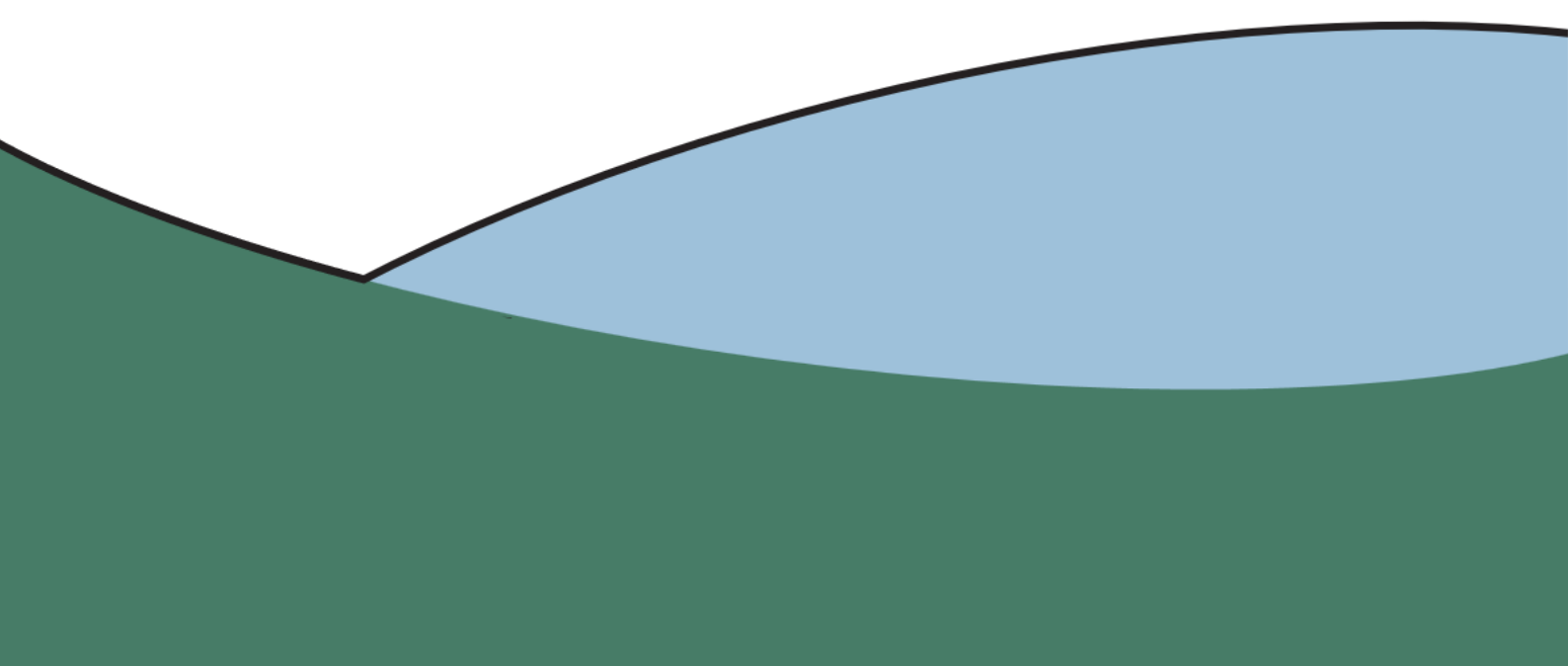




CompassEko Trust

Freedom of Information Policy



Monitoring, evaluation and review

This Policy will be reviewed by the Executive on a 3-yearly cycle.

The policy will be promoted and implemented throughout all Trust schools.

Adherence to the policy will be monitored by the school's local committee.

Policy adopted:	Summer 2024
Other related Policies	Data Protection
Next Review:	Summer 2027

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Scope

This policy covers requests for information under the Freedom of Information Act 2000 (“**FOIA**”). It also covers enquiries relating to matters under the Environmental Information Regulations 2004, namely enquiries about air, water, land, natural sites, built environment, flora and fauna, and health, and any decisions and activities affecting any of these.

This policy does not cover enquiries or subject access requests under the General Data Protection Regulation (GDPR) - i.e. where the enquirer asks to see what personal information Compass Eko Trust holds about them. These enquiries will be dealt with under the Data Protection Policy.

