

RESPONSIBLE PERSON(S): CHIEF EXECUTIVE

CURRENT VERSION: 001

DATE APPROVED: 07/12/2018

REVIEW CYCLE: ANNUALLY

NEXT REVIEW DATE: BEFORE DECEMBER 2019

REVIEW

The Board of Trustees have reviewed and agreed this policy in accordance with the legal requirements and/or recommendations of good practice.

Having agreed the policy, the Trustees undertake to review or amended the policy if the:

- Government, Information Commissioner's Office (ICO) or local authority, i.e. Oxfordshire County Council, produce new or revised regulations and/or guidance;
- Trust identifies and recommends changes which will serve to improve the policy, support the implementation of the policy and/or the related policy processes.

APPROVED BY THE BOARD OF TRUSTEES

Chair of Trustees: Jonathan Hopkins Signature: Jonathan Hopkins

Chief Executive: Fiona Hammans Signature: Fiona Hammans

RESPONSIBLE BODY

Within this policy "responsible body" means the Trust and/or Trustees of the Abingdon Learning Trust. The responsible body will endeavour to ensure that the level of related training, support, financial and non-financial resources are adequate to fulfil the responsible body's functions in respect of this policy.

RESPONSIBLE PERSONS

The responsible persons accept the responsibility and accountability, delegated to them by the responsible body, and undertake to ensure adherence to, and the implementation of this policy and associated processes.

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1.0 **LEGAL DUTIES**

The responsible body accepts that the Freedom of Information Act 2000 gives a right of access to information held by public bodies, including schools (Schedule 1, Part IV), who must comply with the Act and produce a Publication Scheme (Section 19) (Appendix C)

1.1 The responsible body accepts its obligations under the legislation. Such obligations being to:

- publish certain information proactively and;
- respond to requests for information.

2.0 **PROACTIVELY PUBLISHED INFORMATION**

Having considered its legal obligation to publish information, the responsible body will publish/provide access to:

- statutory policies and procedures;
- Minutes of Meetings, i.e. the Minutes of Trustee Meetings and the Minutes of each school's Local Academy Board Meetings;
- Annual Reports;
- financial information.

3.0 **MEANS OF PUBLICATION**

The responsible body will make the above detailed information available via the responsible body's schools' websites, or by means of a hyperlink to other websites which have published the information. Hence such information is available for applicants to download and print.

4.0 **INFORMATION REQUESTS**

Anyone requesting information from the responsible body or one the responsible body's schools must make their request in writing, i.e. by letter or email.

The responsible body acknowledges that individuals requesting information do not have to make reference to the Freedom of Information Act in their request, nor direct their request to a designated member of staff. However, to support individuals who wish to make a request the responsible body has identified that the CEO is the Trust or school's nominated contact for individuals wishing to make a Freedom of Information Request.

5.0 **TIMEFRAMES**

Counting the first working day after the request is received as the first day. Schools are required to respond to the request within a time limit of 20 school days, or 60 working days if this is a shorter period of time.

5.1 "Working day" means any day other than a Saturday, Sunday, or public holidays and bank holidays; this may or may not be the same as the days open for business.

5.2 The time allowed for complying with a request starts when your organisation receives it, not when it reaches the responsible person.

6.0 PROVISION OF ASSISTANCE

When a person requesting information is unable to frame their request in writing, the responsible body will endeavour to ensure that appropriate assistance is offered to enable the applicant to make a request for information.

6.1 Depending on the circumstances, the responsible body will give consideration to:

- advising the applicant that another agency, such as a Citizens Advice Bureau, may be able to assist the applicant with the application, or make the application on the applicant's behalf;
- in exceptional circumstances, offering to take a note of the application over the telephone and then send the note to the applicant for confirmation (in which case the written note of the telephone request, once verified by the applicant and returned, would constitute a written request for information and the statutory time limit for reply commences when the written confirmation was received).

6.2 A request for information must adequately specify and describe the information sought by the applicant. The responsible body:

- is entitled to ask the applicant for more detail, if needed, to enable the responsible body to identify and locate the information being sought;
- will, as far as reasonably practicable, provide assistance to the applicant to enable them to describe more clearly the information being requested.

6.3 In providing assistance to clarify the nature of the information being sought, the responsible body:

- will not determine the aims or motivation of the applicant;
- will take care not to give the applicant the impression that they are obliged to disclose the nature of their interest as a precondition to exercising the rights of access, or that they will be treated differently if they do/do not disclose their interest;
- is prepared to explain to the applicant why they, the applicant, are being asked for further information;
- will contact the applicant as soon as is possible, preferably by telephone, fax or e-mail, when/where more information is needed to clarify what information is being sought.

