



# London Design & Engineering UTC

## Freedom of Information (FOI) Policy

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## Version Control Table

Version	Date	Amended by	Rationale
1.1	14/11/2018		Version approved by the Board
1.2	21/05/2021	Dave Watherston	Scheduled policy review. Sections 5, 6 and 7 to bring in line with current practice and guidance.
2.0	27/05/2021		Version Approved by Committee

**Guidance on version Control:**

*The above is an example of how to complete the Version control table.*

*Versions are 0.1, 0.2 etc until such point as the document is approved. Then it becomes version 1.0.*

*Subsequent edited versions become 1.1, 1.2, or if it's a major update, 2.0. Do not worry about the numbers going up and up its about getting the policy right – it's all fine.*

# FREEDOM OF INFORMATION (FOI) POLICY

## Policy Coverage

THE POLICY APPLIES OR COVERS THE FOLLOWING GROUPS			
Type of Learner	Tick (✓)	Type of Stakeholder	Tick (✓)
Key Stage 3 (KS3) Carousel		Teaching Staff	✓
Key Stage 4 (KS4) GCSE		Education Support Staff	✓
Key Stage 5 (KS5) Level 2		Administrative Support Staff	✓
Key Stage 5 (KS5) Level 3		Directors	✓
Key Stage 5 (KS5) A Levels		Employers	
Apprentices		Visitors / Contractors	

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## 1. Introduction

The Freedom of Information Act (FOIA) came fully into force on the 1st January 2005. LDE UTCs, Academies and UTCs have to comply with this Act under section 19.

The FOIA gives a right of public access to information held by public authorities. It is a legal right for any person(s) to ask for access to information held by the London Design and Engineering (LDE) UTC.

Although the FOIA presumes openness it recognises the need to protect sensitive information in certain circumstances and provides for exemptions. The FOIA is overseen by the Information Commissioner.

Further information can be found at the Information Commissioner's website at: <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/> .

## 2. Policy Aims

The aim of this policy is to comply with the Freedom of Information Act and seek to promote a culture of openness and accountability within the LDE UTC.

The LDE UTC Board of Directors welcomes this culture of openness and accountability and is committed to providing freedom of information. This policy sets out LDE UTC's response to the FOIA, and the ways in which the requirements of the Act will be enacted by the UTC on a day to day basis.

## 3. Roles and Responsibilities

The Principal has overall responsibility for Freedom of Information in the UTC. Operational responsibility is delegated to the UTC's Chief Financial Officer (**CFO**), with day-to-day activities undertaken by the Head of MIS.

The Qualified Person for determining whether disclosure would be likely to prejudice the effective conduct of public affairs (Section 36) is the Chair of the Board of Directors, who has the final say on disclosure.

## 4. UTC Publication Scheme

The UTC maintains a Publication Scheme as at **Appendix 1**, listing the classes of information and the documents that it routinely publishes or intends to publish.

The Publication Scheme will be on the UTC website and hard copies of documents can be obtained from the UTC as directed in the Publication Scheme. The Scheme will be reviewed annually, following the latest advice from the Information Commissioner's Office.

## 5. Requests for Information

Any request for information beyond that which is already provided by the LDE UTC (for example, through the Prospectus and Annual Report, or information about children to which parents already have access) should be made in writing (this includes email) to the Principal. Section 45 deals with request handling so I would add this in. The requester does not have to mention the Act, nor do they have to say why they want the information.

Section 8 of the FOIA states any request should state the applicants name and address for correspondence and describe details of the information being requested. If a request is very general, the LDE UTC may contact the enquirer for clarification of the request. The person making the request for information can also indicate how they would like to receive the information and where possible the LDE UTC will try to comply with those wishes. If it is not possible to do so, the LDE UTC will notify the enquirer and offer an alternative. Any member of staff may be approached for information beyond which may be regarded as 'normal information'. In this context, 'normal' means the kind of information that teachers and other members of LDE UTC staff feel confident about giving, as opposed to requests for information which may seem of an intrusive or sensitive nature. If a member of staff receives such a request, they should avoid giving an immediate response and refer the request in the first instance to the coordinator.

Depending upon the nature of the request, the CFO (after discussion with the Principal) may then either sanction a response or refer the request to the relevant person(s) or governing body.

Under the FOIA the enquirer is entitled to be told whether the UTC holds the information (the duty to confirm or deny) except where certain exemptions apply.

