's real name
- include an address for correspondence (this can be an email address)
- describe the information requested.

The FOIA also requires the request to be submitted in writing.

Requests do not need to be submitted in writing under EIR although it is good practise to keep a written record of the request.

The requester has not said their request is under FOIA or EIR. Does that mean we don't have to deal with it as an FOIA or EIR?

A request does not have to mention 'FOIA' or 'EIR' for it to be valid. A request to a public authority for public information is still an FOIA or EIR request.

For example:

1. *Under the Freedom of Information Act 2000, please provide details of your payments relating to stationary for the year 17/18*
2. *How much did you spend on stationary last academic year?*

Both of the above are FOIA requests and are asking for the same information, albeit in different ways.

What if we are unsure what's being asked for?

There may be occasions where you cannot identify the information being asked for from the request. In this case, you can seek clarification from the requester. The statutory timescale does not start until you have received this.

How long does the school have to respond to a request?

The standard time limit is 20 school days, or 60 working days if that's sooner. This time starts from the first working day after your school receives the request. Good practice dictates that a school responds to any request under FOIA or EIR as soon as possible.

Are extra time limits allowed if the information is difficult to collate?

FOIA - the Act does not allow extra time for searching for information. However, if finding the information and drawing it together to answer the request would be an unreasonable burden on your resources and exceed a set costs limit, you may be able to refuse the request.

EIR - the Regulations permit you to extend the 20-working day limit to 40 working days to give you more time to answer the request. You will still need to notify the requester that you are extending the time for compliance as soon as possible, and no later than 20 working days after the date you receive the request.

Can we have extra time to consider exemptions?

No, but if the exemption is qualified you can have extra time to consider the public interest test. In doing so you must:

- identify the relevant exemption(s) before you can claim any extra time for the public interest test;
- write and let the requester know why you are claiming extra time.

Can the school charge a fee for an FOI or EIR request?

In certain cases, a fee may be appropriate to recover communications costs, such as for photocopying, printing and postage. However, these will usually be waived if they amount to £10 or less. Only in exceptional circumstances can charges be made for other costs, such as for staff time spent searching for information unless other relevant legislation authorizes this.

What happens if we don't hold the information requested?

The FOIA and EIR only cover recorded information that the Trust/school holds in written form. This means if you know the answer, but it is not written down, you are not obliged to respond. You should inform the requester that the information is not held in a recorded format.

Before you decide that you don't hold any recorded information, you should make sure that you have carried out adequate and properly directed searches.

If you don't have the information the requester has asked for, you can comply with the request by telling them this, in writing. If you know that the information is held by another public authority, you could transfer the request to them or advise the requester to redirect their request.

In what format should the school provide the information?

The Trust/school can make information available in response to an FOI or EIR request in a number of ways, including via email, as a printed copy, or by arranging for the applicant to view the information. Normally, the information is provided to the applicant by whatever means are most reasonable. However, under Section 11 of the FOIA and Regulation 6 of the EIR, applicants have the right to specify their preferred means of communication in their initial request.

Do I always have to release information under the FOIA?

Under the FOIA and EIR there is a presumption in favour of disclosure.

However, both pieces of legislation provide 'exemptions' (FOIA) and 'exceptions' (EIR) for particular circumstances when you can refuse to provide information in response to a request.

Annex B provides you with information about common school exemptions. Schools are advised to contact the IG Team igschoolsupport@stockport.gov.uk if it thinks an exemption will apply.

What if we consider the request to be vexatious or repeated?

As a general rule, you should not take into account the identity or intentions of a requester when considering whether to comply with a request for information. However, a minority of requesters may sometimes abuse their rights under this legislation, which can threaten to undermine the credibility of the freedom of information system and divert resources away from more deserving requests and other public business.

The key question to ask yourself is whether the request is likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation to the school.

Bear in mind that it is the request that is considered vexatious, not the requester. If after refusing a request as vexatious you receive a subsequent request from the same person, you can refuse it only if it also meets the criteria for being vexatious.

