



Policy Header

Policy Title	Freedom of Information Policy
Version No	One Two
Written / Adopted Date	Written October 2016 New Policy (LDST)
This policy complies with WBC guidance	Yes
Linked Policies	Mission Statement Statement of Aims School Development Plan Financial Procedures English Science RE Geography History Art & DT Music PE MfL Early Years PSHE SEN & Inclusion Anti Bullying Marking Homework Timetable Assembly timetables Healthy and Safety Risk Assessment Behaviour Sex Education Critical Incidence Length of School Day Pupil Admissions Display Equal Opportunities Educational Visits Charging Parental Involvement Home School Agreement Complaints Attendance Child Protection
Written By	LDST
Date shared with Staff	November 2018
Date Ratified by Governors	14/11/18
Review Date	November 2021

The Liverpool Diocesan Schools Trust (the Trust) is subject to the [Freedom of Information Act 2000 \(FOI\)](#) as a public authority and as such must comply with any requests for information in accordance with the principles laid out in the Act.

1. What is a request under FOI?

- 1.1 Any request for any information from the Trust is technically a request under the FOI, whether or not the individual making the request mentions the FOI. However, the ICO has stated that routine requests for information (such as a parent requesting a copy of a policy) can be dealt with outside of the provisions of the Act.
- 1.2 In all non-routine cases, if the request is simple and the information is to be released, then the individual who received the request can release the information, but must ensure that this is done within the timescale set out below. A copy of the request and response should then be sent to the school's Headteacher.
- 1.3 All other requests should be referred in the first instance to the school's Headteacher who may allocate another individual to deal with the request. This must be done promptly and in any event within 3 working days of receiving the request.
- 1.4 When considering a request under FOI, you must bear in mind that release under FOI is treated as release to the general public, and so once it has been released to an individual, anyone can then access it, and you cannot restrict access when releasing by marking the information "confidential" or "restricted".

2. Time limit for compliance

- 2.1 The Trust must respond as soon as possible, and in any event, within 20 working days of the date of receipt of the request. For the Trust, a "working day" is one in which students are in attendance, subject to an absolute maximum of 60 calendar days to respond.

3. Procedure for dealing with a request (APPENDIX 1: ICO FREEDOM OF INFORMATION FLOW CHART)

- 3.1 When a request is received that cannot be dealt with by simply providing the information, it should be referred in the first instance to the school's Headteacher, who may reallocate to an individual with responsibility for the type of information requested.
- 3.2 The first stage in responding is to determine whether or not the Trust "holds" the information requested. The Trust will hold the information if it exists in computer or paper format. Some requests will require the Trust to take information from different sources and manipulate it in some way. Where this would take minimal effort, the Trust is considered to "hold" that information, but if the required manipulation would take a significant amount of time, the requestor should be contacted to explain that the information is not held in the manner requested, and offered the opportunity to refine their request. For example, if a request required the Trust to add up totals in a spreadsheet and release the total figures, this would be

information “held” by the Trust. If the Trust would have to go through a number of spreadsheets and identify individual figures and provide a total, this is likely not to be information “held” by the Trust, depending on the time involved in extracting the information.

- 3.3 The second stage is to decide whether the information can be released, or whether one of the exemptions set out in the Act applies to the information.

Absolute: where there is no requirement to confirm or deny that the information is held, disclose the information or consider the public interest.

Qualified: where, even if an exemption applies, there is a duty to consider the public interest in disclosing information.

Common ¹exemptions that might apply include:

ABSOLUTE EXEMPTIONS:

[Section 21](#) – information that is already publicly available

[Section 40 \(1\)](#) – the request is for the applicant’s personal data

[Section 40 \(2\)](#) – compliance with the request would involve releasing third party personal data

[Section 41](#) – information that has been sent to the school (but not the school’s own information) which is confidential

If an absolute exemption applies the decision-maker does not need to consider the public interest in releasing the information.

