



**BERLESDUNA**  
ACADEMY TRUST

# Freedom of Information Act (FOIA) and Publication Scheme

This Policy was reviewed by the Board of Trustees on:	<b>9<sup>th</sup> July 2019</b>
This policy will be reviewed:	<b>Every 2 years</b>
It will be reviewed:	<b>July 2021</b>

## Introduction

Berlesduna Academy Trust is committed to the Freedom of Information Act 2000 (FOIA) and to the principles of accountability and the general rights of access to information, subject to legal exemptions. The FOIA provides that any person has a legal right to ask for information held. They are entitled to be told whether Berlesduna Academy Trust holds the information, and to receive a copy, subject to certain exemptions.

This policy applies to all schools within the MAT – currently:

- Cherry Tree Primary School and Nursery
- Crays Hill Primary School
- Fairhouse Primary School
- Felmore Primary School
- Merrylands Primary School and Nursey
- Whitmore Primary School and Nursery
- The Willows Primary School and Nursery

All references to ‘The Trust’ refer to the MAT and all associated schools therein.

All information that Berlesduna Academy Trust routinely makes available to the public is included in the Publication Scheme which is detailed in this document.

Berlesduna Academy Trust adheres to the Retention Schedule set out in our Records Management Policy, details of which can be found on our website and is fully aware that It is an offence to wilfully conceal damage or destroy information in order to avoid responding to an enquiry.

## Requests for Information

Berlesduna Academy Trust recognises its duty to provide advice and assistance to anyone requesting information. Berlesduna Academy trust will inform the enquirer whether or not we hold the information requested (the duty to confirm or deny).

Berlesduna Academy Trust will provide access to information in line with this Freedom of Information Policy.

### **To assist with dealing with your request promptly, please ensure the following:**

- make your request in writing (including email) – verbal requests are not covered by the FOIA
- state your name and correspondence address
- describe the information requested so that it is clearly identifiable - If a request is very general, the enquirer maybe contacted for clarification of the request.
- Please indicate how you would like to receive the information and where possible these wishes will be complied with. If it is not possible to do so an alternative will be offered.

If you require hard copies of any of the documents within the Publication Scheme, please contact the Data Protection Officer, Lisa Perry at Berlesduna Academy Trust, School House, Church Road, Basildon, Essex, SS14 2EX or email [lisaperry@berlesduna.co.uk](mailto:lisaperry@berlesduna.co.uk).

If the information you are looking for is not available via the publication scheme or on our website, please contact us on the details above to ask if we hold the information. To help us process your request quickly please clearly mark any correspondence ‘Freedom of Information and Publication Scheme.’

## Responding to Requests for Information – (Checklist in Appendix A)

Berlesduna Academy Trust will deal with your request where it is not covered by other legislation (e.g. data protection or environmental information).

The Data Protection Officer of the academy will respond to the request, having decided whether the potential outcomes are:

- Agreement to meet the request in full
- Agreement to meet the request in part (with reasons)
- Refusal to meet the request (with reasons)

Under the FOIA the enquirer is entitled to be told whether the school holds the information (the duty to confirm or deny) except where certain exemptions apply.

The Data Protection officer will respond to the enquirer within 20 school days.

The response to the request in some circumstances may take longer than 20 days. If a request is delayed for any reason, such as school holidays, if further information is required or in order to identify and locate the information requested, the relevant person will keep the enquirer informed of the progress and where possible provide an expected date for a response.

Should a request be refused under Section 36 of the FOIA 2000 the response will state the relevant exemption which has been applied or that the school does not hold the information, and will explain what public interest test has made if this applies. The application of Section 36 needs to be approved by a qualified person, which in this case is the Data Protection Officer, who will give their reasonable opinion that disclosure would or would not be likely to cause the types of prejudice or inhibition listed in the FOIA. [Note: further guidance on this exemption can be found at [www.ico.gov.uk](http://www.ico.gov.uk)].

