



Bishop Hogarth

Catholic Education Trust

Freedom of Information Act

Publication Scheme

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1. Background

The Freedom of Information Act 2000 (FOIA) was introduced to promote greater openness and accountability across the public sector. It establishes a general right of access to information held by all public authorities, including schools and is intended to promote a culture of openness and accountability amongst public sector bodies, and therefore facilitate better public understanding of how public authorities carry out their duties.

This Scheme aims to ensure that the Trust and its schools comply with the FOIA and that its spirit is reflected in our practice. This policy has been prepared through reference to:

- The General Data Protection Regulation
- The Data Protection Act 2018
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

3. This policy also has due regard to guidance, including, but not limited to, the following:

- Cabinet Office (2018) 'Freedom of Information Code of Practice'
- ICO (2016) 'Model publication scheme'
- ICO (2016) 'Duty to provide advice and assistance (section 16)'
- ICO (2015) 'Time limits for compliance under the Freedom of Information Act (section 10)'
- Academies and Freedom of Information: Departmental Advice to Academies - January 2014

The Trust has adopted the model publication scheme as approved by the Information Commissioner. Compliance with the FOIA is overseen by the Information Commissioner's Office (ICO), the independent body with responsibility for regulation of both the Freedom of Information Act 2000 and the Data Protection Act 2018. The FOIA is retrospective which means that it applies to all information held by the Trust.

This publication scheme commits the Trust and its schools to make information available to the public as part of our normal business activities. The information covered is included in the classes of information described in **Section 5** below, where this information is held.

The Scheme commits the Trust:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the Trust and falls within the classifications below.
- To specify the information which is held by the Trust and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.

- To review and update on a regular basis the information the Trust makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset¹ held by the Trust and its' schools that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under a specified licence².

2. Right to request information

4. There is a legal right for any person to make a request to the Trust for access to information held by the Trust. The Trust is under a duty to provide advice and assistance to anyone requesting information. Enquirers do not have to say why they want the information and the request does not have to mention FOIA. **The request must be in writing, including electronic transmission and requests sent to the Trust's official social media accounts**

5. Where a request is submitted in a foreign language, the Trust is not expected to obtain a translation of the request. For the request to be processed, the school will ask the applicant to provide their request in English.

6. If the school believes the applicant has not provided their real name, the school will inform the applicant that the request will not be responded to until further information is received from the applicant.

The Trust will meet its duty to provide advice and assistance, as far as is reasonable, to any person who proposes to make, or has made, requests for information to the Trust. The Trust may offer advice and assistance in the following circumstances:

- If an individual requests to know what types of information the school holds and the format in which it is available, as well as information on the fees regulations and charging procedures.
- If a request has been made, but the school is unable to regard it as a valid request due to insufficient information, leading to an inability to identify and locate the information.
- If a request has been refused, e.g. due to an excessive cost, and it is necessary for the school to assist the individual who has submitted the request.

The Trust will provide assistance for each individual on a case-by-case basis; examples of how the Trust will provide assistance include the following:

- Informing an applicant of their rights under the Freedom of Information Act 2000
- Assisting an individual in the focus of their request, e.g. by advising of the types of information available within the requested category

¹ The term 'dataset' is defined in section 11(5) of the Freedom of Information Act.

² The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of that Act

- Advising an applicant if information is available elsewhere and how to access this information
- Keeping an applicant informed on the progress of their request

If an applicant decides not to follow the school's advice and assistance and fails to provide clarification, the school is under no obligation to contact the applicant again.

If any additional clarification is needed for the remainder of a request, the school will ensure there is no delay in asking for further information.

7. Applicants are given two months to provide any requested clarification. If an applicant decides not to follow the school's advice and assistance and fails to provide clarification, the school is under no obligation to contact the applicant again.

Where the school wishes to ask a different public authority to deal with a request by transferring it to them, this will only be done with the agreement of the applicant.