What do we do if someone complains?

When issuing a response, the Trust/school should state whether it has a complaint procedure

(known as an internal review) and how to access it.

Internal reviews should be

- triggered whenever a requester expresses dissatisfaction with the outcome of a response;
- make sure it is a straightforward, single-stage process;
- make a fresh decision based on all the available evidence that is relevant to the date of the request, not just a review of the first decision;
- ensure the review is done by someone who did not deal with the request, where possible, and preferably by a more senior member of staff; and
- ensure the review takes no longer than 20 working days in most cases, or 40 in exceptional circumstances.

Within an internal review response, the applicant should be informed of their right to appeal to the Information Commissioner.

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

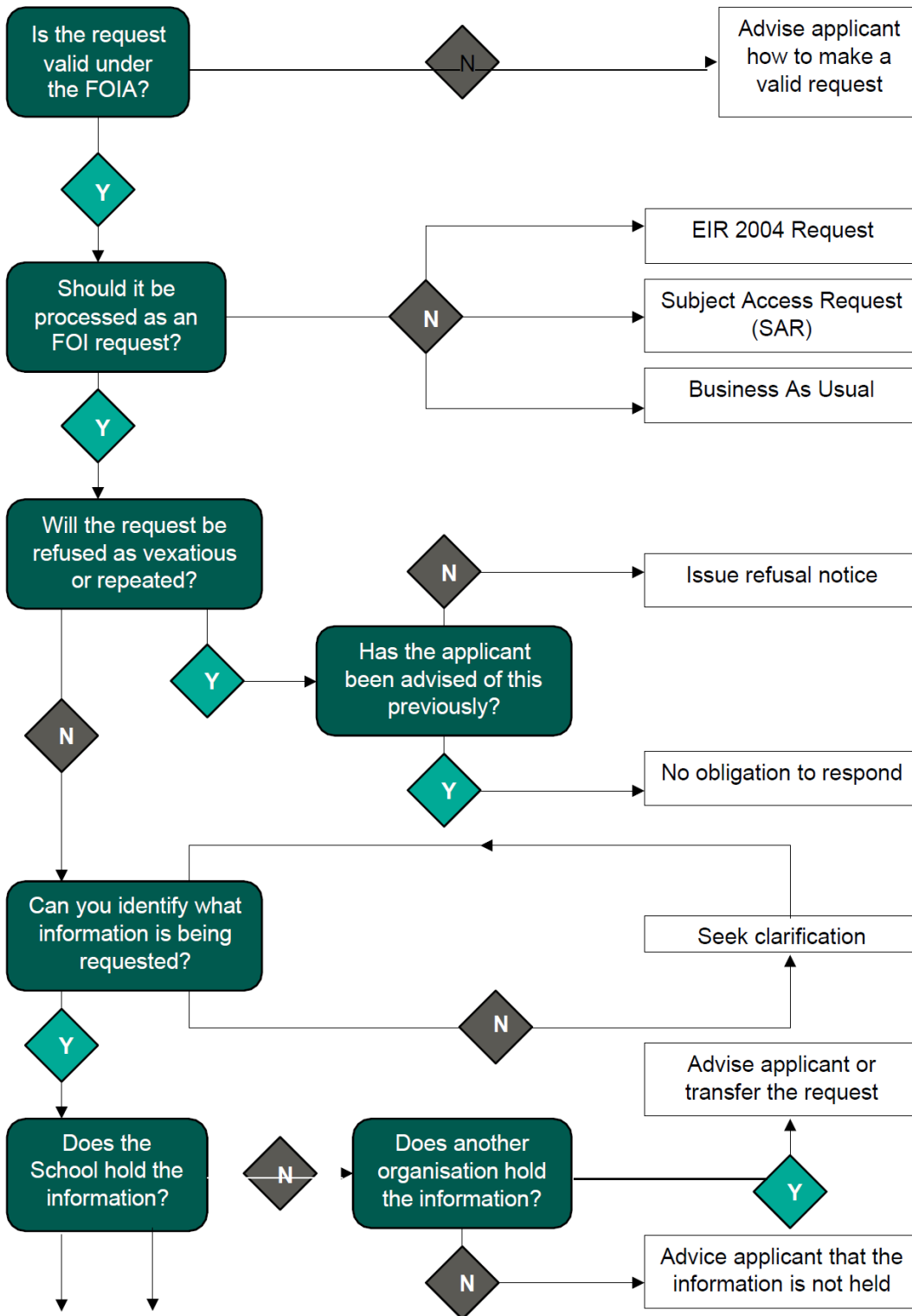
SK9 5AF

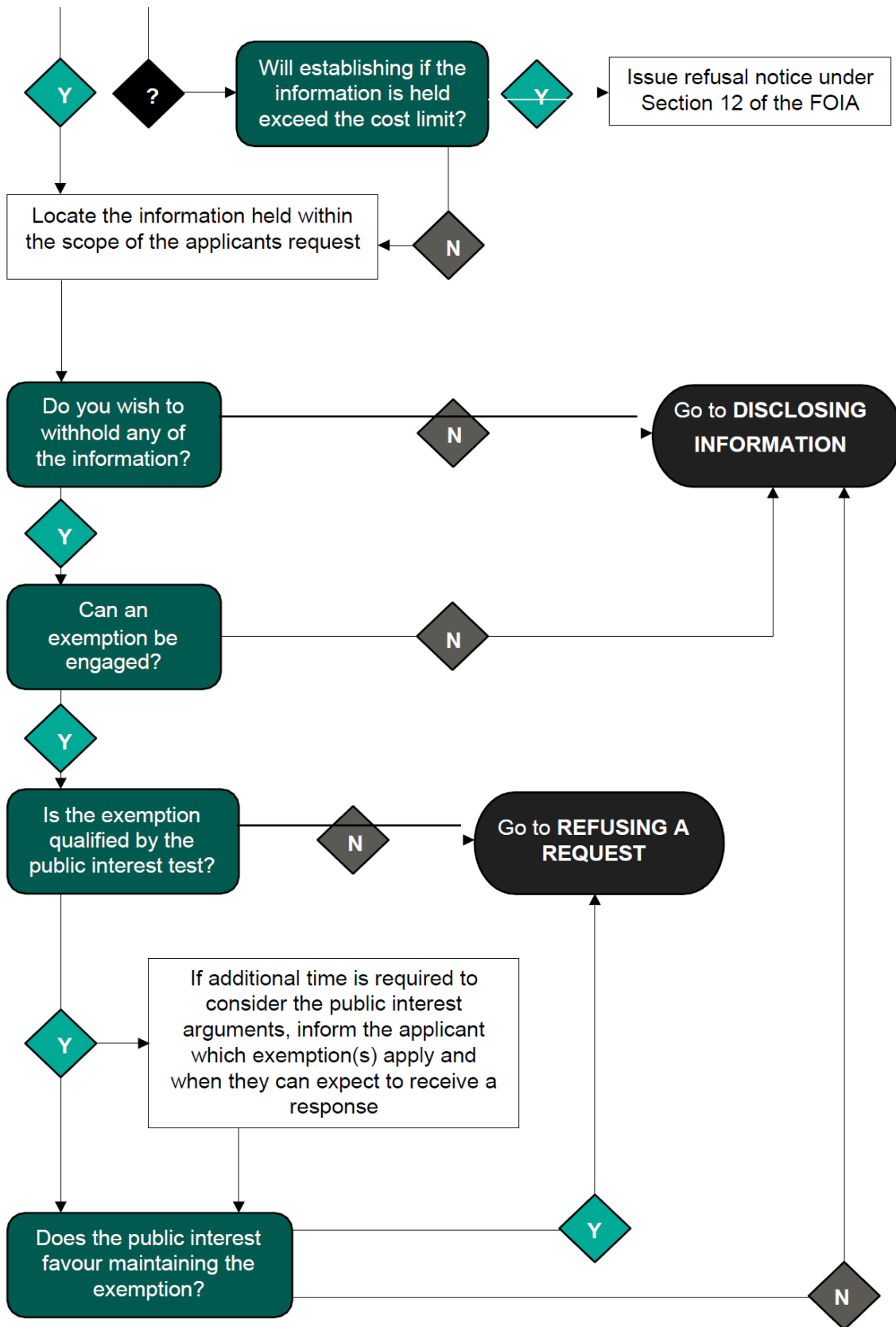
<https://ico.org.uk>

0303 123 1113

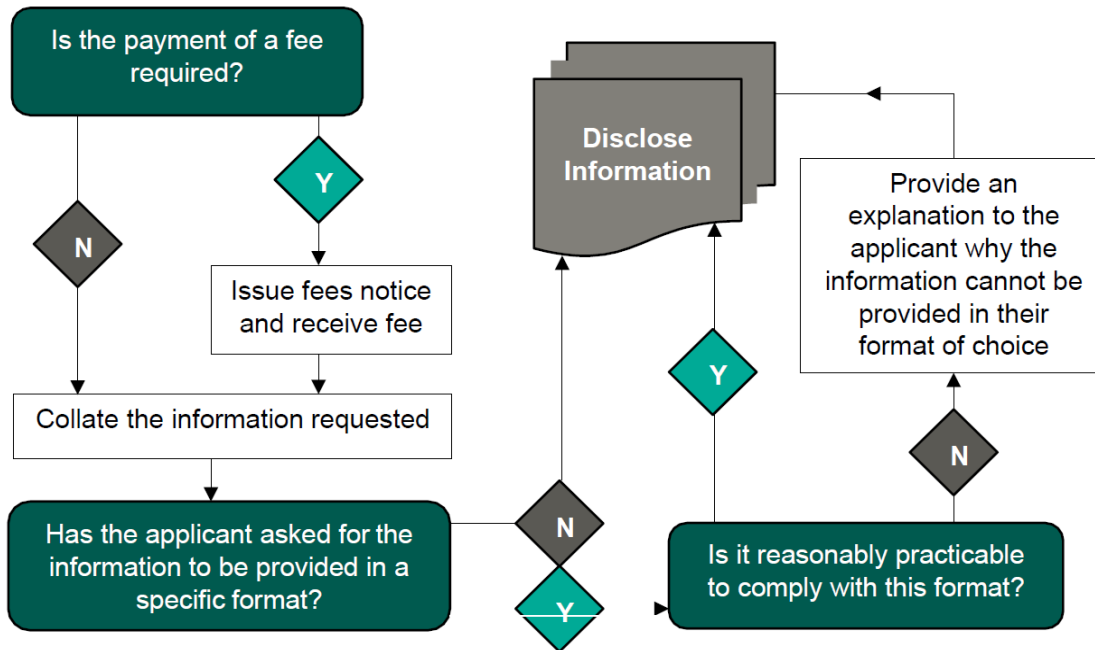
Annex A – Request Flowchart

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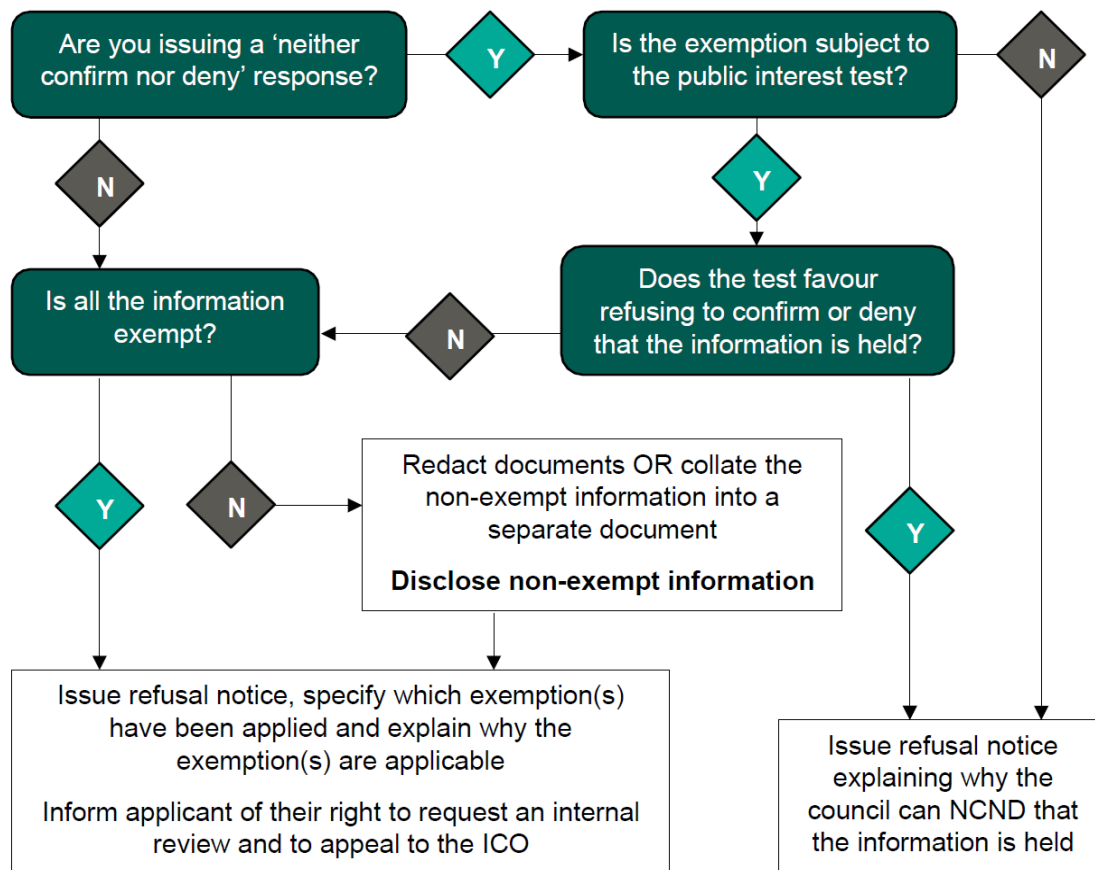




DISCLOSING INFORMATION



REFUSING A REQUEST



Annex B – Common School Exemptions and Exceptions

Tables below show some of the common exemptions and exceptions that may be used by schools under the FOIA and the EIR.

Freedom of Information Act

Section	Exemption Name and Description	Type	Public Interest Test required
S.12	Appropriate time limit/cost threshold – provides an exemption from a public authority’s obligation to comply with a request for information where the cost of compliance is estimated to exceed the appropriate limit (£450 or 18 working hours).		No
S.14	Vexatious requests – The school does not have to comply with a vexatious or repeated request.		No
S.21	Information accessible to the applicant by other means - applies if the information requested is already accessible to the applicant by other means, even if only on payment of a fee.	Absolute – Class based	No
S.22	Information intended for future publication - can apply when the schools is preparing the information for publication, whether a publication date has been determined or not.	Qualified – Prejudice based	Yes
S.31	Law enforcement - can apply if disclosure of the information would be likely to prejudice law enforcement.	Qualified – Prejudice based	Yes
S.32	Court records - provides an exemption for information held only by virtue of being contained in documents that are created or held for the purposes of court, inquiry or arbitration proceedings.	Absolute – Class based	No
S.38	Health and safety - where complying with the request would be likely to endanger the physical health, mental	Qualified – Prejudice based	Yes