Information will not be disclosed if one or more of the following applies:

- an exemption to disclosure, which may be **absolute** (where there is no obligation to confirm or deny the information is held, disclose the information or consider the public interest test) or **qualified** (where, even if an exemption applies, there is a duty to consider the public interest test);
- the information sought is not held
- if requests are considered vexatious or repeated
- the cost of compliance exceeds the threshold of £450 or is likely to be in excess of 18 hours to find, sort and edit the information requested. Under these circumstances an opportunity for the request to be refined will be provided.

Berlesduna Academy Trust will maintain a register of requests made. This register will include details of:

- the party making the request for information;
- the date upon which the request was received and to whom it was addressed;
- If relevant, the date upon which the request was subsequently referred (internal/external);
- the nature of the information requested;
- the outcome of deliberations, including summary reasons for a refusal (in whole or in part) to meet the information request;

- the response made to the party requesting the information, including the person nominated to implement the response, the date and format of the response and the details of the information provided
- any subsequent appeal made by the enquirer
- the date and time of any meeting convened by the Trust Appeals Committee;
- the outcome of the appeals committee's deliberations, including summary reasons for a refusal (in whole or in part) to meet the information request;
- the response made by the appeals committee to the party making the appeal, including the person nominated to implement the response, the date and format of the response and the details of the information provided.

Information will be retained for 5 years.

### Charges

Information published on the Berlesduna Academy Trust and Academies websites is free although you may incur costs from an internet service provider. If you do not have access to the internet, you can access our website using a local library or internet cafe.

The Act states that requests should not be allowed to cause a drain on the academy or Trust's time, energy and finances to the extent that they negatively affect normal public functions. The Data Protection Officer can reserve the right to refuse a request if it is likely to be in excess of 18 hours to find, sort and edit the information requested. Under these circumstances an opportunity for the request to be refined will be provided.

There is no obligation to disclose information if the total cost exceeds £450 or 18 hours to find, sort and edit the information requested. Should the Trust agree to comply with any request exceeding the £450 cost limit, the work will be charged at £25 per hour per person involved in locating, collating and retrieving the information requested.

All requests for information will be subject to charges where appropriate to cover the costs of photocopying and postage.

If a fee is not received within 3 months of issuing a fees notice, we are no longer obliged to respond to the request.

### Comments and Complaints

We welcome comments and suggestions you may have about the scheme. If you want to make any comments about the publication scheme or if you require further assistance or wish to make a complaint this should be addressed to:

GDPR Officer, Lisa Perry, Berlesduna Academy Trust, School House, Church Road, Basildon, Essex, SS14 2EX or email [lisaperry@berlesduna.co.uk](mailto:lisaperry@berlesduna.co.uk)

All complaints will be dealt with according to our complaints procedure.

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint, you can make a complaint to the Information Commissioners Office.

[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

## Berlesduna Academy Trust Publication Scheme

The Berlesduna Academy Trust Publication Scheme contains all information available under the Freedom of Information Act. We publish information about:

- who we are and what we do
- what we spend and how we spend it
- what our priorities are and how we are doing
- how we make decisions
- our policies and procedures
- the services we offer

The scheme covers information already published and information which is to be published in the future. The Publication Scheme and the materials it covers will be available on the Berlesduna Academy Trust website. Hard copies are available on request.

## Classes of Information Currently Published

### Who Are We and What Do We Do

Organisational information, structures, locations and contacts.

Information Published	Availability
Who's who in the Academy	Trust Website <a href="https://berlesduna.co.uk/ExecLeadTeam.php">https://berlesduna.co.uk/ExecLeadTeam.php</a>
Trust Members and Trustees	Trust Website <a href="https://berlesduna.co.uk/DirectorsBoard.php">https://berlesduna.co.uk/DirectorsBoard.php</a>
Local Governing Board Members	Individual Schools Websites
Scheme of Delegation	Trust Website <a href="https://berlesduna.co.uk/BATPolicy.php">https://berlesduna.co.uk/BATPolicy.php</a>
Trustees Register of Business Interests	Trust Website <a href="https://berlesduna.co.uk/BATPolicy.php">https://berlesduna.co.uk/BATPolicy.php</a>
Articles of Association	Trust Website <a href="https://berlesduna.co.uk/BATAA.php">https://berlesduna.co.uk/BATAA.php</a>
Funding Agreements	<a href="https://berlesduna.co.uk/Finance.php">https://berlesduna.co.uk/Finance.php</a>
Senior Staff Structure	Individual School Website
Contact details of the Head of School or Principal or Executive Headteacher	Individual School Website
School Prospectus	Individual School Website
School session times and term dates	Individual School Website
Contact details of the trust	Trust Website <a href="https://berlesduna.co.uk/contact.php">https://berlesduna.co.uk/contact.php</a>