Requests for information that is not recorded by the Trust (e.g. requests for explanations, clarification of policy and comments on the school's business) will not be considered valid requests. In these cases, the applicant will be provided with an explanation of why their request will not be treated under the Freedom of Information Act 2000 and the school will respond to the applicant through other channels as appropriate.

The enquirer is entitled to be told whether the Trust holds the information (this is known as the duty to confirm or deny) and, if so, to have access to it. Access can include providing extracts of a document or a summary of the information sought, or access to the original document. However, the FOIA recognises the need to preserve confidentiality of sensitive information in some circumstances and sets out a number of exemptions.

There are only four reasons for not complying with a valid request for information under FOIA:-

- The Trust reasonably requires further information to meet a freedom of information request, has informed the applicant of this requirement, but was not subsequently supplied with that further information.
- The information is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons.
- the information is not held
- the cost threshold is reached (£450)
 - This includes any person undertaking activities to fulfil the request at an estimated rate of £25 per person per hour.
- the request is considered vexatious or repeated
- one or more of the exemptions apply

Where the Trust has already sent a refusal request in relation to a previous vexatious request, it is not obliged to send another notice for future vexatious requests. A central log of requests is kept, recording relevant correspondence or behaviour that has been taken into account when a request has been classed as vexatious.

8. In some cases, a request may be dealt with under more than one access regime, e.g. if the request involves both information about the school and personal information, it will be dealt with under the Freedom of Information Act 2000 and the Data Protection Act 2018.

9. When fulfilling requests for information staff are made aware that it is a criminal offence to alter, deface, block, erase, destroy or conceal any information held by the school with the intention of preventing disclosure following a request.

10. Consultation with third parties

The Trust may need to consult third parties about information held in scope of a request to consider whether it would be suitable to disclose the information. Situations where third parties may need to be consulted include the following:

- When requests relate to persons or bodies who are not the applicant and/or the Trust
- When the disclosure of information is likely to affect the interests of persons or bodies who are not the applicant or the Trust

The trust will consider if a third party needs to be directly consulted about a request, particularly, for example, if there are contractual obligations that require consultation before information is disclosed.

Third parties will also be consulted where the Trust is proposing to disclose information relating to them or information that is likely to affect their business or private interests. The views of third parties will be given appropriate weighting when deciding how to respond to a request. For example, if the third party created or provided the information, they may have a better understanding of its sensitivity.

It is ultimately the Trust's decision as to whether information in scope of a request will be released following any relevant consultation.

Where the Trust decides to release information following consultation with a third party, the third party will be informed in advance that the information is going to be disclosed.

Where the Trust intends to release information that relates to a large number of third parties, the Trust will consider whether it would be more appropriate to contact a representative organisation who can express views on behalf of the third parties, rather than contacting each party individually. If no representative organisation exists, the Trust may also consider only notifying or consulting a sample of the third parties relating to the disclosure. Such decisions will be made on a case-by-case basis.

3. Exemptions

The presumption of the legislation is that information will be disclosed unless there is a specific reason to withhold it. The FOI Act states that public authorities have the ability to withhold information requested if it is covered by one of the following exemptions:

- Section 21: the requested information is already in the public domain
- Section 22: the requested information is intended for future publication
- Section 36: the requested information would inhibit advice, a frank debate or prejudice the effective conduct of public affairs
- Section 42: the requested information includes legal advice
- Section 43: the requested information is commercially sensitive

However, only where there are real concerns about disclosing the information will the Trust look to see whether an exemption might apply. Even then, where the potential exemption is a qualified exemption, the Trust will consider the public interest test to identify if the public interest in applying the exemption outweighs the public interest in disclosing it.

Consequently, information will be released unless it is in the public interest to withhold.

Appendix A contains advice on conducting a public interest test.

11. If information falls within scope of a qualified exemption and the school needs additional time to consider the public interest test, the school may extend the deadline. In most cases, the extension will exceed no more than a further 20 school days, however, the actual length of the extension will be decided on a case-by-case basis.