6.4 The responsible body has identified that such appropriate assistance might include providing an outline of the different kinds of information which might meet the terms of the request.

6.5 In seeking to clarify what information is sought, the responsible body recognises that applicants cannot reasonably be expected to possess identifiers such as a file reference number, or a description of a particular record.

6.6 If, following the provision of assistance, the applicant still fails to describe the information requested in a way which would enable the responsible body to identify and locate the information, the responsible body is not expected to seek further clarification. The responsible body should:

- disclose any information relating to the application which has been successfully identified and found for which it does not propose to claim an exemption.;
- explain to the applicant why it cannot take the request any further and provide details of the responsible body's complaints procedure.

7.0 **ACTION TO BE TAKEN UPON RECEIPT OF A REQUEST**

In addition to the processes outlined within Appendix A, representatives of the responsible body and the responsible person will:

- Read the request carefully and objectively.
- The recipient should refer the request to the responsible person.
- Check and know what information is being requested.
- Consider all the information that falls within the scope of the request.
- Consider contacting the applicant to check that their request correctly understood.
- The responsible person should not get diverted by the tone of the language the applicant has used.
- The responsible person should not get diverted by their previous experience of the applicant (unless they explicitly refer the responsible person to this).
- The responsible person should not be influenced by what they think the applicant would be most interested in.

8.0 **CLARITY AS TO WHAT IS BEING REQUESTED**

If the responsible person can't answer the request because they are uncertain as to what information is being requested, then the responsible person must contact the applicant as soon as possible for clarification.

8.1 The responsible body and responsible person do not have to deal with the request until any reasonable clarification as to what is being requested has been received. However, the responsible person must consider whether they can give the applicant advice and assistance to enable the applicant to clarify or rephrase their request.

9.0 **IF THE RESPONSIBLE BODY DOESN'T HOLD THE INFORMATION**

Although the Act only relates to recorded information held by the responsible body, in responding to an information request the responsible body may have to draw from multiple sources of information held by the responsible body. In determining that the responsible body doesn't hold any of the requested recorded information, the responsible person will:

- make sure that they have conducted adequate and properly directed searches;
- have convincing reasons/evidence for concluding that no recorded information is held.

9.1 If an applicant complains to the ICO that the responsible body hasn't identified all the information held by the responsible body then the ICO will consider the scope, quality and thoroughness of the responsible body's searches and test the strength of the responsible body's reasoning/evidence and conclusions.

9.2 In the event of the responsible body not being required to hold the requested information, the responsible body can comply with the request by informing the applicant, in writing, that the responsible body does not hold the requested information.

9.3 In the event of the responsible body not being required to hold the requested information but the responsible body is aware that the requested information is held by another public body, then responsible body to whom the request has been made may:

- transfer the request to the responsible body who holds the requested information, or
- advise the applicant to redirect their request to the relevant public body.

10.0 **TRANSFERRING REQUESTS FOR INFORMATION**

Before transferring a request for information to another public body, the responsible body will consider:

- whether a transfer is appropriate; and if so
- whether the applicant is likely to have any grounds to object to the transfer.

10.1 If the responsible body reasonably concludes that the applicant is not likely to object to the transfer of the information request, then the responsible body:

- reserves the right to transfer the request prior to informing the applicant;
- will inform the applicant of the action(s) that has/have been taken.

10.2 If the responsible body believes that the applicant is likely to object to the transfer of their request, the responsible body will:

- transfer the request with the consent of the applicant; OR
- advise the applicant to make a new request to the relevant authority; AND
- inform the applicant that the relevant authority has confirmed that it holds the information.

10.3 When the responsible body is unable either to advise the applicant as to which public authority holds, or may hold, the requested information or is unable to facilitate the transfer of the request to another authority, the responsible body will consider what advice, if any, it can provide to the applicant to enable them to pursue their request.

11.0 RESPONDING TO VALID REQUESTS FOR INFORMATION

When responding to requests for information under the provisions of the Freedom of Information Act, the responsible person is, on behalf of the responsible body, required to:

- inform the applicant whether the responsible body holds any information falling within the scope of their request;
- confirm whether or not there is any conflict with the GDPR requirement, and if not,
- provide that information.

12.0 FEES

Where the applicant indicates that they are not prepared to pay the fee notified in any fees notice given to the applicant, the responsible body should consider whether there is any information that may be of interest to the applicant that is available free of charge.

The responsible body should also consider advising the applicant that by reforming or re-focussing their request, information may be able to be supplied for a lower, or no, fee.