*Holding information means information relating to the business of UTC:*

- That UTC has created; or
- That UTC has received from another body or person; or
- Held by another body on the UTC's behalf.

The CFO is responsible for ensuring that all members of staff are familiar with this policy and the procedures to be adopted in responding to requests for information under the FOIA.

## 6. Responding to Requests for Information

Any requests are to be passed to the CFO who will then pass the request on to the Principal.

Dependent on the request the Principal will contact the Chair of the LDE UTC Board prior to response who will consider any requests received and keep records of their deliberations and outcomes. The potential outcomes are:

- Agreement to meet the request in full
- Agreement to meet the request in part (with reasons)
- Refusal to meet the request (with reasons)

The Principal in discussions with the Chair of the Board will respond to the enquirer within 20 working days or 40 days in exceptional circumstances (i.e. excluding weekends, bank holidays and days in which the college is not open to full time learners) of the request being made. (Note: The 20-day time limit starts the day after the request is received).

Failure to comply could result in a complaint by the requester to the Information Commissioner's Office. Where UTC has asked the enquirer for more information to enable it to answer, the 20 school days start time begins when this further information has been received.

If some information is exempt this will be detailed in the Principal's response.

If a qualified exemption applies and UTC need more time to consider the public interest test, the Principal will reply in 20 school 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.

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

## 7. Exemptions and the Public Interest Test

There are 23 exemptions from the right of access. Eight are designated 'absolute', meaning that if an absolute exemption applies, it means that disclosure is not required by the Act.

However, the following are the only absolute exemptions which will apply to UTC: -

- Information accessible to the enquirer by other means (for example by way of the School's Publication Scheme);
- National Security/Court Records;
- Personal information (i.e. information which would be covered by the Data Protection Act);
- Information provided in confidence.

The others are known as 'qualified' exemptions and require a public interest test to be applied, to consider whether the public interest in withholding the information outweighs the public interest in disclosing it. Further information is shown at **Appendix 2**.

Where an exemption is deemed to apply to some or all of the information requested, the applicant will be notified in writing. The relevant exemption will be cited and any information that is not exempt will be provided.

Where a qualified exemption is being considered, the UTC must conduct a public interest test to determine whether it is in the public interest to release the information. A Review Panel will be convened to conduct the test. The Review Panel will comprise of at least two people either the Principal and the Chair of the Board or another member of the Senior

Leadership Team (SLT) or another Director. Further information on the public interest test is at **Appendix 3**.

Since the Act contains a presumption in favour of disclosure, in cases where there is equal weight between withholding information and disclosing it, the information will be disclosed.

In determining whether disclosure would be likely to prejudice the effective conduct of public affairs (Section 36 of the Act), the designated Qualified Person will decide on disclosure. In the UTC this is the Chair of the Board of Directors. If legal opinion is thought to be necessary, it will be sought by the CFO.

Where an applicant makes a request for his or her own personal data, the request will be treated as a subject access request under the Data Protection Act 2018.

Personal information requested by third parties is also exempt under this policy where release of that information would breach the Data Protection Act. If a request is made for a document (e.g. Governing Body minutes) which contains personal information whose release to a third party would breach the Data Protection Act, the document may be issued by blanking out the relevant personal information as set out in the redaction procedure.

In practice this means that the names, grades and positions of UTC staff who are members of the Leadership Team will be disclosed in response to requests for information, except where this would contravene their rights under the Data Protection Act 2018 and the UK General Data Protection regulation (UK GDPR), or would otherwise be unlawful. The names, grades and positions of more junior members of staff will be disclosed only when it would be unreasonable or excessive to withhold such information (for example, where the employee has been included in the recipient's list of a relevant routine communication, and where the context is not sensitive or controversial).

## **8. Vexatious Requests**

Under section 14 of the FOIA if several requests from the same person, or a series of requests are received that the Principal in conjunction with the Chair of the Board thinks are intended to disrupt work, these may be treated as repeated or vexatious.

In this case the Principal or Chair of the Board may refuse to provide the information requested but would issue a refusal notice within 20 working days from receipt of the request to the enquirer to explain the decision and reasons for withholding the information (Note: this must include information regarding the appeals process).

## **9. Appeals**

Upon notification of a refusal to meet the request (either in part or in whole), the party making the request for information may appeal the decision.

Appeals or complaints received more than two months after the initial decision will not be considered.