12. Where a public interest test extension is required, the Trust will write to the applicant to inform them of this, stating the following information:

- Which exemption(s) the extension relies on and why
- A revised deadline for when the applicant will receive their response

13. Where a deadline has to be further extended, the Trust will write to the applicant again, stating the information outlined above.

Further explanation of the exemptions can be found on the below link:

- [Ministry of Justice](#)
- [Information Commissioner Office](#)

4 Means of communication

14. Where, on making a request for information, the applicant expresses a preference for communication by any one of the following means, the Trust will, as far as is practicable, give effect to that preference:

- The provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant.
- The provision to the applicant of a reasonable opportunity to inspect a record containing the information.
- The provision to the applicant of a digest, or summary of the information, in permanent form or in another form acceptable to the applicant.

15. Where a preference is not stated by the applicant, the Trust will communicate by any means which are reasonable under the circumstances. For example, where an applicant uses Twitter to make a request, the Trust may respond via an alternative medium as Twitter restricts the length of a response.

5 Classes of Information

a. Who we are and what we do

Organisational information, locations and contacts, constitutional and legal governance.

b. What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

c. What our priorities are and how we are doing

Strategy and performance information, plans, assessments, inspections and reviews.

d. How we make decisions

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

e. Our policies and procedures

Current written protocols for delivering our functions and responsibilities.

f. Lists and Registers

Information held in registers required by law and other lists and registers relating to the functions of the authority.

g. The Services we Offer

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

6 Personal Information in compliance with the FOIA

Personal information is exempt from release under FOIA. However, if the person making the FOI request is the subject of that personal information, they are entitled to have this personal information made available to them under the terms of the Data Protection Act (DPA). Therefore, when responding to FOI requests, the Trust will not withhold personal data if the requestor would be entitled to have this personal information made available to them in response to a Subject Access Request made under the DPA.

7 Process and time limit to respond to requests

Compliance with a request must be prompt and within the legally prescribed limit of 20 working days, excluding non-school days. Where the 20th day to respond to a request is

during a non-school day³, the Trust will have up to 60 days to respond⁴. Where we have asked the enquirer for more information to enable us to answer, the 20 days start time begins when this further information has been received.

If a qualified exemption applies and you need more time to consider the public interest test, the Trust will reply within the 20 days stating that an exemption applies but include an estimate of the date by which a decision on the public interest test will be made. This should be within a “reasonable” time – in practice this is normally this should be within 10 working days.

Where you have notified the enquirer that a charge is to be made, the time period stops until payment is received.

Appendix B provides a process map for responding to requests for information.

8 The method by which information published under this scheme will be made available

The primary method by which all information on the Trust and its schools will be made available will be through the Trust and school websites.

All financial information that is to be published statutorily will be done through the Trust website only.

Where information is not published on the websites, there are two further access methods. The first is to make an information request in writing (by email or letter) to the Trust or its Schools. This is outlined in **Section 10**. The second: in exceptional circumstances some information may be available only by viewing in person. Where this manner is specified an appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where the Trust and its schools are legally required to translate any information, we will do so.

Obligations under Equalities legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme

9 The Process for submitting a request

1. Any person can submit a written request for information held by the Trust or its schools;
2. There is a time limit of 20 working days (excluding school holidays) to respond to requests;
3. There is a right of appeal if an enquirer is unhappy with the way the request has been handled, initially through the Trust Complaints Policy and then to the Information Commissioner;
4. The Trust and its schools will charge at the current rate for photocopying, with an additional administration charge for requests requiring extensive staff time and costs;

³ School day is defined in section 579(1) of the Education Act 1996 and in relation to a school, means any day on which at that school there is a school session.