13.0 VEXATIOUS REQUESTS

“Vexatious requests” has been defined through case law and is accepted as being “...*manifestly unjustified, inappropriate or improper use of a formal procedure.*”

The responsible body has agreed to use the indicators, produced by the Information ICO, of the typical key features of a vexatious request. (Appendix B)

The Upper Tribunal in *ICO vs Devon County Council & Dransfield* [2012] UKUT 440 (AAC), (28 January 2013) observed:

‘There is...no magic formula – all the circumstances need to be considered in reaching what is ultimately a value judgement as to whether the request in issue is vexatious in the sense of being a disproportionate, manifestly unjustified, inappropriate or improper use of FOIA.’

Hence a request has one or more of the characteristics listed in Appendix B does not necessarily mean it that it is vexatious. It is also important that factors are considered on the circumstances of each individual case.

- 13.1 The responsible body is not expected to provide assistance to applicants whose requests are vexatious within the meaning of section 14 of the Act. The ICO has also issued advice on dealing with vexatious and repetitious requests.

14.0 WHEN COLLATING INFORMATION WILL IMPOSE A SIGNIFICANT BURDEN

Under section 12 of the Act, the responsible body can refuse a request if it would cost the responsible body more than £450 to find and extract the requested information. The responsible body may also combine the total cost for all requests received from one person (or several people seemingly acting in a co-ordinated manner) during a period of 60 days so long as they are requests for similar information

15.0 GROSSLY OPPRESSIVE BURDENS NOT COVERED BY THE SECTION 12

The responsible body may apply section 14(1) where it can make a case that the amount of time required to review and prepare the information for disclosure would impose a grossly oppressive burden on the responsible body.

15.1 The ICO consider there to be a high threshold for refusing a request on such grounds. This means that the responsible body is most likely to have a viable case where:

- the applicant has asked for a substantial volume of information, AND
- the responsible body has real concerns about potentially exempt information, which it will be able to substantiate if asked to do so by the ICO, AND

any potentially exempt information cannot easily be isolated because it is scattered throughout the requested material.

15.2 In the event that a refusal could lead the applicant to complain to the ICO, the ICO expects the responsible body to provide clear evidence to substantiate its claim that the request is grossly oppressive. Any requests which are referred to the ICO will be considered on the individual circumstances of each case.

16.0 ACTIONS BEFORE MAKING A FINAL DECISION

When the responsible body believes that complying with the request will impose a grossly oppressive burden, the responsible body will:

- talk to the applicant before claiming section 14(1), to see if they are willing to submit a less burdensome request;
- consult with other relevant parties before making a final decision;
- make a decision based upon its understanding of the implications for other departments within the responsible body;
- will, in accordance with the ICO's recommendations and when the responsible person has been very involved in previous correspondence with the applicant, seek and obtain an objective view from other responsible persons within the responsible body.