Introduction

Compass Eko 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. This policy outlines our approach to information requests, details of the Publication Scheme and how information requests will be handled.

The Freedom of Information Act 2000 (FOIA) came into force on 1st January 2005 for all schools, and 1st January 2011 for all Academies. Under the Act, any person has a legal right to ask for information held by Compass Eko Trust. They are entitled to be told whether the Trust holds the information, and to receive a copy, subject to certain exemptions.

All information that the Trust routinely makes available to the public is included in the Publication Scheme. Requests for other information should be dealt with in accordance with the 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; any past records which The Trust holds are included. The Trust fully complies with the Retention Schedule produced by the Information and Records Management Society of Great Britain, details are found in our Data Retention Policy. It is an offence to wilfully conceal damage or destroy information in order to avoid responding to an enquiry.

Obligations and Duties

The Trust recognises its duty to:

- provide advice and assistance to anyone requesting information
- tell enquirers whether or not we hold the information they are requesting (the duty to confirm or deny)
- provide access to the information we hold in accordance with the Trust Freedom of Information Procedures.

We recognise the presumption of openness that underlies the FOIA. We are committed to maintaining a well-managed records management and information system in order to comply efficiently with requests and we will adopt a straight-forward approach to meeting requests for information.

The Trust is responsible for compliance with the FOIA in each of its schools and needs to ensure that employees at the school are able to comply with requests for information under FOIA. Day-to-day responsibility for the implementation of this FOIA policy and the provision of advice, guidance, publicity and interpretation of this policy is delegated to the head teacher or head of school of each school and to the CEO of the Trust (as applicable). We will also ensure that all members of staff are aware of this policy and know that all requests for information should be passed without undue delay to the head teacher or head of school of the relevant school or the CEO of the Trust (as applicable).

We acknowledge that wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence and we will take all reasonable steps to ensure that records that are subject to a request for information are not deleted or amended by anyone within the Trust.

Compass Eko Trust Publication Scheme

The Trust Publication Scheme contains all information available under the FOIA. The Publication Scheme sets out the following:

- The classes of information which we publish or intend to publish;
- The manner in which the information will be published;
- Whether the information is available free of charge or on payment.

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 readily available in hard copy from the Trust. It is also available on the Trust and schools' websites.

This publication scheme conforms to the model scheme approved by the Information Commissioner.

Requests for Information

The Trust and its schools will only deal with valid FOI requests for information under this policy. A valid FOI request must:

- be in writing (includes letter, email or fax)
- state the enquirer's name and correspondence address (includes email addresses)
- describe the information requested - there must be enough information to be able to identify and locate the information
- not be a request falling under the GDPR (i.e. be a request for information about yourself or your child)

In order that a request can be dealt with as quickly and efficiently as possible, we recommend that it is submitted by letter to the head teacher or head of school of the relevant school or to the CEO of the Trust (as applicable). This can be delivered by post or by hand at the reception desk. Contact details for the head teacher or head of school of each school or the CEO of the Trust (as applicable) can be found at the bottom of the Publication Scheme.

What is the time limit for responding to the request?

We will deal with requests promptly and within the legally prescribed limit of 20 school days i.e. excluding weekends and school holidays. Where the 20th day to respond to a request is during a non-school day, we have up to 60 days to respond.

The response time will start from the time the request is received. Where further information is required, we shall contact the requester as soon as possible using the correspondence address provided. We do not have to deal with such a request until the further information is received. Where a fee is to be made (see below), we are also not required to deal with the request until payment has been received. If the requester pays any fee by cheque the fee will not be regarded as having been received until the day the cheque has cleared. The 20 school days countdown will only begin or restart once the further information and/or payment has been received.

If a qualified exemption applies (see below) and we need more time to consider the public interest test, we will send a response within 20 school days stating that an exemption applies and giving you estimate of the date by which a decision on the public interest test will be made. This will normally be within a further 10 working days.