⁴ Freedom of Information (Time for Compliance with Request) Regulations 2010, available to view at <http://www.legislation.gov.uk/ukxi/2010/2768/contents/made>

5. The Trust and its schools will operate by the safeguard in the Act whereby any 'manifestly unreasonable' request or one where the information is already in the public domain or the cost in time or labour is excessive need not to be complied with;
6. Requests for information can be received by any member of staff;
7. Decisions relating to items 4 and 5 above will be taken by the Chief Executive Officer of the Trust;

10. Charges which may be made for Information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the Trust for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying and printing
- postage and packaging
- the costs directly incurred as a result of viewing information e.g. downloading to a CD

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with either regulations made under Section 11B of the Freedom of Information Act or other enactments.

16. The Trust is not required to provide information where the cost of complying with a request exceeds the limit outlined in the Freedom of Information Act 2000 i.e. **£450 (18 hours)**. In such cases, the Trust will firstly provide the applicant with advice and assistance to help them reframe or refocus their request with a view of bringing it within the cost limit. Then the Trust will consider whether any information can be provided free of charge if the applicant refuses to pay the fee.

If a request is refined, it will be treated as a new request.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

17. The Trust is not required to search for information in scope of a request until it is within the cost limit.

18. If responding to one part of a request would exceed the cost limit, the school does not have to respond to any other parts of the request.

19. Where multiple requests for information are made to the school within 60 consecutive working days of each other, either by a single person or by different persons who appear to be acting in concert, the estimated cost of complying with any of the requests is to be taken to be the total costs to the school of complying with all of them.

20. Where a fee is paid by cheque, the Trust has the right to wait until the cheque is cleared before commencing work.
21. Once a fee is received, the Trust will inform the applicant of the revised response deadline, i.e. an additional 20 school days (or 60 working days).
22. Where the Trust has under-estimated the cost to be charged to an applicant, a second fees notice will not be issued; instead, the Trust will bear the additional costs.

10. Written Requests

The Board of Directors has delegated day to day responsibility for FOIA to the Data Protection Officer in order to provide a single point of reference and to coordinate FOIA and related policies and procedures including staff training.

Information held by the Trust that is not published under this Scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act. Requests should be made by post to:-

Data Protection Officer
Bishop Hogarth Catholic Education Trust
The Headlands
Darlington
DL3 8RW

Or via email to kensholej@bhcet.org.uk
Or via telephone: 01325 523418

It should be noted that requests for information can be directed to the Academy concerned or the Trust through anyone who works for us, therefore the Data Protection Officer is responsible for raising staff awareness of the FOIA.

Monitoring

All requests for information received under the Freedom of Information Act will be reported to the Data Protection Officer who will maintain a central register. Each request will be monitored to ensure compliance with statutory timescales. The register will include refusals and reasons for refusals.

The Resources Committee will receive regular reports on requests received and compliance.

11. Internal Review and complaints

When responding to requests for information, the details of the Trust's internal review process will be set out, including information about how applicants can request an internal review. Applicants will also be informed of their right to complain to the ICO if they are still dissatisfied following the outcome of the Trust's internal review. The Trust's procedures for internal review will mirror those used to investigate Stage two complaints handled through the Trust's existing Complaints Policy. The Trust will however seek to distinguish between a request for an internal review, which seeks to challenge either the outcome or the process of the handling of the initial response, and a general complaint.

Requests for an internal review should be made in writing to the Trust.

For a request for an internal review to be accepted, it must be made within 40 school days from the date the Trust issued an initial response to the request.

Upon receipt of an application, the Trust will acknowledge an application and inform the applicant of the intended response date. Responses will usually be delivered within 15 school days of receipt of the application.

If an internal review is complex, requires consultation with third parties or the relevant information is of high volume, the Trust may need to extend the usual response timeframe. In these cases, the school will inform the applicant and provide an alternative response date. In most cases, the extension will exceed no more than a further 20 school days; however, the actual length of the extension will be decided on a case-by-case basis.

Where clarification is needed from an applicant regarding the review, the normal response period will not begin until clarification is received.