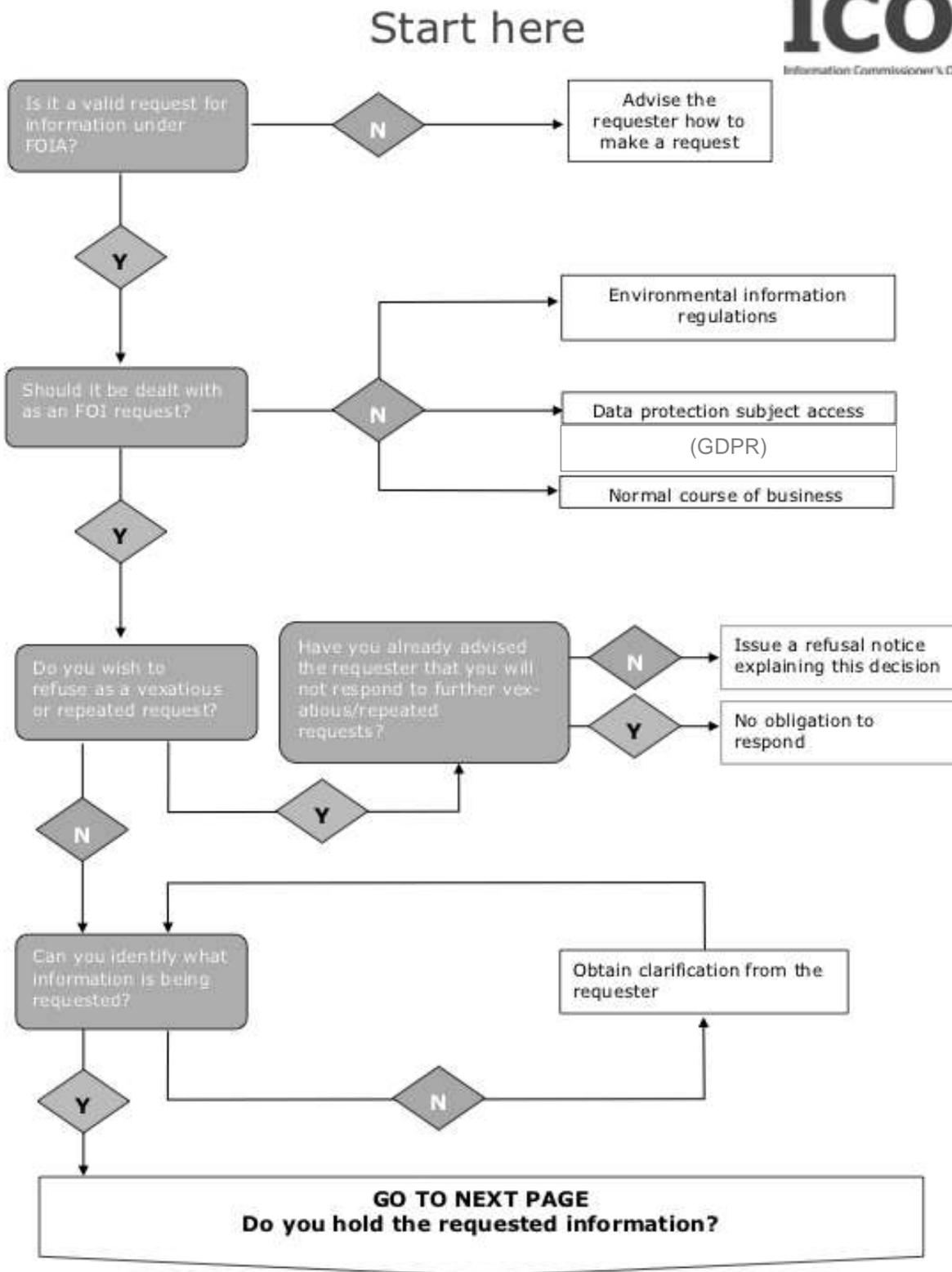
17.0 COMPLAINTS

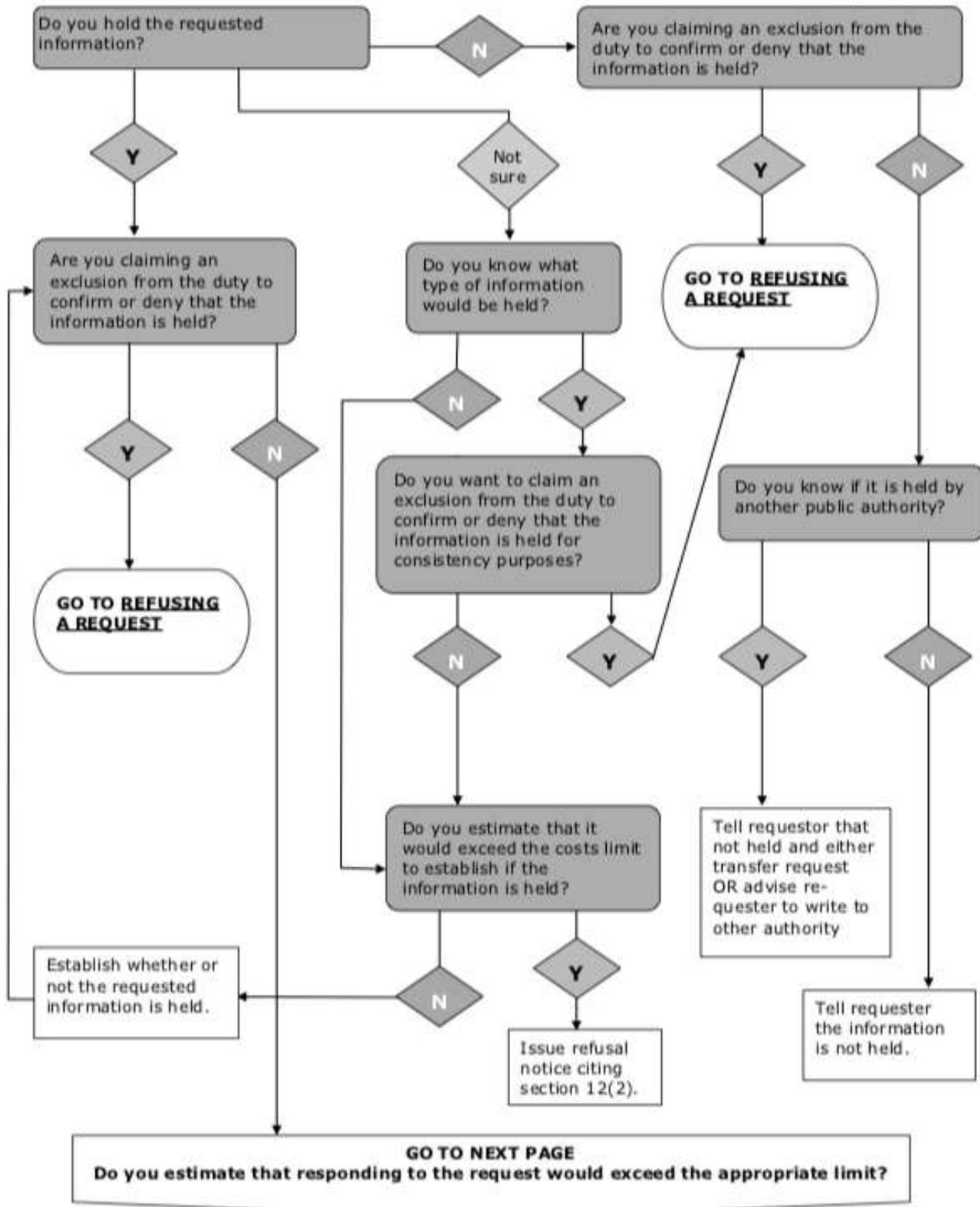
Complaints relating to Freedom of Information requests will be managed in accordance with the responsible body's Complaints Policy. Information relating to the responsible body's complaint Policy can be found on the responsible body's schools' websites.