QUALIFIED EXEMPTIONS:

[Section 22](#) – information that the school intends to publish at a future date

[Section 31](#) – information which may prejudice the effective detection and prevention of crime – such as the location of CCTV cameras

[Section 36](#) – information which would prejudice the effective conduct of the school/Trust (*the ICO has provided a template document to capture the Qualified Person’s Opinion* – see [APPENDIX 2](#))

[Section 38](#) – information that could prejudice the physical health, mental health or safety of an individual (this may apply particularly to safeguarding information).

[Section 43](#) – information that would prejudice the commercial interests of the school and / or a third party.

¹ The common exemptions listed (for both absolute and qualified exemptions) contain hyperlinks to the Freedom of Information Act, Part II – Exempt Information. Any changes that may be brought into force at a future date will be captured.

If a qualified exemption applies you have to carry out a [public interest weighting exercise](#), balancing the public interest in the information being released as against the public interest in withholding the information.

4. Responding to a request

- 4.1 When responding to a request where the Trust has withheld some or all of the information, the Trust must explain why the information has been withheld, quoting the appropriate section number and explaining how the information requested fits within that exemption. If the public interest test has been applied, this also needs to be explained.
- 4.2 The letter should end by explaining to the requestor how they can complain – either by reference to an internal review by a governor, the Board of Directors, the Data Protection Officer or by writing to the ICO.

5. Contact

- 5.1 Any questions about this policy should be directed in the first instance to the Headteacher of the school. You can also seek advice from the Trust's Data Protection Officer:

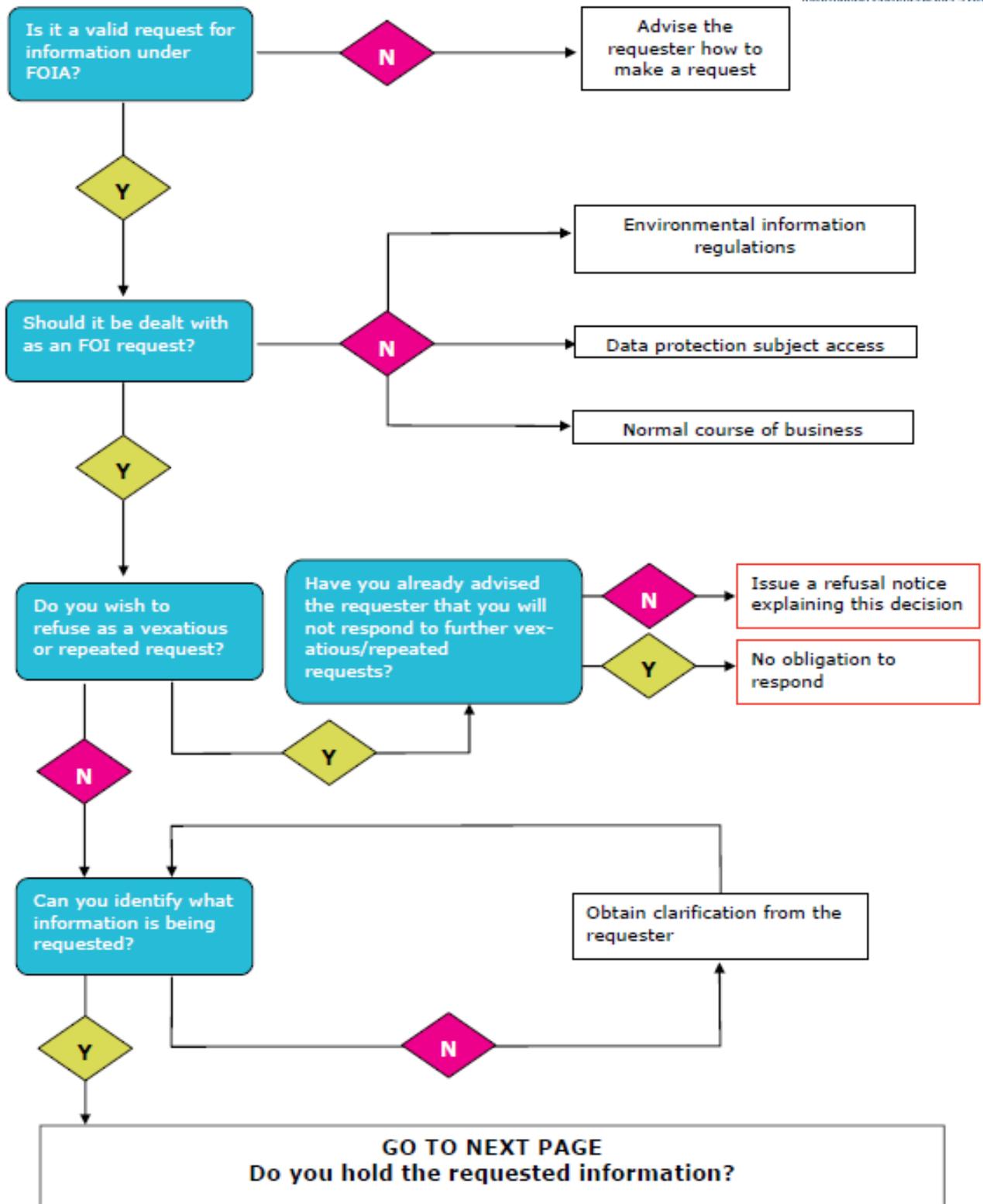
Data Protection Officer:	Alison Tennant
Email:	alison.tennant@liverpool.anglican.org
Telephone:	0151 705 2190/2147

