



'Christ at the centre, children at the heart'

Our Lady of Walsingham Catholic MAT

Company No: 08444133

Registered Office: Fordham Road, Newmarket, Suffolk, CB8 7AA

Approved by the Trust Board:	04/02/2025
Signed by Trust CEO:	
Review Date:	

Freedom of Information Policy

Introduction

The Our Lady of Walsingham Catholic Multi Academy Trust (the Trust) is committed to the Freedom of Information Act 2000 and to the principles of accountability and the general right of access to information, subject to legal exemptions. This policy outlines our response to the Act and the framework for managing requests.

Background

The Freedom of Information (Fol) Act 2000 came fully into force on January 1 2005. Under the Fol Act, any person has a legal right to ask for access to information held by the Academy. They are entitled to be told whether the Academy holds the information, and to receive a copy, subject to certain exemptions.

The information which the Academy routinely makes available to the public is included in the Publication Scheme. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

The Fol Act is fully retrospective, so that any past records which the Academy holds are covered by the Act. The DfE has issued a Retention Schedule produced by the Records Management Society of Great Britain, to guide schools on how long they should keep records. It is an offence to wilfully conceal, damage or destroy information in order to avoid responding to an enquiry, so it is important that no records that are the subject of an enquiry are amended or destroyed.

Requests under the Fol Act can be addressed to anyone in the Academy; so, all staff need to be aware of the process for dealing with requests. Requests must be made in writing, (including email), and should include the enquirers name and correspondence address, and state what information they require. They do not have to mention the Act, nor do they have to say why they want the information. There is a duty to respond to all requests, telling the enquirer whether or not the information is held, and supplying any information that is held, except where exemptions apply. There is a time limit of 20 days excluding school holidays for responding to the request.

Scope

The Fol Act joins the Data Protection Act and the Environmental Information Regulations as legislation under which anyone is entitled to request information from the Academy.

Requests for personal data are still covered by the Data Protection Act (DPA). Individuals can request to see what information the Academy holds about them. This is known as a Subject Access Request, and must be dealt with accordingly.

Requests for information about anything relating to the environment – such as air, water, land, the natural world or the built environment and any factor or measure affecting these – are covered by the Environmental Information Regulations (EIR). They also cover issues

relating to Health and Safety. For example, queries about chemicals used in the Academy or on Academy land, phone masts, car parks etc. would all be covered by the EIR. Requests under EIR are dealt with in the same way as those under FoI Act, but unlike FoI requests, they do not need to be written and can be verbal.

If any element of a request to the Academy includes personal or environmental information, these elements must be dealt with under DPA or EIR. Any other information is a request under FoI, and must be dealt with accordingly.

Obligations and Duties

The Trust recognises its duty to

- *provide advice and assistance to anyone requesting information. We will respond to straightforward verbal requests for information, and will help enquirers to put more complex verbal requests into writing so that they can be handled under the Act.*
- *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 elsewhere.*

Publication Scheme

Section 19 of the FoI Act obliges the Academy to make information pro-actively available in the form of a “publication scheme”. This scheme will list categories, or “classes” of information that will routinely be made available without the need for a specific information request. The Academy will indicate in the scheme where it wishes to charge for providing particular categories of information. The scheme is published on the Trust website.

The Trust reviews this scheme regularly. Whenever any information is provided in response to a recorded FoI Act enquiry, the Academy will assess whether the information is suitable for wider publication. In general, there will be a presumption in favour of publishing such information on the Academy’s website.

Dealing with Requests

FoI requests should be dealt with within 20 working days, excluding school holidays.

Exemptions

Certain information is subject to either absolute or qualified exemptions. When we wish to apply a qualified exemption to a request, we will invoke the public interest test procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information.

We will maintain a register of requests where we have refused to supply information, and the reasons for the refusal. The register will be retained for 5 years.

Public Interest Test

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

Charging

We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £500.

Governing bodies may choose to charge a fee for complying with requests for information under FoI. The fees must be calculated according to FoI regulations, and the person notified of the charge before information is supplied. It is recommended that Academies respond to most requests free of charge, and only charge where significant costs are incurred.

The Academy can calculate the costs, taking account of staff time, as well as direct costs, but if the total is less than the statutory maximum, the Academy can only charge the direct costs (e.g. printing, postage etc.) If the cost exceeds the statutory maximum the Academy does not have to respond, but may choose to do so, either charging for time and direct costs or not. It is good practice to contact the enquirer, and see if they wish to reduce the request, thus reducing the time and costs to below the maximum.

Responsibilities

Trust Local Governing bodies will delegate the day-to-day responsibility for compliance with the FoI Act to the Headteacher.

All Academy staff are responsible for ensuring that they handle requests for information in compliance with the provisions of the various Acts, taking advice from the Headteacher.

Complaints

Any comments or complaints will be dealt with through the Academy's normal complaints procedure.

We will aim to determine all complaints within 10 days of receipt. We will publish information on our success rate in meeting this target. The Academy will maintain records of all complaints and their outcome.

If on investigation the Academy's original decision is upheld, then the Academy has a duty to inform the complainant of their right to appeal to the Information Commissioner's office. Appeals should be made in writing to the Information Commissioner's office.

They can be contacted at:

FOI/EIR Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Records Management

The Academy recognises that the efficient management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the institution. This document provides the policy framework through which this effective management can be achieved and audited. It covers:

- Scope
- Responsibilities
- Relationships with existing policies

Scope of the policy

This policy applies to all records created, received or maintained by staff of the Trust in the course of carrying out its functions.

Records are defined as all those documents which facilitate the business carried out by the Trust and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy or electronically.

A small percentage of the Academy records will be selected for permanent preservation as part of the institution's archives and for historical research.

Responsibilities

It is the responsibility of Local Governors to ensure procedures are in place to ensure that the Academy handles information requests covered by the Freedom of Information Act 2000 (FoIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004 (EIR) in accordance with the provisions laid out therein and that the Academy satisfies the standards set out in the Lord Chancellor's Code of Practice on satisfying public authorities obligations under the FoI Act, produced under section 45 of that Act.

Relationship with existing policies

This policy has been drawn up within the context of Data Protection Policy and with other legislation or regulations (equal opportunities and ethics) affecting the Trust.