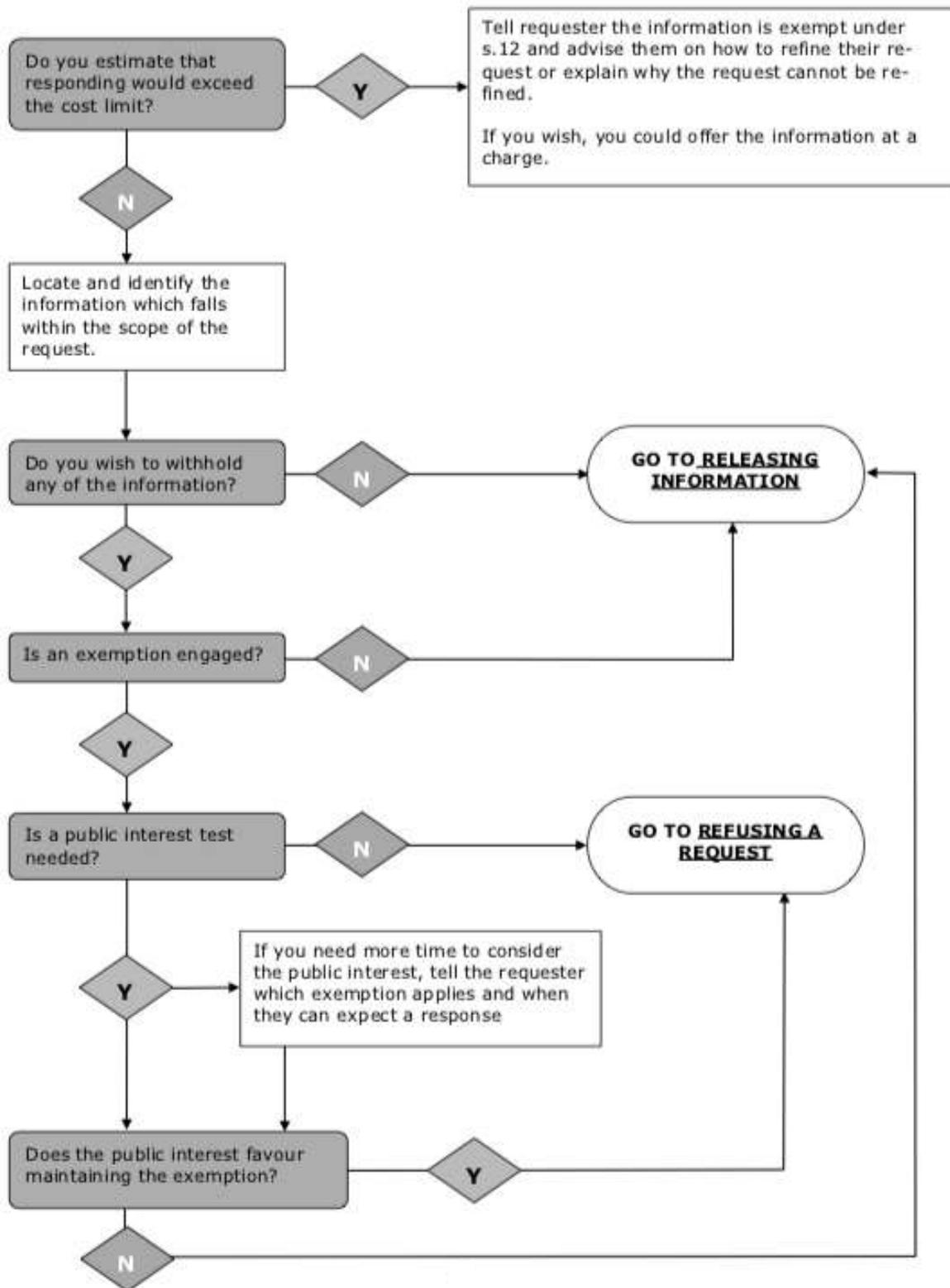
17.1 If applicants consider that the responsible body has not been able to resolve their complaint and the applicant believes that a formal complaint needs to be made then the applicant should direct the complaint to the ICO.