Wherever possible, the review will be undertaken by a different member of staff than the person who took the original decision.

During a review, the Trust will evaluate the handling of the request; particular attention will be paid to concerns raised by the applicant.

The applicant will be informed of the outcome of the review and a record will be kept of such reviews and the final decision that is made.

If the outcome of the review is to disclose information that was previously withheld, the information will be provided to the applicant at the same time they are informed of the response to the review, where possible. If this is not possible, the applicant will be informed of when the information will be provided.

Within the response to a review, the applicant will be informed again of their right to complain to the ICO at the following address:.

The Case Reception Unit
Customer Service Team
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Other forms of contact:
Telephone: 0303 123 1113
Fax: 01625 524510

12. Guide to Information Available

The following tables provide a guide to the information available from the Bishop Hogarth Catholic Education Trust

Guide to information available from the Bishop Hogarth Catholic Education Trust under the publication scheme

Information to be published	How the information can be obtained	Where on website (if applicable)	Charge
Who we are and what we do (Organisational information, structures, locations and contacts) This will be current information only			
Academy Funding Agreement	Trust Website	Website → Documents	N/A
Academy Order (if applicable)	Hard copy	N/A	Photocopying & printing plus postage
Articles of Association	Trust Website	Website → Documents	N/A
School staff and structure – names of key personnel	School websites /Hard copy	Website → About us → Staff List	Photocopying & printing plus postage
Director / Local Governing body – names and contact details of the Directors / governors and the basis of their appointment.	Trust & school websites	Website → Governance	N/A
Director / Local Governing body – Meeting Attendance	Trust & school websites	Website → Governance	N/A
Location and contact information – address, telephone number and website	Trust & school website	Website → Contact Us	N/A
Contact details for the Principal / Head of Schools and the Local Governing Bodies	School websites	Website → Contact Us	N/A
School Prospectus (where available)	School websites	Website → About Us → School Prospectus	Photocopying & printing plus postage
Outline of School Curriculum	School websites	Website → Curriculum	N/A
School Session times and term dates	School websites	Website → Information → Term Dates	N/A

Information to be published	How the information can be obtained	Where on website (if applicable)	Charge
<p>What we spend and how we spend it (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)</p> <p>This should be a minimum of current and the previous two years financial years (accounts that have been filed with the Charity Commission and Companies House).</p>			
Annual budget plan and financial statements	Hard copy	N/A	Photocopying & printing plus postage
Capital funding – details of capital funding allocated to the school along with information on related building projects and other capital projects	Hard copy	N/A	Photocopying & printing plus postage
Additional funding – Income generation schemes and other sources of funding.	Hard copy	N/A	Photocopying & printing plus postage
Financial Audit Papers	Hard copy	N/A	Photocopying & printing plus postage
Procurement and contracts – details of procedures used for the acquisition of goods and services. Details of contracts that have gone through a formal tendering process.	Hard copy	N/A	Photocopying & printing plus postage
Staffing and grading structure	Hard copy	N/A	Photocopying & printing plus postage
Pay policy – a statement of the Academy’s policy on procedures regarding teachers’ pay.	Trust and school websites	Website → Information → Policies	N/A
Staff / Directors / Governors’ allowances – Details of allowances and expenses that can be claimed or incurred.	Trust and school websites and Staff Expenses by request hard copy	Website → Information → Policies	N/A

Information to be published	How the information can be obtained	Where on website (if applicable)	Charge
What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews) Current information should be published.			
School profile <ul style="list-style-type: none"> • Government supplied performance data • OFSTED report – summary and full report 	School websites	Website → About us → Performance Website → Information → OFSTED	N/A
Performance management information	Hard copy	N/A	Photocopying & printing plus postage
Academy's future plans (Trust Development Plan) – any major proposals on safeguarding and promoting the welfare of children.	Trust website / hard copies	Website → Information → Documents	N/A
Child protection – policies and procedures on safeguarding and promoting the welfare of children.	Trust and school websites	Website → Information → Policies	N/A