The Trust will not comply with a request for information for the following reasons:-

- The Information is not held. If the School does not hold the information requested we will notify you of this, in writing. If we know that the information is held by another public authority, we will transfer your request to them or advise the requester to redirect their request.
- The cost of locating, extracting and retrieving the information is above the cost of £450.
- The request is considered vexatious or repeated.
 - If the request is vexatious the School will not comply with your request. The key test for the School is whether the request is likely to cause a *disproportionate or unjustifiable level of distress, disruption or irritation*.
 - The request is considered to be identical or substantially similar to a previous request submitted by the same individual, unless a reasonable period has elapsed between those requests.
- One or more exemptions may apply – See Appendix B
- If the School receives a request that is ambiguous, with many potential interpretations, or no clear meaning at all the School will write to the requester and ask for clarification. At this stage, the School will not deal with your request until we have received whatever clarification we reasonably need and the 20 school days start time will begin. The School will also consider whether it can give the requester advice and assistance to enable you to clarify or rephrase your request.

- If you are dissatisfied with the handling of your request for information you have a right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter. At this stage a fresh decision will be made (by a member of staff who did not deal with the original request) on all the available evidence that is relevant at the date of the request. A response will be provided promptly and within 20 school days.
- If you are unhappy with the outcome of your internal review you have a right to apply directly to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Exemptions

Certain information is subject to either absolute or qualified exemptions, i.e. data that is considered to be "personal" and thus covered by the GDPR. In this case, the document will be redacted (personal data will be blacked out). 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. The Trust will maintain a register of requests where we have refused to supply information and the reasons for the refusal. Information will be retained for 5 years.

For detailed information on exemptions that may occur, see Appendix B.

Charging- the appropriate limit

Compass Eko Trust will not comply with any Freedom of Information request that exceeds the statutorily imposed appropriate limit of £450.

When determining whether the cost of complying with a Freedom of Information request is within the appropriate limit, the Trust will take account only of the costs we reasonably expect to incur in relation to:

- Determining whether it holds the information.
- Locating the information, or a document which may contain the information.
- Retrieving the information, or a document which may contain the information.
- Extracting the information from a document containing it.

Costs related to the time spent by any person undertaking any of the activities outlined above on behalf of the Trust, are to be estimated at a rate of £25 per person per hour.

Information published on the Trust and school websites is free although you may incur costs from an internet service provider.

Postage and Copying

Where the cost of postage, printing or photocopying is below £10, we will not make a charge. Where it is over £10, the first £10 will be free of charge; after that, we will charge the full estimated cost of postage and copying. Before we produce the information we will tell you how much it will cost. If you decide not to pay, then we will not release the information.

If you decide to refine the request so it reduces the cost of, say, copying we are happy to discuss that with you.

The School will charge a fee, which must be paid up-front, for photocopying, printing and postage. For the fees, please see our **charging and remissions policy**. The table below details our costs for photocopying.

Number of Pages	Maximum Fee
1 - 19	£1
20 - 29	£2
30 - 39	£3
40 - 49	£4
50 - 59	£5
60 - 69	£6
70 - 79	£7
80 - 89	£8
90 - 99	£9
100 - 149	£10
150 - 199	£15
200 - 249	£20
250 - 299	£25
300 - 349	£30
350 - 399	£35
400 - 449	£40
450 - 499	£45
500+	£50

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: **The Chief Operating Officer, Compass Eko Trust, c/o Alderwood Primary School, Rainham Close, Eltham, London, SE9 2JB.**

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioners Office. They can be contacted at:

Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Tel: 01625 545700

Web: www.informationcommissioner.gov.uk

APPENDIX A - Publication Scheme

The Board of Trustees of Compass Eko Trust is responsible for collating and publicising its own Publication Scheme about the work of the Trust.

This Publication Scheme commits us to make information available to the public as part of our normal business activities.

This 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 classes of information below
- specify the information which is held by us and falls within the within the classes of information below
- proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme
- 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
- review and update on a regular basis the information we make available under this scheme
- produce a schedule of any fees charged for access to information which is made proactively available
- make this publication scheme available to the public

The classes of information include:

- **Who we are and what we do** - Organisational information, locations and contacts, constitutional and legal governance
- **What we spend and how we spend it** - Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts
- **What our priorities are and how we are doing** - Strategy and performance information, plans, assessments, inspections and reviews
- **How we make decisions** - Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.
- **Our policies and procedures** - Current written protocols for delivering our functions and responsibilities.
- **Lists and Registers** - Information held in registers by law and other lists and registers relating to the functions of the Trust
- **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 it is difficult to access for similar reasons

Where it is within our capability, information will be provided on the Trust website or individual school websites.