Address:	Tel: 01625 545 700
Information Commissioner Office	Email: publications@ic-foi.demon.co.uk
Wycliffe House	URL: www.informationcommissioner.gov.uk
Water Lane	
Wilmslow	
Cheshire	
SK9 5AF	

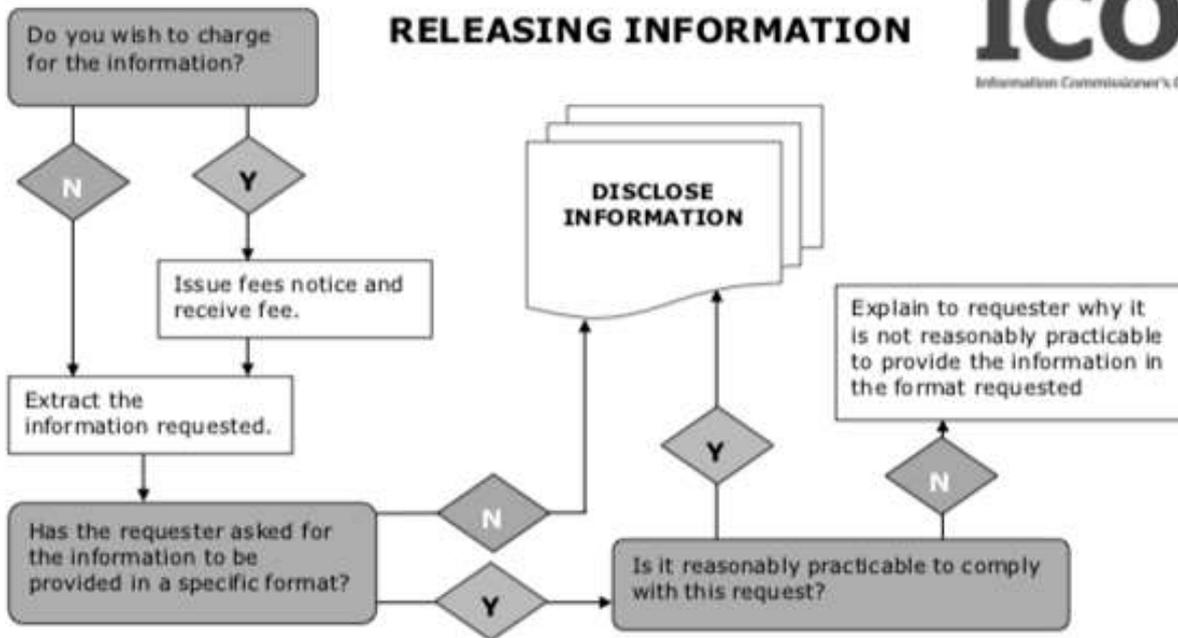
APPENDIX A: FLOWCHARTS
(Source: ICO)