	health or safety of any person.		
S.40	Personal information – Information is exempt from disclosure if it is personal information about the requestor or another party.	Absolute – Class based	No
S.41	Information provided in confidence – Information will be covered if it was obtained from another person, its disclosure would constitute a breach of confidence, a legal person could bring a court action for that breach of confidence and that court action would be likely to succeed	Absolute – Class based	No
S.42	Legal professional privilege - information may not be disclosed if it is legally privileged. The concept of legal professional privilege (LPP) protects the confidentiality of communications between a lawyer and client.	Qualified – Class based	Yes
S.43	Commercial interests – Information is exempt from disclosure if it relates to a trade secret or if it is likely to prejudice the commercial interests of any legal person.	Qualified – Class based	Yes

Environmental Information Regulations

Section	Exemption Name and Description	Public Interest Test required
12 (4) (a)	Information not held - you should make sure you have done adequate and properly directed searches, and that you have convincing reasons for concluding that you hold no recorded information.	No
12 (4) (b)	the request is manifestly unreasonable - Requests may be manifestly unreasonable if: <ul style="list-style-type: none"> dealing with a request would create unreasonable costs or an unreasonable diversion of resources; and an equivalent request would be found 'vexatious' if it was subject to the Freedom of Information Act. 	Yes
12 (4) (c)	the request is formulated in too general a manner - you can refuse disclosure if a request is unclear or non-specific. You should give the requester relevant advice and assistance to help them rephrase or clarify their request	No
12 (4) (d)	the request is for unfinished documents– information which relates to material still in the course	Yes

	of completion or is unfinished or incomplete does not have to be disclosed.	
12 (4) (e)	the request involves the disclosure of internal communications - the purpose of this exception is to allow you to discuss the merits of proposals and the implications of decisions internally without outside interference.	Yes
12 (5) (b)	The course of justice and inquiries - You can refuse to disclose information that would adversely affect formal legal proceedings, whether criminal or civil, including enforcement proceedings. Covers a range of information, such as court documents and documents covered by legal professional privilege.	Yes
12 (5) (e)	Confidentiality of commercial or industrial information – you can refuse to disclose information to the extent that its disclosure would adversely affect the confidentiality of commercial or industrial information, where such confidentiality is provided by law to protect a legitimate economic interest.	Yes
12 (5) (f)	Interests of the person who provided the information – information can be excepted from disclosure if the interests of the person who provided the information would be adversely affected.	Yes
13	Personal data - When information is the personal data of someone other than the applicant, regulation 12(3) requires you not to disclose that personal data, except in accordance with regulation 13. Regulation 13 prohibits you from disclosing third party personal data if this would contravene the UK GDPR or the DPA 2018.	No

PUBLICATION SCHEME:

Information to be published.	How the information can be obtained	Cost
Class 1 - Who we are and what we do (This will be current information only)		
Who's who in the Trust and/or school (only Trustees, Governors, CEO and Head of School listed)	Trust and School websites	
Who's who on the Board and/or governing body	Trust and School websites	
Articles of Association	Trust website	
Contact details for the Board of Trustees	Trust website	
Contact details for the CEO, Head of School and for the Chair of Governors	School website	
School prospectus (where applicable)	School Website	
Annual Report	Trust website	
Staffing structure	Hard Copy	
School term dates	School website/hard copy	
Address of Trust and contact details, including email address	Trust website	
Address of school and contact details, including email address.	School website/school letterhead	

