

Freedom of Information Policy and Charging Scheme



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Policy Review Schedule

Policy	OLT Freedom of Information and Charging Policy
Review schedule	Every 3 years
Statutory Policy	Yes
Policy owner	COO
Lead Reviewer	COO
Approver and date of last approval	OLT Operations Committee, May 2023
Key review dates	Changes made
January 2015 written	Written
January 2016	No changes made
January 2017	No changes made
January 2018	In response to changes in the GDPR and Subject Access Request
January 2020	Updated details of DPO and contact information
April 2020	Changes made: Split FOI Charging policy from Subject Access Request Policy Added the model FOI Publication Scheme from the ICO
April 2023	Legal timeframe for responding to FOI requests added

Next review May 2026	
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Freedom of Information Policy

The right under the Freedom of Information Act (FOI) and the Environmental Information Regulations (EIR) to request information held by public authorities, known as "the right to know", came into force for Academies on 1st January 2011.

Freedom of Information Act

This publication scheme has been prepared and approved by the Information Commissioner.

This publication scheme commits the Omnia Learning Trust to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the Trust. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits the Omnia Learning Trust:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the Omnia Learning Trust and falls within the classifications below.
- To specify the information which is held by the Omnia Learning 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 Omnia Learning 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 dataset held by the Omnia Learning Trust that has been requested, and any updated versions it holds, unless the Omnia Learning Trust 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 Omnia Learning Trust is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19. The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The term 'relevant copyright work' is defined in section 19(8) of that Act.

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 required by law and other lists and registers relating to the functions of the Omnia Learning Trust.
- The services we offer; a description of the services offered.
- Advice and guidance, booklets and leaflets, transactions and media releases.

The classes of information will not generally include:

- Information where 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.

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

The Omnia Learning Trust will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of the Omnia Learning Trust, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, the Omnia Learning Trust will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. 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 Omnia Learning Trust is legally required to translate any information, it 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.

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 Omnia Learning 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 • postage and packaging • the costs directly incurred as a result of viewing information.

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

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 the terms of the Re-use of Public Sector Information Regulations 2015, where they apply, or with regulations made under section 11B of the Freedom of Information Act, or with other statutory powers of the Omnia Learning Trust.

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.

Written requests

Information held by the Omnia Learning 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.

Responding to requests

Section 10 of FOIA sets out the timescales within which you must respond to a FOIA request. These timescales apply where you have:

- a duty under section 1(1)(a) to confirm or deny whether you hold the information;

- a duty under section 1(1)(b) to provide information you hold to the requester;
- a duty under section 17 to issue a refusal notice explaining why you have refused a request.
- Section 10 specifies that you must comply promptly, and no later than 20 working days following the date of receipt of the request. The Information Commissioner interprets this to mean that 'day 1' is the first working day after the request has been received.

However, there is provision for you to claim a reasonable extension to this limit, up to an additional 20 working days, if you need more time to consider the public interest test.

Section 10 also allows you to apply variations to the normal 20-working-day timescale in some limited circumstances. One of these variations is applicable to FOI requests made to schools (please see section below).

(i) Requests to schools

This variation applies to all schools covered by FOIA, including maintained schools, academies, pupil referral units and state-funded nurseries.

The Regulations state that the time for compliance will be whichever of these is the shorter period:

- 20 working days following the date of receipt, excluding any day that is not a school day (this effectively equates to a period of 20 school days).
- 60 working days following the date of receipt.
- A 'school' day will be any day on which there is a session and the pupils are in attendance.
- 'Working days' exclude school holidays and 'inset' or training days where the pupils are not present.

Fee Regulations

The method of calculating charges within this policy is in accordance with the Freedom of Information and Data Protection (appropriate limits and fees) Regulations 2004.

Estimating the costs of processing requests; (section 4(3) of the FOI regulations)

When estimating the cost of complying with a written request for Information, the Omnia Learning Trust will take into account the staff time involved in the following activities:

- Determining whether the information is held.
- Locating the information or a document that may contain the information.
- Retrieving and extracting the information, or a document that may contain the Information.

The cost of the above activities will be calculated by applying an hourly rate of £25 per person, (section 4(4) of the FOI regulations).

When calculating the costs to process requests, the Omnia Learning Trust cannot take account of the time taken to consider whether information is exempt under the Act.

Where the cost to process a request is below £450

Where the cost of complying with a written request for information is estimated to be below £450, there will be no charge unless the disbursement costs (printing copying and postage) exceed £5. Where disbursement costs exceed £5, the applicant will be issued with a fees notice and must pay the costs within a period of three months before the Trust can comply with the request. Disbursements costs applied by the Trust are shown below.

Where the cost to process a request exceeds £450

In accordance with the Freedom of Information and Data Protection (appropriate Limits and Fees) Regulations 2004, the Trust is not obliged to respond to a written request for information, where it estimates that the cost of complying with the request would be in excess of £450 (which equates to 18 hours of work at £25 per hour).

- Staff costs (£25 per hour) involved in determining whether the Trust holds the information.
- Staff costs (£25 per hour) of locating, retrieving and extracting the information.
- Disbursement and staff costs (£25 per hour) incurred in informing the applicant that the information is held.
- Disbursement and staff costs (£25 per hour) incurred in communicating the information to the applicant.
- In all cases the costs must be 'reasonable'.
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Campaign requests

If the Trust receives two or more related requests within a period of 60 consecutive working days, from a person or different persons who appear to be acting in concert or in pursuance of a campaign, the costs of complying with the individual requests will be aggregated.

Disbursements

Photocopies:

- Black & White 50p per sheet (additional cost for producing A3).
- Colour 80p per sheet (additional cost for producing A3).

Prints from a PC:

- Black & White 50p per page (additional cost for producing A3).
- Colour 80p per page (additional cost for producing A3).

Postage:

- Actual cost of Royal Mail standard 2nd class.

The Trust will not charge for providing information in an alternative format if the Disability Discrimination Act (DDA) covers the person requesting it, unless the original document was a priced publication. In this case, the charge for the alternative format will not exceed the cost of original publication.

Notifying charges

Where charges apply, the Omnia Learning Trust will notify the estimated charge to the applicant before doing any charged work.

Where there is a significant difference between the estimated and the actual charge, the Omnia Learning Trust will notify the applicant.

Where charges apply, the Trust will require payment before compiling and supplying information. If a charge is not paid within the specified time limit of 3 months, the information will not be supplied.