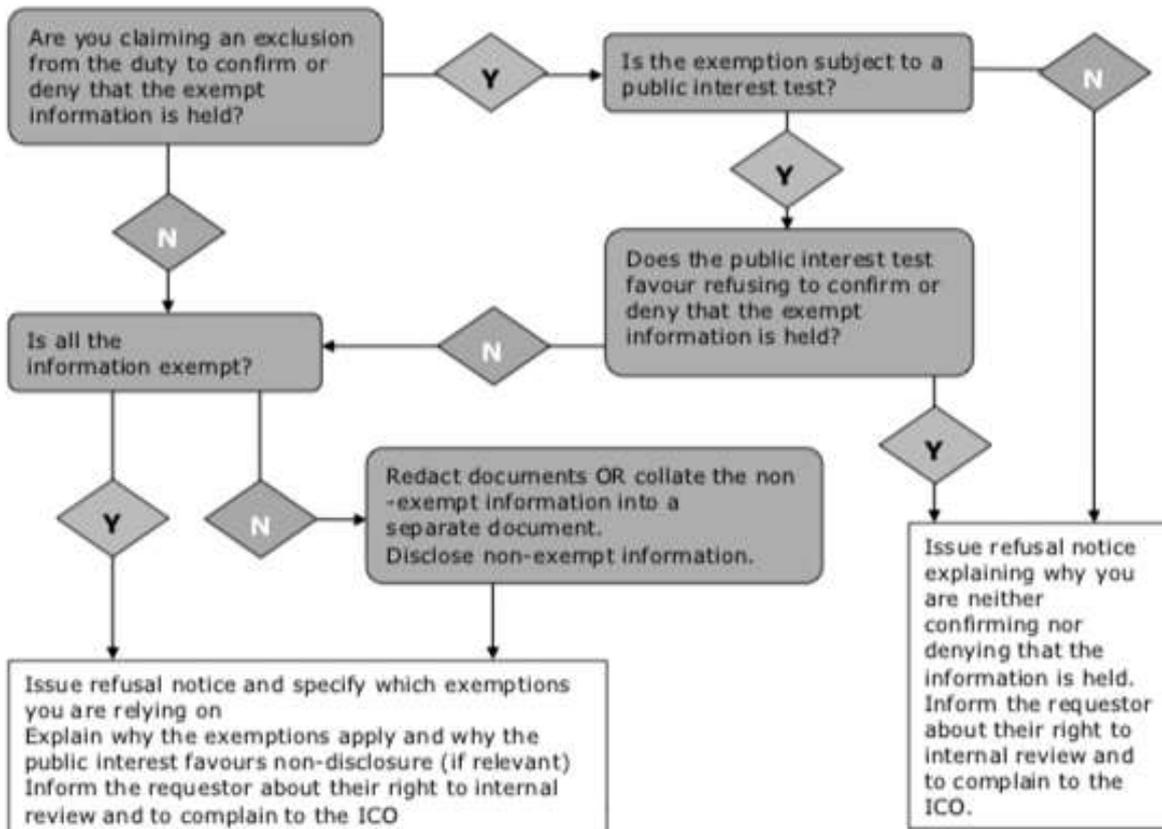




RELEASING INFORMATION



REFUSING A REQUEST



APPENDIX B: VEXATIOUS REQUESTS (EXAMPLES)

This is not a list of qualifying criteria. These indicators, which are not in rank order, should not be regarded as either definitive or limiting and the fact that a number of the indicators apply in a particular case will not necessarily mean that the responsible body may refuse the request as vexatious.

ABUSIVE OR AGGRESSIVE LANGUAGE

The tone or language of the applicant's correspondence goes beyond the level of criticism that the responsible body or its employees should reasonably expect to receive.

BURDEN ON THE RESPONSIBLE BODY

The effort required to meet the request will be so grossly oppressive in terms of the strain on time and resources, that the responsible body cannot reasonably be expected to comply, no matter how legitimate the subject matter or valid the intentions of the applicant.

PERSONAL GRUDGES

For whatever reason, the applicant is targeting their correspondence towards a particular employee or office holder against whom they have some personal enmity.

UNREASONABLE PERSISTENCE

The applicant is attempting to reopen an issue which has already been comprehensively addressed by the responsible body, or otherwise subjected to some form of independent scrutiny.

UNFOUNDED ACCUSATIONS

The request makes completely unsubstantiated accusations against the responsible body or specific employees.

INTRANSIGENCE

The applicant takes an unreasonably entrenched position, rejecting attempts to assist and advise out of hand and shows no willingness to engage with the responsible body.

FREQUENT OR OVERLAPPING REQUESTS

The applicant submits frequent correspondence about the same issue or sends in new requests before the responsible body has had an opportunity to address their earlier enquiries.

DELIBERATE INTENTION TO CAUSE ANNOYANCE

The applicant has explicitly stated that it is their intention to cause disruption to the responsible body, or is a member of a campaign group whose stated aim is to disrupt the responsible body.

SCATTERGUN APPROACH

The request appears to be part of a completely random approach, lacks any clear focus, or seems to have been solely designed for the purpose of 'fishing' for information without any idea of what might be revealed.

