

A decorative graphic consisting of several thin, white, parallel lines that originate from the bottom-left quadrant and extend diagonally towards the top-right corner of the page. The lines are slightly irregular and vary in length, creating a sense of movement and depth against the solid blue background.

Freedom of information policy and publication scheme
City of Birmingham Foundation



City of Birmingham Foundation

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1. Introduction

This policy outlines CoBF's framework for managing requests under the Freedom of Information Act 2000. The Freedom of Information Act (FOIA) came into force on 1 st January 2005 for all Local Authority schools. From 1st January 2011, all Academies and University Technology Colleges were included.

2. Obligations and duties

CoBF recognises its duty to:

- Provide advice and assistance to anybody requesting information.
- Tell the enquirer whether the academy holds the information that they are requesting (the duty to confirm or deny).
- To provide access to the information it holds in accordance with CoBF's Freedom of Information Procedures.

3. The Trust's Operating Norms

The operating norms below set out the Trust's expectation to the way that all staff are required to conduct themselves whilst at work and when representing the Trust externally

We are CoBF: We all own the name, the right to speak, the reward and the responsibility.

We believe the best of each other, speak positively and act with thought and purpose in order to find solutions and to do good work.

The standard is excellence: Excellence is our bar, it's what we aim for together, nothing less – so we support each other to get better faster We champion equality: Inclusion and equality are central to our mission. We aim to leave no-



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one behind and we are fiercely anti-discrimination. We're in the work together: We each stand by our mission and we act with transparency and clarity. Because we share accountability, we both give and receive feedback. We celebrate honest support that makes us collectively better. We behave with integrity: Professionalism, honesty and humanity underpin every word and action. Truth and kindness work hand in hand. We lead by example: We own our responsibility to live our norms. We expect to be role models to those around us in matters both small and large. We use time well: Time is precious so we work smart. We select actions that provide the most benefit from time invested. We avoid creating unnecessary work for others. By their nature, the operating norms are not exhaustive but they set out the principles to be observed.

4. Roles and Responsibilities

This policy applies to all staff employed by our trust, and to external organisations or individuals working on our behalf.

4.1 Board of Trustees and the Chief Executive Officer

The Board of Trustees has overall responsibility for ensuring that our trust complies with all relevant freedom of Information obligations.

4.2 Data Protection Officer

The Data Protection Officer is responsible for overseeing the implementation of this policy, monitoring our compliance with Freedom of Information law, and developing related policies and guidelines where applicable.

They will provide an annual report of their activities directly to the Board of Trustees. The DPO is also the trusts first point of contact for the ICO.

5. Publication Scheme

All public authorities, including academies, are required under the Freedom of Information Act to adopt a publication scheme that has been approved by the information commissioner (ICO). Academies must adopt the ICO's model scheme and make it publicly available. The ICO's model publication scheme can be found here: Definition document: Schools in England (ico.org.uk)



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The Trusts Publication Scheme contains all information available under the FOIA:

- a. The classes of information which we publish or intend to publish
- b. The way the information will be published

It covers information already published, and information which is to be published in the future. The Trusts Information Publication Scheme can be found in Appendix A.

6. Requesting Information under the Freedom of Information Act

Under the Act, any person has a legal right to ask for any recorded information held by CoBF and its academies. They are entitled to be told whether the Trust and/or academy holds the information, and to receive a copy, subject to certain exemptions.

All information that the Trust and its academies routinely make available to the public is included in the Trust

Publication Scheme (Appendix A). Requests for other information should be dealt with in accordance with the statutory guidance.

Whilst the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information.

The Act is fully retrospective, which means that any past records the Trust and/or academies hold are included.

The Trust and its academies fully comply with the Retention Schedule produced by the Records Management

Society of Great Britain. It is an offence to wilfully conceal, damage or destroy information to avoid responding to an enquiry.

Requests for information can be made to any member of staff and should be referred on to the Data Protection Officer, who will coordinate the response depending on the nature of the request.



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Requests under the FOIA must be in writing (including email), and should include the enquirer's name and address, and a clear statement of the information required. Requests do not have to mention the FOIA, or the reasons for requesting the information, however it will enable us to recognise the request and respond more effectively if the request is marked 'PUBLICATION SCHEME REQUEST'.

If the information you require is not available via the publication scheme or on the Trust or Academy website, please contact the Information governance at (which includes email) at the above address to ask whether the Academy holds the information. Please note that verbal requests are not covered by the FOIA.

