



Countesthorpe Academy

FREEDOM OF INFORMATION POLICY **2021 - 2022**

Policy Reviewed and Adopted by the Governing Board on:
Signed (Chair of Local Governing Board):
Date of Next Review:
Responsible Officer:

September 2021
Mr J Taylor
September 2022
Business Manager

Countesthorpe Academy takes its responsibilities with regard to the management of the requirements of the Freedom of Information Act 2000 ('the Act') very seriously. The act creates a public 'right of access' to information held by public authorities. The act does this in two ways:

- i. Public authorities are obliged to publish certain information about their activities; and
- ii. Members of the public are entitled to request information from public authorities

This document provides the policy framework through which this effective management can be achieved and audited. It covers:

1. Scope of the policy
2. Responsibilities
3. Relationship with existing policies
4. Available guidance
5. Specific requests for Information
6. Charges
7. Complaints
8. Exemptions
9. Contacts

1. Scope of the Policy

The purpose of this policy is to ensure that the provisions of the Freedom of Information Act 2000 are adhered to and in particular that:

- a significant amount of routinely published information about the Academy is made available to the public via the Academy website
- other information not included on the website is readily available on request and such a request is dealt with in a timely manner and
- in cases where information is covered by an exemption, consideration is given as to whether or not the information should be released.

2. Responsibilities

The Academy recognises its corporate responsibility under the Act to provide a general right of access to information held. The Governors of the Academy have overall responsibility for this policy. The Information Governor at the Academy is the Headteacher.

The Business Manager is responsible for drawing up guidance on Freedom of Information and promoting compliance with this policy in such a way as to ensure the easy, appropriate and timely retrieval of information.

- All staff have a responsibility to ensure that any request for information they receive is dealt with appropriately under the Act and in compliance with this policy.
- All staff are responsible for good information handling practice and for implementing records, management policies and procedures as appropriate to their posts.
- All staff should have read and understood this policy and be clear of their obligations as set out in this policy.

3. Relationship with existing policies

This policy has been formulated within the context of the following documents:

- DfE Freedom of Information Act Publication Scheme for Academies (February 2014)
- DfE Academies and Freedom of Information Departmental Advice for Academies (January 2014)
- Data Protection Policy

4. Available Guidance

Guidance on the procedures necessary to comply with this policy are available from the Business Manager or on the Information Commissioner's Office website or helpdesk.

5. Specific Requests for Information

Information not already made available on the Academy website will be accessible through a specific request. In this regard the Freedom of Information Act (FOIA) establishes two related rights:

- The right to be told whether information exists, and
- The right to receive the information (subject to exemptions).

These rights can be exercised by anyone worldwide. These specific requests for information not listed in the publication scheme will be dealt with by the Business Manager.

Any request must be made in a permanent form (for example in writing or by email) and a charge may be made for dealing with any request. Requestors will not be entitled to information to which any of the exemptions in the Act applies. However, only those specific pieces of information to which the exemption applies will be withheld, and information covered by an exemption will be subject to review by the Business Manager.

Repeated or vexatious requests for information will be refused.

The Academy must respond to any request within 20 working days although further reasonable details can be requested in order to identify and locate the information. If a fee is required, the period of 20 working days is extended by up to 3 months until the fee is paid.

6. Charges

The Academy reserves the right to charge an appropriate fee for dealing with a specific request for information not listed in the publication scheme in accordance with the Act. Details of fees and charges are shown below. When a request is initially made, the Academy will determine an estimated fee based on the FOIA regulations (see below) and present this fee to the Requestor. Fees must be paid by cheque or BACs and the 20 days' time limit for providing data will not begin until the cheque has cleared.

The estimate is based on the FOIA charges laid down for Public Authorities and Academies in 'The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004' which can be viewed in full here:

<http://www.legislation.gov.uk/uksi/2004/3244/contents/made>

Fees are charged at an hourly rate of £25 and cover staff time spent on the following items:

- a. determining whether Academy holds the information
- b. locating the information, or a document which may contain the information
- c. retrieving the information, or a document which may contain the information
- d. extracting the information from a document containing it.

Additional fees may and can be charged as per section 6(3) of 'The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004' for the following items:

- a. complying with any obligation under section 11(1) of the 2000 Act as to the means or form of communicating the information
- b. reproducing any document containing the information
- c. postage and other forms of transmitting the information.

If the estimated fee is above the £450 limit then the request will be declined, as per the Freedom of Information Act. If the actual cost approaches the £450 limit then notice will be presented to the Requestor to confirm they wish to continue. If the cost goes above the £450 limit during the information search, the search will be abandoned.

7. Complaints

The Headteacher's PA will co-ordinate any complaints received in respect of this policy.

- The complaint should be addressed to the Business Manager in the first instance.
- The complaint will be acknowledged immediately and every reasonable effort will be made to offer a more comprehensive reply within 21 days.

- If the applicant is not satisfied with the reply, then they should inform the Business Manager within 21 days.
- The complaint will then be forwarded to the Assistant Headteacher and it will be dealt with in accordance with the Academy's Complaints Procedure or the Academy's Grievance Procedure as appropriate.

If applicants are dissatisfied with the outcome of the Complaints Procedure they may seek an independent review from the Information Commissioner. Requests for review by the Information Commissioner should be made in writing to:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625-545-700

Fax: 01625-545-510

8. Exemptions under the Act

There are more than 20 exemptions under the Act, some exemptions where the public interest test applies, and others which are absolute exemptions. The full list of exemptions is published on the Information Commissioner's website <http://www.ico.gov.uk>.

The Academy may decide that some information it holds could be regarded as exempt under the Act. Where a request is made for information which includes exemptions the Academy will consider the prejudice test and the public interest test and may in some circumstances withhold the requested information.

9. Contacts

Business Manager
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Countesthorpe
Leicestershire
LE8 5PR

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Fax: 0116 277 7027

email: admin@clcc.college