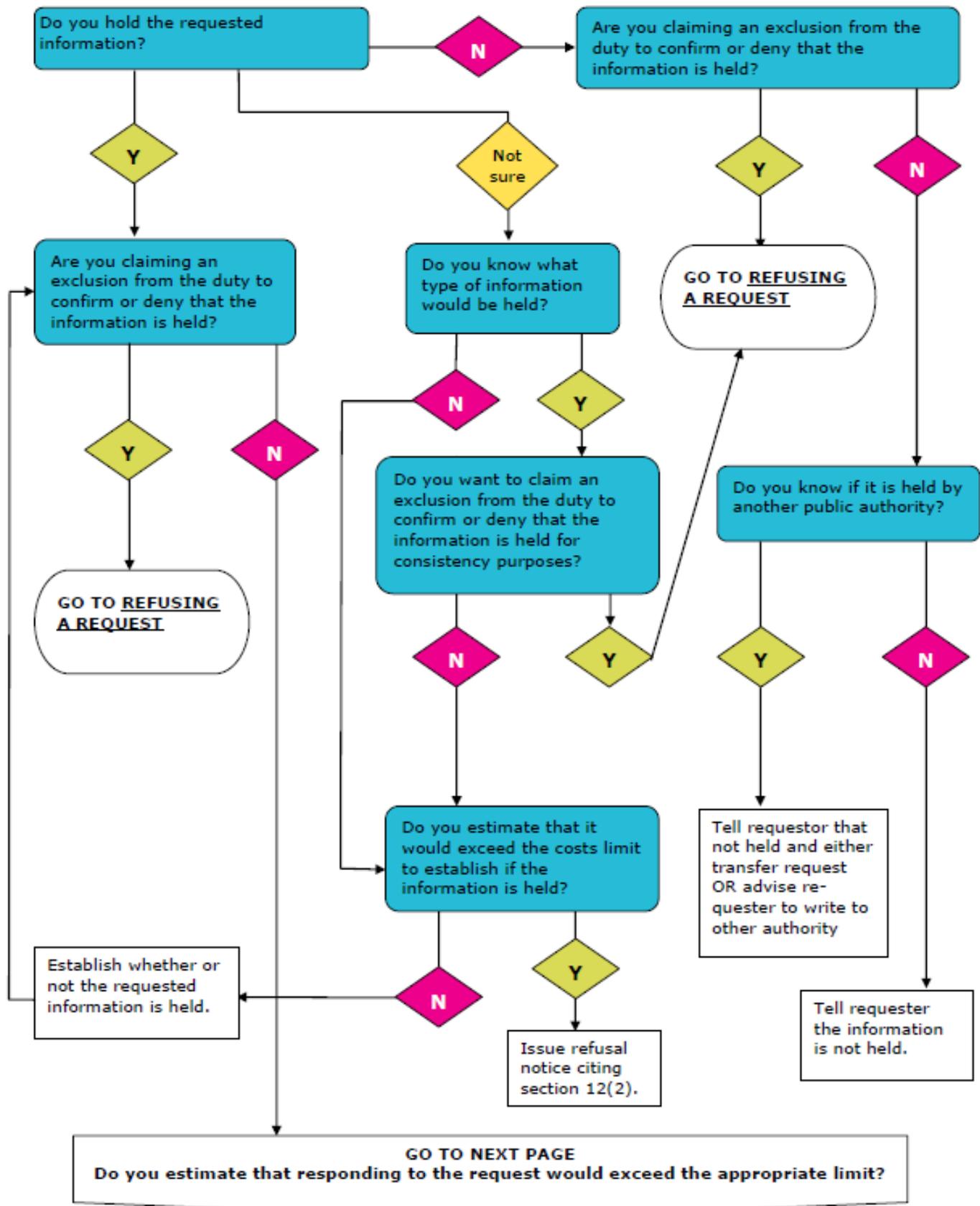
This Policy was approved by LDST Directors on 5th October 2018. It will be reviewed annually.