Information to be published	How the information can be obtained	Where on website (if applicable)	Charge
<p>How we make decisions (Decision making processes and records of decisions)</p> <p>Current and previous three years as a minimum</p>			
<p>Admissions policy - arrangements and procedures and right of appeal – include information on application numbers and number of successful applicants by each oversubscription criteria.</p>	School websites	Website → Information → Admissions	N/A
<p>Governing body meeting agendas, papers and minutes – information that is properly considered to be private should be excluded.</p>	Hard copy	N/A	Photocopying & printing plus postage

Disciplinary Policy and Procedure For Teachers and Support Staff	Available on request		
Drugs Education Policy	On Trust Website		
E Safety	On Trust Website		
Email Policy	Available on request		
Finance Policy (Financial Regulation Manual)	Available on request		
Flexible Working Policy	Available on request		
Freedom of Information Publication Scheme	On Trust Website		
Governor Visits And Protocol Policy	Available on request		
Grievance Policy and Procedure for Teachers and Support	Available on request		
Home-School Agreement Primary	On Trust Website		
Home-School Agreement Secondary	On Trust Website		
Hospitality, Gifts, Prizes and Awards Policy	Available on request		
Induction Policy	Available on request		
Information Security	Available on request		
Intimate Care Policy	Available on request		
In-Year Admissions Policy	On Trust Website		
LAC Policy	On Trust Website		
Lone Working Policy	Available on request		
Maternity, Adoption, Paternity Policy	Available on request		
Media Relations	Available on request		
Menopause Policy	Available on request		
Newly qualified teachers (NQTs)	Available on request		
Pay Policy	On Trust Website		
Physical Intervention Policy	Available on request		
Political Indoctrination & Visiting Speaker Policy	On Trust Website		
Promoting Positive Health and Wellbeing Policy	On Trust Website		
Providing Employment References Policy	Available on request		
Register Of Business And Personal Interests	On Trust Website		
Relationships & Sex Education Policy	On Trust Website		
Remote Learning	Available on request		

<p>Risk Management Policy Safe Recruitment & Selection Safeguarding Policy Security Policy Staff Expenses Policy Student Behaviour & Discipline Policy Support Staff Appraisal Policy Supporting Pupils with Medical Conditions Treasury Management and Investment Policy Trust Development Plan Use of Photographic & Video Images Violence at Work Policy Volunteer Policy Whistleblowing Working from Home</p>	<p>Available on request Available on request On Trust Website Available on request Available on request On Trust Website Available on request On Trust Website Available on request Available on request On Trust Website Available on request On Trust Website On Trust Website Available on request</p>		
<p>School policies including: Accessibility Plan – part of SEN Policy Admissions Policy Equality Objectives First Aid Policy Health & Safety Policy Off-Site Educational Visits Policy Safeguarding Policy SEN Policy & SEN Information Report Student Behaviour & Discipline Policy</p>	<p>On School Website On School Website On School Website On School Website On School Website On School Website On School Website On School Website On School Website</p>	<p>Website → Information → Policies</p>	<p>Photocopying & printing plus postage</p>

Information to be published	How the information can be obtained	Where on website (if applicable)	Charge
Lists and Registers Currently maintained lists and registers only (this does not refer to attendance registers)	Hard copy		
Asset register	Hard copy	N/A	Photocopying & printing plus postage
Register of Racist Incidents	Hard copy	N/A	Photocopying & printing plus postage
Register of Complaints	Hard copy	N/A	Photocopying & printing plus postage

Information to be published	How the information can be obtained	Where on website (if applicable)	Charge
The services we offer (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses) Current information only			
Extra-curricular activities	Hard copy and school websites	Website → Curriculum → Extra Curriculum Activities and Clubs	Photocopying & printing plus postage
Out of school clubs	Hard copy and school websites	Website → Curriculum → Extra Curriculum Activities and Clubs	Photocopying & printing plus postage
School publications	Hard copy and school websites	Website → News and Events	Photocopying & printing plus postage
Services for which the Academy is entitled to recover a fee, together with those fees	Hard copy	N/A	Photocopying & printing plus postage
Leaflets, booklets and newsletters (where available)	Hard copy and school websites	School website → About us → Publications 'or' Website → News and Events	Photocopying & printing plus postage

Charges: - £1 per document plus postage and standard 2nd class rate. Documents can be collected so as to avoid postage charges. We would normally request payment prior to the release of information.

