

# Freedom of Information Policy

## VERSION CONTROL SHEET

**POLICY NAME:** Complaints Procedure

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Document date	Filename	Meeting submitted	Summary of changes required
July 2013		July PSG	New policy
January 2016			Policy Review
October		Nov LGB	Reviewed and updated
March 2021		LGB	No changes made

## **Purpose**

Mayflower Community Academy is committed to the Freedom of Information Act 2000 which came into force on 1<sup>st</sup> January 2005 and which came to include academies by the Academies Act 2010, with effect from 1<sup>st</sup> January 2011. Mayflower Community Academy is committed to the principles of accountability and the general right of access to information, subject to legal exemptions. The policy outlines our framework for managing requests.

Under the Freedom of Information Act 2000, 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 that the Academy routinely makes available to the public includes information available on the Academy website. Requests for other information are dealt with in accordance to statutory guidance. While the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

The Act is fully retrospective, so that any past records which the Academy holds are covered by the Act. The Academy has a retention schedule based on the schedule recommended by the Records Management Society of Great Britain, which guides the Academy as to how long it should keep records. It is an offense to willfully 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 Act can be addressed to anyone employed by the Academy. However, all responses are to be coordinated by the PA to the Mayflower Academy Leadership Team and approved by the Headteacher. Staff need to be aware of the process for dealing with requests. Requests must be made in writing, (which can include 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 the information is held, and supplying any information that is held, except where exemptions apply. There is no need to collect data in specific response to an enquiry. There is a time limit of 20 days, excluding school holidays, for responding to the request.

## **Scope**

The Headteacher is responsible for ensuring compliance with Academy Policies and Procedures. This procedure applies to all Academy staff.

Requests for personal data are still covered by the Data Protection Act. 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. Requests under EIR are dealt with in the same way as those under FoIA, but they do not need to be written and can be verbal.

### **Associated Documents**

- Retention Schedule
- Complaints Procedure
- LAT GDPR Policy (LAT website)

Abbreviations and Definitions:

FoIA – Freedom of Information Act

EIR – Environmental Information Regulations

### **Procedure:**

#### **Obligations and Duties**

The Governing Body recognises the duty to provide advice and assistance to anyone requesting information. Mayflower Community Academy 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.

The Governing Body recognises the duty to tell enquirers whether or not Mayflower Community Academy holds the information they are requesting (the duty to confirm or deny) and provide access to the information Mayflower Community Academy holds in accordance with the procedures laid down in this policy.

#### **Publication Scheme**

Mayflower Community Academy has issued a Publication Scheme derived from the Model Publication Scheme for Schools approved by the Information Commissioner.

The Publication Scheme and the materials it covers will be readily available on the Mayflower Community Academy website, unless otherwise stated.

#### **Responsibilities**

The Governing Body has delegated the day-to-day responsibility for compliance with the FoIA to the PA to MALT reporting to the Headteacher.

#### **Dealing with Requests**

Mayflower Community Academy will respond to all requests in accordance with the time scales set out in the FoIA wherever reasonably possible, ensuring that all staff are aware of the procedures.

## **Exemptions**

Certain information is subject to either absolute or qualified exemption under the FoIA. When Mayflower Community Academy believes it should apply a qualified exemption to a request, it will invoke the public interest procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information.

## **Public Interest Test**

Unless it is in the public interest to withhold information, it must be released. The Academy will apply the Public Interest Test and LAT GDPR policy before any qualified exemptions are applied in accordance with guidelines set out in the FoIA.

## **Charging**

The Academy reserves the right to refuse to supply information where the cost of doing so exceeds the statutory minimum, currently £450.

The Academy also reserves the right to charge a fee for complying with requests for information under FoIA. The fees will be calculated according to FoIA regulations and the person notified of the charge before the information is supplied.

## **Complaints**

Any comments or complaints will be dealt with through the Academy's normal complaints procedure. An independent investigation will be conducted by a Governor.

If, on investigation, the Academy's original decision is upheld, then the Academy will 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 at:  
FOI/EIR Complaints Resolution  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

## **Disclosure Log**

A Disclosure Log shall be maintained detailing all information requests received and what responses were made and when.

The Academy will enter details in the log of requests where it has refused to supply information, and the reasons for the refusal.

The Academy will also register details of requests where a complaint has been made and the outcome of the resultant investigation.

The Disclosure Log will be retained for 5 years for the date of the request.