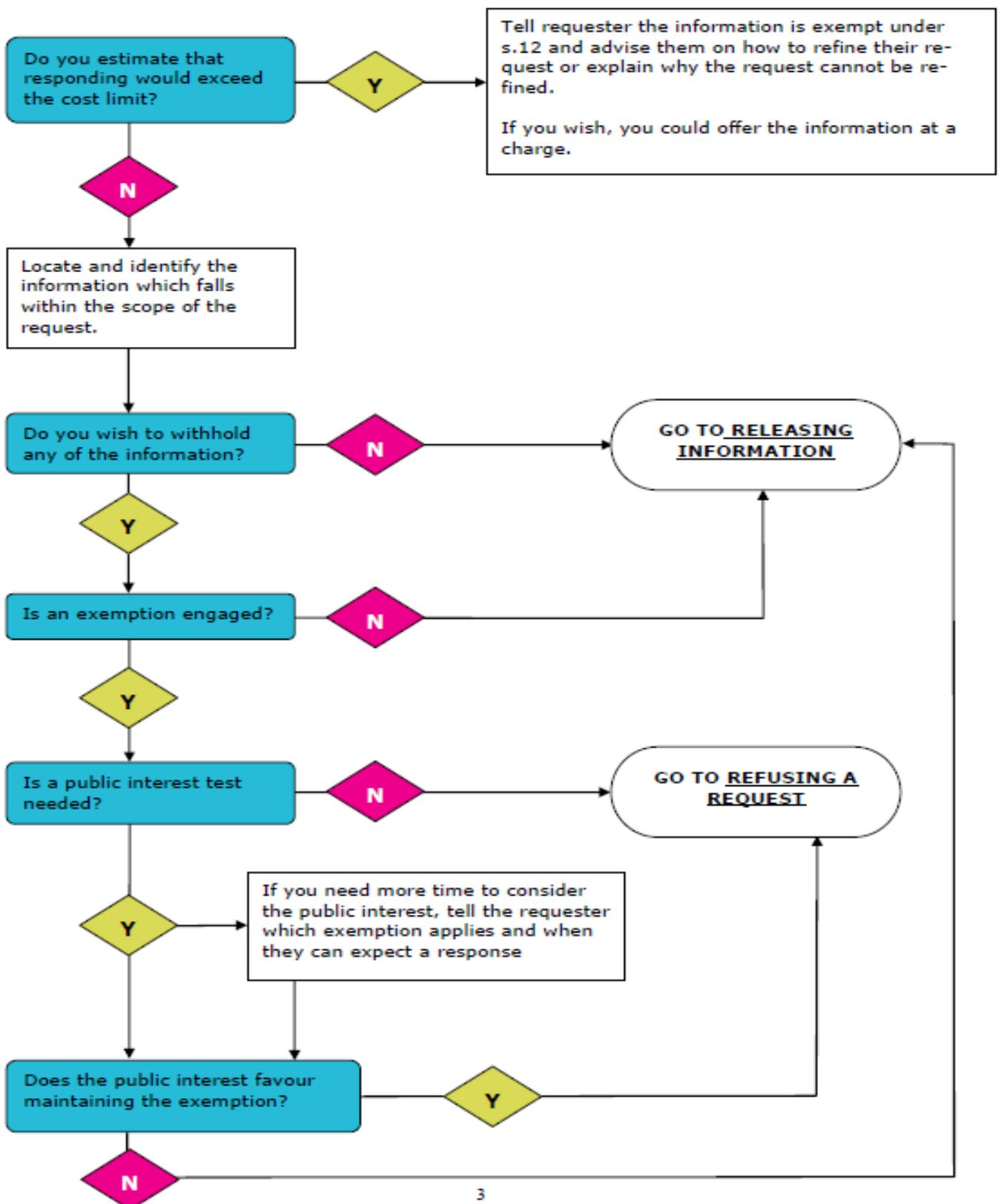
APPENDIX 1: ICO FREEDOM OF INFORMATION FLOW CHART



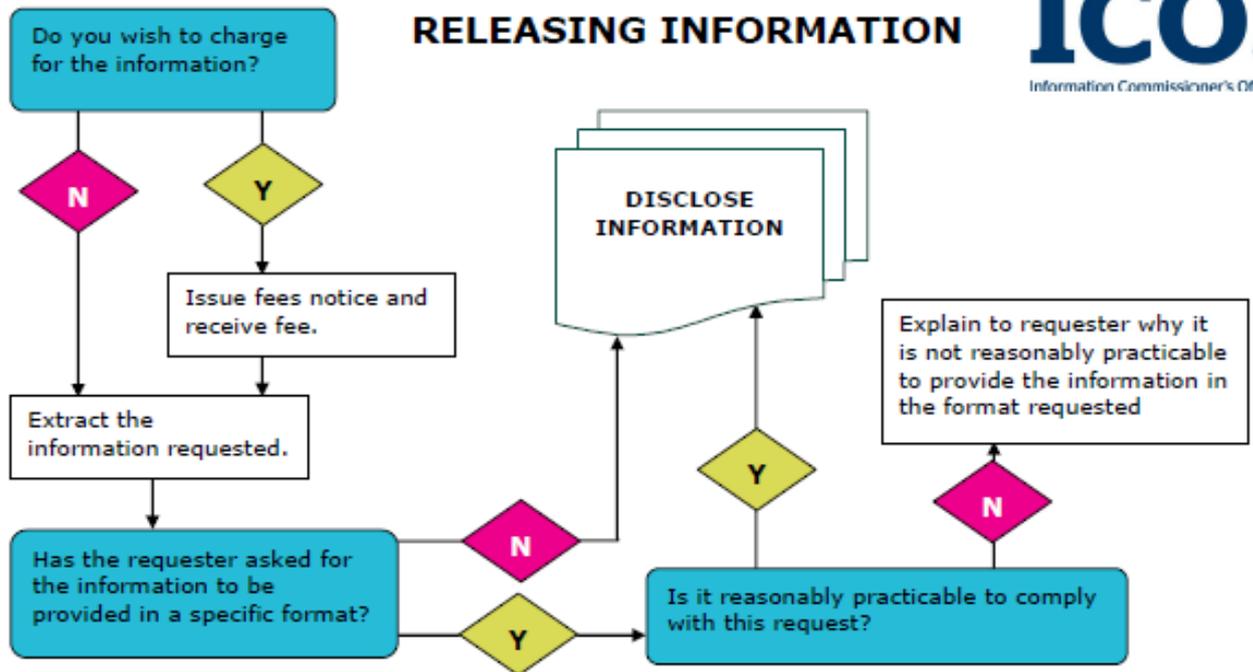
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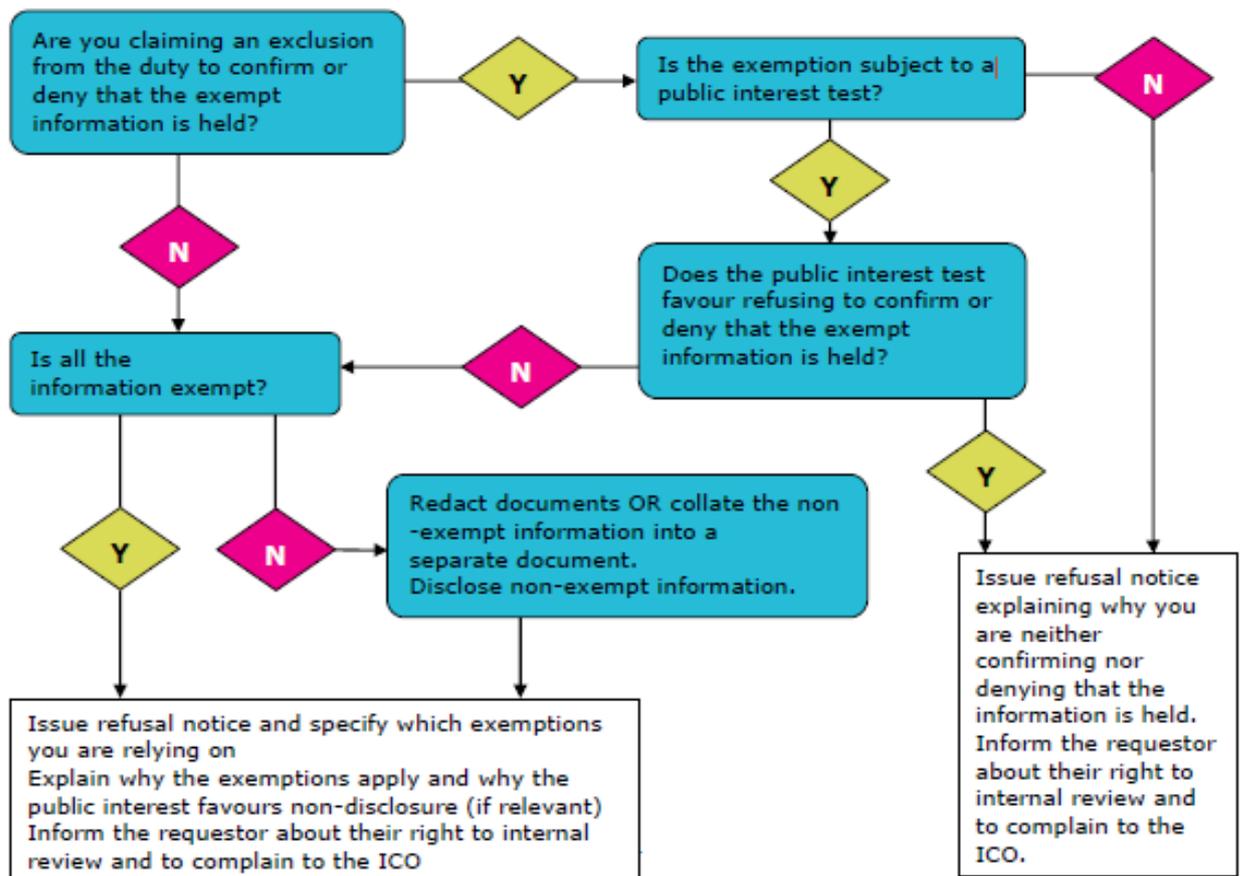




RELEASING INFORMATION



REFUSING A REQUEST



APPENDIX 2

Record of the qualified person's opinion

Freedom of Information Act 2000 Section 36

When dealing with a complaint regarding section 36 of the Freedom of Information Act 2000, the ICO will expect to see evidence of the qualified person's opinion and how it was reached. We require this evidence in order to decide whether the opinion was a reasonable one. The following form sets out the minimum information that we expect public authorities to provide to us about the qualified person's opinion, in the event of a complaint.

Completing this form is a convenient way for public authorities to give us the information we need. It is intended as a tool to assist public authorities, but there is no statutory requirement for them to use it; if instead they are able to send us other documents that record the same information about the qualified person's opinion, we will accept those.