DISPROPORTIONATE EFFORT

The matter being pursued by the applicant is relatively trivial and the responsible body would have to expend a disproportionate amount of resources in order to meet their request.

NO OBVIOUS INTENT TO OBTAIN INFORMATION

The applicant is abusing their rights of access to information by using the legislation as a means to vent their anger at a particular decision, or to harass and annoy the responsible body, for example, by requesting information which the responsible body knows them to possess already.

FUTILE REQUESTS

The issue at hand individually affects the applicant and has already been conclusively resolved by the responsible body or subjected to some form of independent investigation.

FRIVOLOUS REQUESTS

The subject matter is inane or extremely trivial and the request appears to lack any serious purpose. The request is made for the sole purpose of amusement.

APPENDIX C: INFORMATION PUBLISHED BY THE RESPONSIBLE BODY

Class 1 WHO WE ARE AND WHAT WE DO	LOCATION(S)	COST⁽¹⁾
Who's who in the school	School Website	-
Who's who on the Local Academy Board and the basis of their appointment	ALT Website	-
Instrument of Government / Articles of Association	ALT website	-
Named contact details for the: Headteacher, Abingdon Learning Trust Board of Trustees, the Local Academy Board.	ALT and School Websites	-
School Prospectus (if any)	School Website	-
Trustees' Annual Report	ALT Website	-
Staffing structure	School Website	-
School session times and term dates	School Website	-
Address of school and contact details, including email address.	School Website	-
Class 2 – What we spend and how we spend it	LOCATION(S)	COST⁽¹⁾
Annual budget plan and financial statements	ALT website	-
Capital funding	Available Upon Request	-
Financial audit reports	Available Upon Request	-
Details of expenditure items over £2000 – published at least annually but at a more frequent quarterly or six-monthly interval where practical.	Available Upon Request	-
Procurement and contracts the school has entered into, or information relating to / a link to information held by an organisation which has done so on its behalf (for example, a local authority or diocese).	Hyperlink from School website	-
Pay policy	ALT/School Website	-
Staff allowances and expenses that can be 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.	Annual Trust Accounts	-
Staffing, pay and grading structure. As a minimum the pay information should include salaries for senior staff (Senior Leadership Team or equivalent as above) in bands of £10,000; for more junior posts, by salary range.	Annual Trust Accounts	-
Governors' allowances that can be incurred or claimed, and a record of total payments made to individual governors.	Annual Trust Accounts	-
Class 3 WHAT OUR PRIORITIES ARE AND HOW WE ARE DOING	LOCATION(S)	COST⁽¹⁾
School's performance data supplied to the English Government or to the Northern Ireland Executive, or a direct link to the data	Hyperlink from School Website	-
School's latest Ofsted Report (Summary & Full report)	Hyperlink to Ofsted Report from School Website	-
Post- Ofsted inspection action plan	Please contact the School's Office	-

ALT Performance management policy and procedures	ALT website (in time)	-
Performance data or a direct link to it	Hyperlink from School Website	-
The school's future plans; for example, proposals for and any consultation on the future of the school, such as a change in status	Available on websites	-
Safeguarding and child protection	School Website	-
Class 4 HOW WE MAKE DECISIONS	LOCATION(S)	COST⁽¹⁾
Admissions policy/decisions (not individual admission decisions) – where applicable	School Website	-
Agendas and minutes of meetings of the Local Academy Board and its committees. (NB this will exclude information that is properly regarded as private to the meetings).	Available on request	-
Class 5 OUR POLICIES & PROCEDURES	LOCATION(S)	COST⁽¹⁾
Records management and personal data policies, including: <ul style="list-style-type: none"> Information security policies Records retention, destruction and archive policies Data protection (including information sharing policies) 	School Website (in time)	-
Charging regimes and policies.	School Website	-
Class 6 LISTS & REGISTERS	LOCATION(S)	COST⁽¹⁾
Curriculum circulars and statutory instruments	School Website	-
Disclosure logs	School Contact	-
Asset Register	Contact ALT CFO	-
Any other information the school is currently legally required to hold in publicly available registers	School Website	-
Class 7 THE SERVICES WE OFFER	LOCATION(S)	COST⁽¹⁾
Extra-curricular activities	School Website	-
Out of school clubs	School Website	-
Services for which the school is entitled to recover a fee, together with those fees	School Website	-
School publications, leaflets, books and newsletters	School Website	-

Notes

(1) To limit the cost for the applicant, the responsible has sought to provide access to information via the responsible body's schools' websites and other websites. The rationale for such action is to enable applicants of information to download, save and print the required information.

END