Requests for hard copies of documents referred to in the publication scheme relating to an individual academy, should be made to the Academy directly:

The Act does not give people access to their own personal data (information about themselves) such as their education records etc. If a member of the public wants to see information that is held about them, they should make a data protection subject access request.

7. Time Limit for Compliance

CoBF must respond as soon as possible, and in any event within twenty school days or the date of receipt of the request or within 60 working days of the date of receipt of the request, whichever occurs first. A school day will be any day on which there is a session and pupils are in attendance. A working day is any day other than a Saturday, Sunday or a day which is a bank holiday.

8. Procedure for dealing with a FOI request

When a request is received that cannot be dealt with by simply providing publicly available information, it should be referred to the Head of Compliance who may reallocate it to an individual with responsibility for the type of information requested.

The first stage in responding to a request is to determine whether the Trust holds the information requested.



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Trust will hold the information if it exists in computer or paper format. The trust is not required to create new information or question staff for an answer. The information must already be available in a recorded form. Recorded information includes printed documents, computer files, letters, emails, photographs and sound or video recordings. 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. If the required manipulation would take a significant amount of time the requestor will be contact to explain that the information is not held in the manner requested and will be offered the opportunity to refine their request.

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. Information will not be disclosed if one or more of the following applies: -

- An exemption to disclosure
- The information sought is not held by the Trust or the academy
- Requests are considered vexatious or repeated.
- The cost of compliance exceeds the statutory threshold of £450.

There are common exceptions that might apply, these include:

- Section 40 (1) – the request is for the applicant’s personal data. This must be dealt with under the Subject Access Regime in the Data Protection Act
- Section 40 (2) – compliance with the request would involve releasing third party personal data and this would be in breach of the Data Protection Act
- Section 41 – information that has been sent to the Trust (but not the Trusts own information) which is confidential
- Section 21 – Information that is already publicly available, even if payment of a fee is required to access that information
- Section 22 – information that the Trust intends to publish at a future date
- Section 43 – information that would prejudice the commercial interests of the Trusts and/or a Third Party



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- Section 38 – Information that could prejudice the physical health, mental health or safety of an individual (this may apply to safeguarding information)
- Section 31 – information which may prejudice the effective detection and prevention of crime – such as the actual location of CCTV cameras
- Section 36 – information which, in the opinion of the DPO would prejudice the effective conduct of the Trust

The sections mentioned in italics are qualified exemptions. There are two general categories for exemptions: -

- Absolute – where there is no obligation to confirm or deny the information is held and to disclose the information, or to consider the Public Interest Test
- Qualified – where, even if an exemption applies, there is a duty to consider the Public Interest Test

Where it has been established that a qualified exemption applies to a request, the Trust or academy will apply the Public Interest Test to determine whether the public interest in applying the exemption outweighs the public interest in disclosing the information.

When responding to a request where the Trust has withheld some or all the information, the Trust must explain why the information has been withheld, quoting the appropriate section number and explain how the information requested fits within that exemption. If the public interest test has been applied this also needs to be explained.

9. Charging

Charges made by the Trust for routinely published material will be justified and transparent and kept to a minimum. The Trust reserves the right to refuse to supply information where the cost of doing so exceeds the current statutory maximum of £450.

Information that is published and accessed on a website will be provided free of charge.



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Charges may be made for actual disbursements incurred such as photocopying, postage and packing and costs directly incurred as a result of viewing information. Where the cost of postage and or photocopying hard copies of information is below £10, the Trust will not make a charge. Where the single or combined cost exceeds £10, the first £10 will be free of charge, subsequent costs incurred will be charged at the full actual cost of postage and copying incurred by the Trust. Please refer to the Schedule of Charges Appendix B.

If a charge is to be made, confirmation of payment due will be given before the information is provided. Payment may be requested prior to provision of the information. If you decide to change the request so that it reduces the cost of copying and/or postage, we can discuss this with you.

10. Links to other policies

This policy is linked to the following policies:

- Data Protection
- Child Protection
- Records and Retention Policy

11. Comments and Complaints

The Trust welcomes comments and suggestions that you may have about the Publication Scheme. To communicate these, or if you require any further assistance, please contact:

If you are not satisfied with the assistance you have received, or if we have not been able to resolve an issue or a complaint, then you should address your concerns to the Information Commissioner's Office. The contact details for the ICO are Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF. Tel. 01625 545700. Website

www.informationcommisioner.gov.uk