While the purpose of the form is to help in providing information to us when we are investigating a complaint, public authorities may also wish to use it when they are considering applying section 36, as part of the internal process of obtaining and recording the qualified person's opinion.

Please see the notes at the end for help in completing this form. For further information on section 36 of the Freedom of Information Act 2000, please see our [guidance document on Prejudice to effective conduct of public affairs \(section 36\)](#).

This form only records the qualified person's opinion under section 36(2) of the Freedom of Information Act. If the qualified person's opinion is that section 36(2) is engaged (ie that disclosure of the information would or would be likely to cause prejudice or inhibition), the public authority must then carry out the public interest test. As a matter of good practice, public authorities should also keep a record of the factors considered in the public interest test and the outcome of that test.

The public authority	
1. Name of the authority	
The qualified person	
2. Name (<i>see Notes below</i>)	
3. Job title	
4. Subsection of s36(5) under which qualified person is authorised (<i>see Notes below</i>)	
Information on which opinion was sought	
5. Brief description of the information requested	
6. Information was	<input type="checkbox"/> shown to qualified person
	<input type="checkbox"/> described to qualified person
Submission to the qualified person	
7. Date opinion sought	___ / ___ / ____ (DD/MM/YYYY)
8. Subsection(s) of s36(2) on which opinion was sought (<i>see Notes below</i>)	<input type="checkbox"/> 36(2)(a)(i) <input type="checkbox"/> 36(2)(a)(ii) <input type="checkbox"/> 36(2)(a)(iii) <input type="checkbox"/> 36(2)(b)(i) <input type="checkbox"/> 36(2)(b)(ii) <input type="checkbox"/> 36(2)(c)
9. Arguments put forward as to why prejudice/ inhibition would/ would be likely to occur	
10. Counter arguments put forward	
11. Any other factors taken into account	

The qualified person's opinion

12. (see Notes below)

The qualified person's opinion is that, if the information requested were disclosed, the prejudice/inhibition specified in the following section(s) of the Freedom of Information Act 2000

36(2)(a)(i)

would occur would be likely to occur

for the following reasons(s):

.....
.....

36(2)(a)(ii)

would occur would be likely to occur

for the following reasons(s):

.....
.....

36(2)(a)(iii)

would occur would be likely to occur

for the following reasons(s):

.....
.....

36(2)(b)(i)

would occur would be likely to occur

for the following reasons(s):

.....
.....

36(2)(b)(ii)

would occur would be likely to occur

for the following reasons(s):

.....

.....

36(2)(c)

would occur would be likely to occur

for the following reasons(s):

.....

.....

13. Date opinion was given (see
Notes below)

__ / __ / ____ (DD/MM/YYYY)

14. Qualified person's signature
(see *Notes below*)

Notes for completing this form

2. Where the public authority itself, rather than an individual, has been authorised as the qualified person, the name will be that of the highest decision making body of the authority.

4. Please refer to section 36(5) of the Freedom of Information Act 2000 for the list of qualified persons.

8. This lists the subsections of section 36 which the qualified person was asked to consider.

The full text of section 36(2) is as follows:

(2) Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act—

(a) would, or would be likely to, prejudice—

(i) the maintenance of the convention of the collective responsibility of Ministers of the Crown, or

(ii) the work of the Executive Committee of the Northern Ireland Assembly, or

(iii) the work of the Cabinet of the Welsh Assembly Government.

(b) would, or would be likely to, inhibit—

(i) the free and frank provision of advice, or

(ii) the free and frank exchange of views for the purposes of deliberation, or

(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

12. This lists the subsections of section 36 which the qualified person decided were engaged. Please tick the relevant subsection(s), and in each case indicate whether the prejudice or inhibition would or would be likely to occur and the reasons for this.

13. This is the date on which the qualified person's opinion was given. If the form is completed after that, the date entered here must still be the date on which the opinion was given.

14. Where the public authority itself, rather than an individual, has been authorised as the qualified person, the form should be signed on behalf of the highest decision making body of the authority. In that case, please also print the name of the person signing on behalf of that body.