### What We Spend and How We Spend It

Current and previous year financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit

Information Published	Availability
Trust Annual Report within Audited Accounts	Trust Website <a href="https://berlesduna.co.uk/Finance.php">https://berlesduna.co.uk/Finance.php</a>
Pay Policy	Staff Secure Area on Trust Website

## Our Priorities

Strategies and plans, performance indicators, audits, inspections and reviews

Information Published	Availability
School Profile	Individual School Website
Government supplied performance data	Individual School Website
Latest Ofsted report	Individual School Website
Trust's future plans e.g. proposals for any imminent or known consultation on the future of the academy such as a change in status	Trust Website <a href="https://berlesduna.co.uk/index.php">https://berlesduna.co.uk/index.php</a>
Safeguarding policies and procedures	Individual School Website and Staff Secure Area on Trust Website
Designated Safeguarding Leads	Individual School Website

## Decision Making

Processes and records

Information Published	Availability
Admissions Policy	Individual School Website
Attendance of Trustee Meetings	Trust Website <a href="https://berlesduna.co.uk/TrustMembersInfo.php">https://berlesduna.co.uk/TrustMembersInfo.php</a>
Attendance of Local Governing Body meetings	Individual School Website

## Policies and Procedures

Current written protocols, policies and procedures

Information Published	Availability
School Policies (including behaviour, SEN etc)	Individual School Websites
Complaints Policy	Trust Website <a href="https://berlesduna.co.uk/BATPolicy.php">https://berlesduna.co.uk/BATPolicy.php</a>
Confidentiality Policy	Trust Website <a href="https://berlesduna.co.uk/BATPolicy.php">https://berlesduna.co.uk/BATPolicy.php</a>
Disability Equality Scheme	Trust Website <a href="https://berlesduna.co.uk/BATPolicy.php">https://berlesduna.co.uk/BATPolicy.php</a>
Equal Opportunities Policy	Trust Website <a href="https://berlesduna.co.uk/BATPolicy.php">https://berlesduna.co.uk/BATPolicy.php</a>
Exclusion Policy	Trust Website <a href="https://berlesduna.co.uk/BATPolicy.php">https://berlesduna.co.uk/BATPolicy.php</a>
Health and Safety policy	Trust Website <a href="https://berlesduna.co.uk/BATPolicy.php">https://berlesduna.co.uk/BATPolicy.php</a>
Pupil Premium Policy	Trust Website <a href="https://berlesduna.co.uk/BATPolicy.php">https://berlesduna.co.uk/BATPolicy.php</a>
Reasonable Force Policy	Trust Website <a href="https://berlesduna.co.uk/BATPolicy.php">https://berlesduna.co.uk/BATPolicy.php</a>
Data Protection Policy	Trust Website <a href="https://berlesduna.co.uk/BATPolicy.php">https://berlesduna.co.uk/BATPolicy.php</a>
Records Management Policy	Trust Website <a href="https://berlesduna.co.uk/BATPolicy.php">https://berlesduna.co.uk/BATPolicy.php</a>