Where it is impracticable to make information available on our websites, this Scheme sets out how information can be obtained.

Where you cannot or do not wish to access the information via the specified means, you should contact the Trust to discuss an alternative means of viewing the information. In exceptional circumstances information may be available only by viewing in person. You should contact the Trust to make an appointment to view the information which we will endeavour to accommodate 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. If we are legally required to translate the information, we will do so.

Obligations under disability and discrimination 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.

Information to be published	Information obtained from	Cost
Class 1 – Who we are and what we do		
Organisational information, structures, locations and contacts This will be current information only		
Memorandum and articles of association	Website	No charge
Master Funding Agreement	Website	No charge
Confirmation Statement	Companies House Website	No charge
List of names of the Members and Trustees of the MAT	Website	No charge
Staffing structure – names of key personnel	Website	No charge
MAT prospectus (if applicable)	Website	No charge
Contact details for Chief Executive Officer and the Board of Trustees	Website	No charge
Location and contact information – address and telephone number	Website	No charge

Class 2 – What we spend and how we spend it Financial information relating to the projected and actual income and expenditure, procurement, contracts and financial audit Current and previous two financial years as a minimum		
Annual budget plan and financial statements	Hard Copy requested via head teacher	Schedule of charges
Annual Accounts (published by 31 May each year)	Website	No charge
Capital funding – details of capital funding allocated to the MAT along with information on related building projects and other capital projects	Hard Copy requested via head teacher	Schedule of charges
Additional funding – income generation schemes and other sources of funding	Hard Copy requested via head teacher	Schedule of charges
Procurement and contracts – details of procedures used for the acquisition of goods and services and details of contracts that have gone through a formal tendering process	Hard Copy requested via head teacher	Schedule of charges
Staffing and grading structure	Hard Copy requested via head teacher	Schedule of charges
Pay Policy – a statement of the MAT’s policy on procedures regarding teachers’ pay	Hard Copy requested via head teacher	Schedule of charges
Trustee’s Expenses – details of expenses that can be claimed or incurred	Hard Copy requested via head teacher	Schedule of charges
Class 3 – What our priorities are and how we are doing (Strategies, plans, performance indicators, audits, inspections and reviews) This will be current information only		
MAT profile including a statement of our ethos and values	Website	No charge
Performance management policy and procedures adopted by the MAT Board	Hard Copy requested via head teacher	Schedule of charges
School Improvement Plan	Hard Copy requested via head teacher	Schedule of charges
Safeguarding Policy and procedures	Website	No charge
Class 4 – How we make decisions (Decision making process and records of decisions) Current and previous three years as a minimum		

Agendas of Board of Trustees' meetings and its sub- committees	Hard Copy requested via head teacher	Schedule of charges
Minutes of meetings (as above) – NB This will exclude information that is properly considered to be private and confidential	Hard Copy requested via head teacher	Schedule of charges
Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only		
MAT-wide policies including: • Health and Safety • Complaints procedure • Staff conduct policy* • Discipline and grievance policies* • Information request handling policy • Staff recruitment policies*	Website – except * - hard Copy requested via head teacher	Schedule of charges
Records management and personal data policies including: • Data protection (including information sharing, records retention, destruction and archiving) policies	Hard Copy requested via head teacher	Schedule of charges
Charging regimes and policies	Hard Copy requested via head teacher	Schedule of charges
Equality and diversity (Policies, schemes, statements, procedures and guidelines relating to equal opportunities Policies and procedures for the recruitment of staff and details of vacancies	Hard Copy requested via head teacher	Schedule of charges
Class 6 – Lists and Registers Currently maintained lists and registers only		
Asset register	Hard Copy requested via head teacher	Schedule of charges
Any information a school is currently legally required to hold in publicly available registers	Website or Hard Copy requested via head teacher	No charge (website) or Schedule of charges

Class 7 – The services we offer (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses) Current information only		
MAT publications	Website or Hard Copy requested via head teacher	No charge (website) or Schedule of charges
Services for which the MAT is entitled to recover a fee, together with those fees	Website	No charge
Leaflets, booklets and newsletters	Website or Hard Copy requested via head teacher	No charge (website) or Schedule of charges

APPENDIX B - EXEMPTIONS

There are two general categories of exemptions:-

- **Absolute:** where there is no requirement to confirm or deny that the information is held, disclose the information or consider the public interest test; and
- **Qualified:** where, even if an exemption applies, there is a duty to consider the public interest in disclosing information.