Appendix A

Applying the Public Interest Test

Background

1. Having established that a qualified exemption(s) definitely applies to a particular case, you must then carry out a public interest test to identify if the public interest in applying the exemption outweighs the public interest in disclosing it. Therefore, unless it is in the public interest to withhold the information, it has to be released. Although precedent and a developed case law will play a part, individual circumstances will vary and each case will need to be considered on its own merits.

Carrying out the test

2. It is worth noting that what is in the public interest is not necessarily the same as that which may be of interest to the public. It may be irrelevant that a matter may be the subject of public curiosity. In most cases it will be relatively straightforward to decide where the balance of the public interest in disclosure lies. However, there will inevitably be cases where the decision is a difficult one. Applying such a test depends to a high degree on objective judgement and a basic knowledge of the subject matter and its wider impact on the Trust and possibly wider. Factors that might be taken into account when weighing the public interest include:-

For Disclosure	Against Disclosure
Is disclosure likely to increase access to information held by the Trust?	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 Trust in the use of public funds and help to 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 e.g. Data Protection Act?
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 Academy's 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?

Note also that:

- potential or actual embarrassment to, or loss of confidence in, the Trust, staff or governors is NOT a valid factor
- the fact that the information is technical, complex to understand and may be misunderstood may not of itself be a reason to withhold information
- the potential harm of releasing information will reduce over time and should be considered at the time the request is made rather than by reference to when the relevant decision was originally taken
- the balance of the public interest in disclosure cannot always be decided on the basis of whether the disclosure of particular information would cause harm, but on certain higher order considerations such as the need to preserve confidentiality of internal discussions
- a decision not to release information may be perverse i.e. would a decision to withhold information because it is not in the public interest to release it, itself result in harm to public safety, the environment or a third party?

You will need to record the answers to these questions and the reasons for those answers. Deciding on the public interest is not simply a matter of adding up the number of relevant factors on each side. You need to decide how important each factor is in the circumstances and go on to make an overall assessment.

For Disclosure

Where the balance of the public interest lies in disclosure, the enquiry should be dealt with and the information required should be made available. Where the factors are equally-balanced, the decision should usually favour disclosure (but see 3rd bullet point above).

Against Disclosure

After carrying out the public interest test if it is decided that the exemption should still apply, proceed to reply to the request.

There will be occasions when it has been decided that a qualified exemption applies but consideration of the public interest test may take longer. In such a case, you must contact the enquirer within 20 working days stating that a particular exemption applies, but including an estimate of the date by which a decision on the public interest test will be made. This should be within a “reasonable” time – in practice, it is recommended this decision is made and communicated within the 20 days but where not possible it is suggested that no more than 10 working days beyond the 20 days should be allowed.