Workforce Privacy Notice	Trust Website <a href="https://berlesduna.co.uk/BATPolicy.php">https://berlesduna.co.uk/BATPolicy.php</a>
Privacy Notice	Trust Website <a href="https://berlesduna.co.uk/PrivacyNotice.php">https://berlesduna.co.uk/PrivacyNotice.php</a>
Staff HR Policies <ul style="list-style-type: none"> <li>- Capability</li> <li>- Code of Conduct</li> <li>- Discipline and Dismissal Procedure</li> <li>- Equality and Diversity</li> <li>- Flexible Working Policy</li> <li>- Grievance Procedure</li> <li>- Health and Wellbeing Policy</li> <li>- Leave of Absence Policy</li> <li>- Lone Working Policy</li> <li>- Performance Management Procedure</li> <li>- Pre-Employment Checks</li> <li>- Probation Procedure</li> <li>- Recruitment Procedure</li> <li>- Redundancy and Restructuring Procedure</li> <li>- Sickness Absence Management Procedure</li> <li>- Upper Pay Range Teacher Policy</li> <li>- Volunteer Policy</li> <li>- Whistleblowing</li> </ul>	<p style="text-align: center;">Staff Secure Area on Trust Website</p> <p style="text-align: center;">Staff Secure Area on Trust Website</p>
Finance Policies <ul style="list-style-type: none"> <li>- Anti-Fraud</li> <li>- Best Value Statement</li> <li>- Capital and Reserves policy</li> <li>- Debt Recovery Policy</li> <li>- Director and Governors Expense Policy</li> <li>- Finance Depreciation Policy</li> <li>- Gifts and Hospitality Policy</li> <li>- Investment Policy</li> <li>- Risk Management Policy</li> <li>- Risk Protection Arrangement</li> </ul>	<p style="text-align: center;">Staff Secure Area on Trust Website</p>

### Services

Services we offer including leaflets, guidance and newsletters

Information Published	Availability
Extra-curricular activities	Individual school's website
Out of school clubs	Individual school's website
School leaflets	Individual school's website
Newsletters	Individual school's website

**Factors taken into account when weighing up public interest include but are not limited to:**

<b>For Disclosure</b>	<b>Against Disclosure</b>
Is the disclosure likely to increase access to information held by the school?	Is disclosure likely to distort public reporting or be misleading because it is incomplete?
Is disclosure likely to give the reasons for a decision or allow individuals to understand decisions affecting their lives or assist them in challenging those decisions?	Is premature disclosure likely to prejudice fair scrutiny, or release sensitive issues still on the internal agenda or evolving?
Is disclosure likely to improve the accountability and transparency of the academy in the use of funds and help show that it obtains value for money?	Is disclosure likely to cause unnecessary public alarm or confusion?
Is disclosure likely to improve the accountability and transparency of the academy in the use of funds and help show that it obtains value for money?	Is disclosure likely to cause unnecessary public alarm or confusion?
Is disclosure likely to contribute to public debate and assist the understanding of existing or proposed policy?	Is disclosure likely to seriously jeopardise the academy's legal or contractual position?
Is disclosure likely to increase public participation in decision making?	Is disclosure likely to infringe other legislation?
Is disclosure likely to increase public participation in political processes in general?	Is disclosure likely to create a controversial precedent on the release of information or impair your ability to obtain information in the future?
Is disclosure likely to bring to light information affecting public safety?	Is disclosure likely to adversely affect the schools proper functioning and discourage openness in expressing opinions?
Is disclosure likely to reduce further enquiries on the topic?	If a large amount of information on the topic has already been made available, would further disclosure shed any more light, or serve any useful purpose?



## APPENDIX A

### Checklist

#### Checklist for action on receipt of a request for information

- Decide whether the request is a request under DPA( Data Protection Act 2018), EIR (The environmental information regulations 2004) or FOIA (The freedom of information act 2000)
- Decide whether the academy holds the information or whether it should be transferred to another body
- Register the request with the DPO / Clerk to the Trust / Principal's PA.
- Provide the information if it has already been made public
- Inform the enquirer if the information is not held
- Consider whether a third party's interests might be affected by disclosure and if so consult them
- Consider whether any exemptions apply and whether they are absolute or qualified
- Carry out a public interest test to decide if applying the qualified exemption outweighs the public interest in disclosing the information
- If a request is made for a document that contains exempt personal information, ensure that the personal information is removed as set out in the guidance for schools
- Decide whether the estimated cost of complying with the request will exceed the appropriate limit
- Consider whether the request is vexatious or repeated