Even when an exemption applies:

- we will still provide you with reasonable advice and assistance, including suggesting an amended version of your request
- we can decide to ignore the exemption and release the information taking into account all the facts of the case

Absolute Exemptions

Those which are most likely to be used are marked with an *:

- ***Information accessible to the enquirer by other means*** (Section 21) If information is reasonably accessible to the enquirer by a route other than the FOIA, it is exempt information. This is the case even if the enquirer would have to pay for the information under that alternative route. This exemption will include cases where the information is available via the Publication Scheme or under other legislation, such as the Data Protection Act 1998.
- ***Personal information*** (Section 40) (see also the qualified exemption part of Section 40). Where enquirers ask to see information about themselves, this is exempt under the Act because it is covered by the Data Protection Act.
- ***Court records*** (Section 32) (see also the qualified exemption under Section 30 concerning investigations and proceedings conducted by public authorities) This applies to information related to proceedings in a court or tribunal or served on a public authority for the purposes of proceedings.
- ***Information provided in confidence*** (Section 41) This relates to information obtained from a person if its disclosure would constitute a breach of confidence actionable in law by that, or another, person.
- ***Prohibitions on disclosure*** (Section 44) Information is exempt where its disclosure is prohibited under any other legislation by order of a court or where it would constitute a contempt of court or where it is incompatible with any EC obligation.
- **Information dealing with security matters** (Section 23) (see also qualified exemption under Section 24 on national security) This applies to information directly or indirectly supplied by, or relating to, bodies dealing with security matters such as GCHQ, MI5, MI6, Special Forces and the National Criminal Intelligence Service.
- **Parliamentary Privilege** (Section 34) This exempts information if it is required for the purpose of avoiding an infringement of the Parliamentary privilege.

- **Prejudice to the effective conduct of public affairs** (Section 36) (see also the qualified exemption part of Section 36) This relates to the maintenance of the collective responsibility of Ministers.

Qualified Exemptions

Where a qualified exemption applies, there is an additional duty to consider the public interest in confirming or denying that the information exists and in disclosing information (see below).

Those which are most likely to be used are marked with an *:

- ***Personal information*** (Section 40) (see also the absolute exemption part of Section 40) Where the information concerns a third party, it is exempt if its disclosure would contravene the Data Protection Act 1998, or the data protection principles; or if the person to whom the information relates would not have a right of access to it because it falls under one of the exemptions to the Data Protection Act 1998. The duty to confirm or deny does not arise in relation to this information if doing so would be incompatible with any of the above.
- ***Legal professional privilege*** (Section 42) Legal professional privilege covers any advice given by legal advisers, solicitors and barristers especially with regard to potential litigation. Generally such information will be privileged. This exemption covers all such information where a claim to legal professional privilege can be maintained in legal proceedings. The duty to confirm or deny does not arise where to do so would involve the disclosure of such information.
- ***Information intended for future publication*** (Section 22) If at the time the request was made, information is held with a view to publication, then it is exempt from disclosure if it is reasonable that it should not be disclosed until the intended date of publication. This could apply for instance to statistics published at set intervals, for example annually or where information is incomplete and it would be inappropriate to publish prematurely. Note the following:-
 - the intended publication does not have to be by the school, it can be by another person or body on behalf of the school
 - the date of publication does not have to be known, it could be at some future date (although it is recommended that some idea of a likely date is given)
 - the duty to confirm or deny does not apply if to do so would involve the disclosure of any of the relevant information
- ***Investigations and proceedings conducted by public authorities*** (Section 30) Information is exempt if it has at any time been held by us for the purposes of criminal investigations or proceedings, such as determining whether a person should be charged with an offence or whether a charged person is guilty, or investigations which may lead to a decision to institute criminal proceedings. The duty to confirm or deny does not apply to such information.
- ***Law enforcement*** (Section 31) Information which is not exempt under Section 30 Investigations and Proceedings, may be exempt under this exemption in the event that disclosure would, or would be likely to, prejudice the following among others:
 - the prevention or detection of crime

- the apprehension or prosecution of offenders
- the administration of justice
- the exercise of functions such as ascertaining if a person has broken the law, is responsible for improper conduct, whether circumstances justify regulatory action, ascertaining a person's fitness or competence in relation to their profession, ascertaining the cause of an accident or protecting or recovering charities or its properties
- any civil proceedings brought by us or on our behalf which arise out of an investigation carried out for any of the purposes mentioned above.