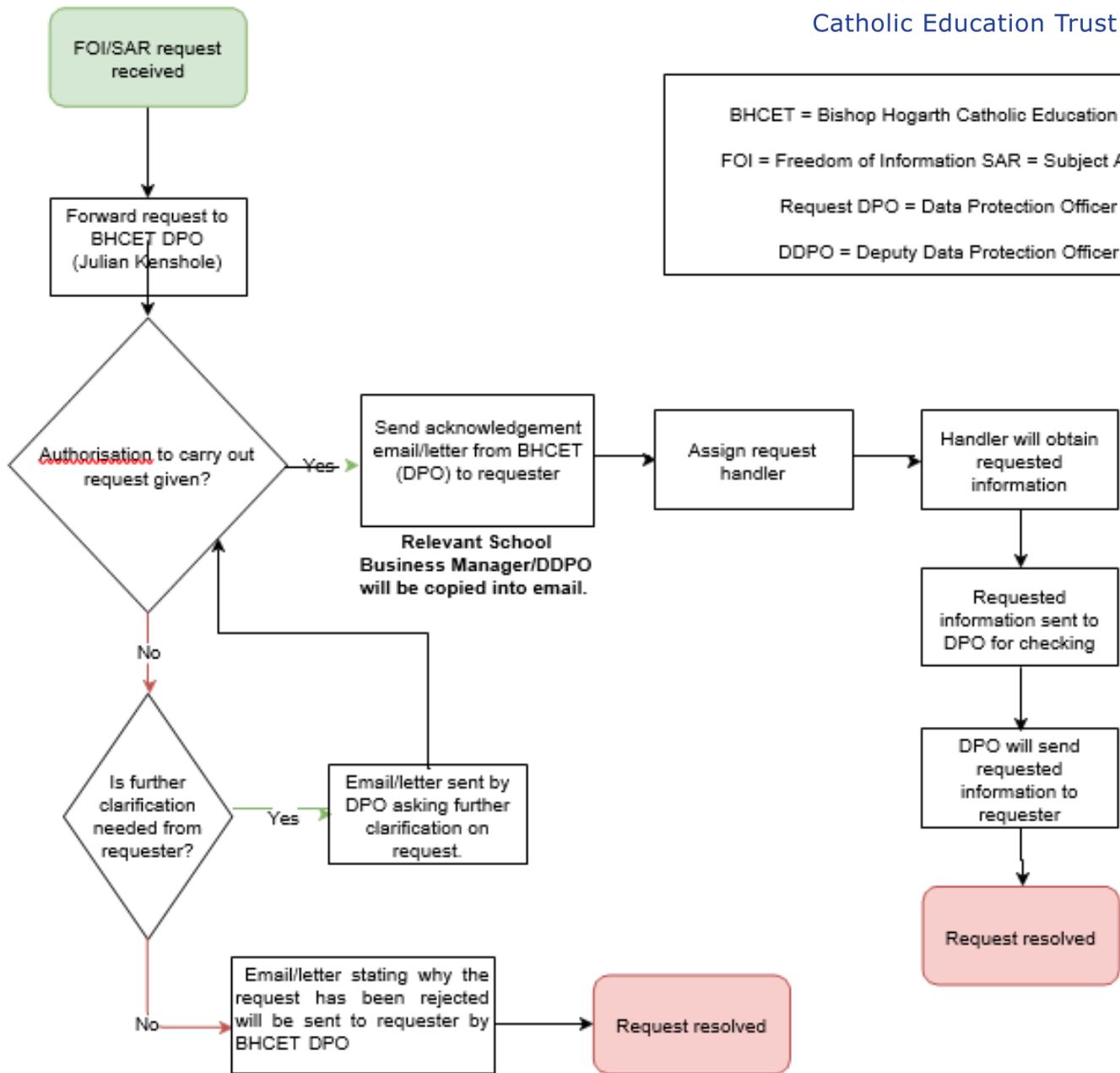
Freedom of Information & Subject Access Request process



**Bishop
Hogarth**

Catholic Education Trust

BHCET = Bishop Hogarth Catholic Education Trust
 FOI = Freedom of Information SAR = Subject Access
 Request DPO = Data Protection Officer
 DDPO = Deputy Data Protection Officer



Please note:

Freedom of Information requests must be resolved within 20 days of receiving the original request

Subject Access requests must be resolved within 1 Calendar Month from the day following receipt of the request

Subject Access Request Example:

An organisation receives a request on 3 September. The time limit will start from the next day (4 September). This gives the organisation until 4 October to comply with the request.