Class 2 – What we spend and how we spend it (Current and previous financial year as a minimum)		
Trust Annual Accounts	Trust website	
Annual budget plan and financial statements	Hardcopy	
Capital funding	Hardcopy	
Financial audit reports	Trust website/hardcopy	
Details of expenditure items over £2000	Hardcopy	
Procurement and contracts the Trust and/or school has entered into, or information relating to / a link to information held by an organisation which has done so on its behalf e.g. a local authority	Hardcopy	
Pay policy	Trust website	
Staff allowances and expenses 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.	Hardcopy	
Staffing, pay and grading structure. The pay information will include salaries for senior staff (Senior Leadership Team or equivalent as above) in bands of £10,000; for more junior posts, by salary range.	Hardcopy	
Trustee and/or Governors' allowances incurred or claimed, and a record of total	Hardcopy	

payments made to individual trustees and/or governors.		
<p>Class 3 – What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews)</p> <p>Current information as a minimum</p>		
<p>Trust and/or School profile</p> <p>Performance data supplied to the English Government</p> <p>The latest Ofsted report</p> <ul style="list-style-type: none"> - Summary - Full report <p>Post-inspection action plan</p> <p>Trust Development Plan</p> <p>School Development Plan</p> <p>School Performance Indicators (link to it)</p>	<p>Trust and/or school website</p> <p>School website</p> <p>School website</p> <p>Hardcopy</p> <p>Hardcopy</p> <p>Hardcopy</p> <p>School website</p>	
Performance management policy and procedures adopted by the Trustees and/or governing body.	Trust website/School website	
Safeguarding and child protection	Trust/school website/ Hardcopy	
<p>Class 4 – How we make decisions (Decision making processes and records of decisions)</p>		

Current and previous three years as a minimum		
Admissions policy/decisions	School website	
Agendas and minutes of meetings of the Trustee and/governing body and its sub-committees. (NB this will exclude information that is properly regarded as private to the meetings).	Hardcopy	
Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only.		
Records management and personal data policies, including: Information security policies (Managing Personal Information Policy) Records retention, destruction and archive policies Data protection (including information sharing policies) Statutory educational policies All other Trust and/or school policies (non-statutory)	Trust website Trust website Trust website Trust website Trust/school website	
Charging and Remissions Policy	Trust website	
Class 6 – Lists and Registers Currently maintained lists and registers only (this does not include the attendance register).		
Curriculum circulars and statutory instruments	School website	
Disclosure logs	Viewing only	
Asset register	Viewing only	

Class 7 – The services we offer (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses) Current information only		
Extra-curricular activities e.g sports clubs, performing arts clubs	Hardcopy	
Out of school clubs	School website/Hardcopy	
Services for which the Trust and/or school is entitled to recover a fee, together with those fees	Hardcopy	
School publications, leaflets, books and newsletters	School website/hardcopy	
Additional Information		
All statutory information regarding the Trust's sports clubs	Trust website/hardcopy	

HOW TO REQUEST INFORMATION

You can request a copy of any information by sending your request in writing to enq@laurustrust.co.uk.

PAYING FOR INFORMATION

All information published on our websites is free (apart from any connection costs payable to your internet service provider). If you do not have Internet access, you can access our websites using a local library or Internet café. Single printed copies of information covered in this publication are provided free unless otherwise stated in our Charging and Remissions Policy. Should a cost be incurred you will be advised prior to us fulfilling your request.

SCHEDULE OF CHARGES

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost	Photocopying/printing @ 1p per sheet (black & white)	Actual cost *
	Photocopying/printing @ 4p per sheet (colour)	Actual cost
	Postage	Actual cost of Royal Mail standard 2nd class
Statutory Fee		In accordance with the relevant legislation
Other		

* the actual cost incurred by the Trust (A4 paper)

Equality Impact Statement

Names and title of people involved with this assessment	Rachel Robinson Assistant Trust Director of Inclusion
Impact assessment carried out with regard to identified characteristics	<input checked="" type="checkbox"/> Race <input checked="" type="checkbox"/> Disability <input checked="" type="checkbox"/> Sex <input checked="" type="checkbox"/> Age <input checked="" type="checkbox"/> Religious belief <input checked="" type="checkbox"/> Sexual orientation <input checked="" type="checkbox"/> Gender Reassignment
Summary of any issue/proposed changes	None
Date	October 2024
Date of next review	October 2026



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TRUST

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