The duty to confirm or deny does not arise where prejudice would result to any of these matters.

- ***Health and Safety*** (Section 38) Information is exempt if its disclosure would or would be likely to endanger the safety or physical or mental health of any individual. The duty to confirm or deny does not arise where prejudice would result.
- **Commercial interests*** (Section 43) Information is exempt if it constitutes a trade secret or would be likely to prejudice the commercial interests of any person or body
- (including the MAT or its schools).
- ***Environmental information*** (Section 39) Information is exempt under FOI where it is covered by the Environmental Information Regulations. Environmental information can cover information relating to: air, water, land, natural sites, built environment, flora and fauna, and health. It also covers all information relating to decisions or activities affecting any of these. However, such requests will normally be dealt with under similar principles to those set out in the policy.
- **Audit Functions** (Section 33) Information is exempt if its disclosure would, or would be likely to, prejudice the exercise of an authority's functions in relation to the audit of the accounts of other public authorities. It does not apply to internal audit reports.
- **Formulation of government policy** (Section 35) Information held is exempt information if it relates to the formulation or development of government policy, ministerial communications, advice by Law Officers (e.g. Attorney General) and the operation of any Ministerial private office.
- **National security** (Section 24) (see also absolute exemption 23) Information is exempt for the purposes of safeguarding national security.
- **Defence** (Section 26) Information is exempt if its disclosure would prejudice the defence of the UK.
- **International relations** (Section 27) Information is exempt if its disclosure would or would be likely to, prejudice relations between the UK and any other state, international organisation.
- **Relations within UK** (Section 28) Information is exempt if its disclosure would or would be likely to, prejudice relations between any administration in the UK i.e. the Government, Scottish Administration, Northern Ireland Assembly, or National Assembly of Wales.

- **The economy** (Section 29) Information is exempt if its disclosure would, or would be likely to, prejudice the economic or financial interests of the UK
- **Prejudice to the conduct of public affairs** (Section 36) (excluding matters covered by the absolute exemption part of Section 36) Information likely to prejudice the maintenance of the convention of the collective responsibility of Ministers or likely to inhibit the free and frank provision of advice or exchange of views.
- **Communications with the King** (Section 37) Information is exempt if it relates to communications with the King, the Royal Family or Royal Household or if it relates to the award of honours. The duty to confirm or deny does not arise where this exemption applies.

Public Interest Test

Having established that a qualified exemption(s) definitely applies to a particular case, we are then required to carry out a public interest test to identify whether the public interest in applying the exemption outweighs the public interest in disclosing it. Unless it is in the public interest to withhold the information, we are required to release it.

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.

Factors that might be taken into account when weighing the public interest include:

For disclosure

- Is disclosure likely to increase access to information held by us?
- 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 disclosure likely to improve our accountability and transparency in the use of public funds and help to show that we obtain value for money?
- Is disclosure likely to contribute to public debate and assist the understanding of existing or proposed policy?
- Is disclosure likely to increase public participation in decision-making?
- Is disclosure likely to increase public participation in political processes in general?
- Is disclosure likely to bring to light information affecting public safety?
- Is disclosure likely to reduce further enquiries on the topic?

Against disclosure

- Is disclosure likely to distort public reporting or be misleading because it is incomplete?
- Is premature disclosure likely to prejudice fair scrutiny, or release sensitive issues still on the internal agenda or evolving?
- Is disclosure likely to cause unnecessary public alarm or confusion?

- Is disclosure likely to seriously jeopardise our legal or contractual position?
- Is disclosure likely to infringe other legislation e.g. Data Protection Act?
- Is disclosure likely to create a controversial precedent on the release of information or impair our ability to obtain information in the future?
- Is disclosure likely to adversely affect our proper functioning and discourage openness in expressing opinions?
- 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?

In considering the above, we acknowledge that:

- potential or actual embarrassment to, or loss of confidence in, to the MAT and its schools, 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 will therefore 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?

Where the balance of the public interest lies in disclosure or the factors are equally- balanced, we will normally favour disclosure and the information requested made available.