Any such appeal will be considered by the appeals body consisting of three UTC Directors, convened by the Chair of the Board who have not taken part in the original proceedings.

This Appeals Body will meet in a timely manner such that it can respond to the enquirer within 20 working days of the request being made.

If the enquirer is still not satisfied with the outcome they can commence the complaints process to the ICO. The complaint should be submitted within 6 months of the outcome of the internal review. The enquirer must provide supporting information and evidence along with the completed complaints form. This can be done via email to [casework@ico.org.uk](mailto:casework@ico.org.uk) or by post to:

First contact team  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow SK9 5AF

## 10. Record Keeping

Records will be entered into a "Freedom of Information Requests Log" kept by the Head of MIS.

They will be collated annually by the Trust's Clerk. Such records will remain on file for a period of six years and will be disposed of at a set time in a calendar year.

The log will include details of:

- The party making the request for information;
- The date upon which the request was received and to whom it was addressed;
- If relevant, the date upon which the request was subsequently referred (internal/external);
- The nature of the information requested;
- The name of the relevant reporting member of senior staff if not the CFO / Principal;
- The outcome of deliberations, including summary reasons for a refusal (in whole or in part) to meet the information request;
- The response made to the party requesting the information, including the person nominated to implement the response, the date and format of the response and the details of the information provided.
- Any subsequent appeal made by the enquirer
- The date and time of any meeting convened by the Directors Appeal Body;
- The outcome of the Directors Appeal Body deliberations, including summary reasons for a refusal (in whole or in part) to meet the information request;
- The response made by the Directors Appeal Body to the party making the appeal, including the person nominated to implement the response, the date and format of the response and the details of the information provided.

## 11. Third Party Information

In accordance with the Act, where a request is made for information about a person other than the applicant or the UTC (a third party), or disclosure may affect the interests of that third party, the UTC will consult the third party promptly in order to determine whether an exemption applies, and to aid the decision on disclosure. However, the decision will be made by the UTC.

## 12. Fees

The UTC will follow the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. Accordingly, all requests that cost less than £450 to process (the 'appropriate limit') will be complied with free of charge.

If the estimated cost of compliance exceeds £450, the duty to comply with a request does not arise. Such requests will not be processed, and the applicant will be provided with a refusal notice. This is based on the principle that charging creates a two-tier system of access to information based on the ability to pay. However, mindful of the duty to provide advice and assistance, where the cost of complying with a request would exceed the appropriate limit, the applicant will be helped in modifying the request in order to bring the cost below the limit.

In calculating the cost of a request, the UTC may only take into account the time taken to determine whether it holds the information, and to locate and retrieve it. It may not take into account the time taken to consider exemptions and to seek and obtain legal advice, to consider whether a request is vexatious, to obtain authorisation to provide the information or to calculate fees. Costs are calculated at an hourly rate of £25, the equivalent of two and a half working days.

Disbursements (postage, photocopying, printing, CDs etc.) costing less than £10 will not be charged to the applicant, but will be charged in full at or above that level. Applicants will be informed about such charges in a fees notice.

The UTC will not charge for information listed on its Publication Scheme except where specifically indicated on the Scheme.

## Appendix 1: Publication Scheme

### Categories of information published

This Publication Scheme is a guide to information which we currently publish (or have recently published) or which we will publish in the future. This is divided into categories of information known as “classes”, contained below. The classes of information that we undertake to make available are organised into the following broad topic areas

### Classes of information

**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 authority.

**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.

### How to request information

LDE UTC’s website contains information which is available free-of-charge and may be downloaded, copied and/or printed without breaking any copyright laws, unless otherwise stated.

The website can be found at the following web address: <https://www.ldeutc.co.uk/>

On the website, the UTC has a number of hyperlinks to other specific areas providing detailed information about specific UTC services.

If you require further explanation or additional information about the Publication Scheme, please contact the CEO/Principal's Executive Assistant on [admin@ldeutc.co.uk](mailto:admin@ldeutc.co.uk)

A copy of the Publication Scheme has been produced in paper form and as an electronic document. Website electronic copies of the Publication Scheme can be located on the UTC's website as an Annex to the Freedom of Information Policy at the following address: <https://www.ldeutc.co.uk/parents/policies.aspx>.

Paper copies of the Freedom of Information Policy can be viewed at the UTC's Reception. If you request a copy of the scheme via postal mail, the UTC will endeavour to send the free copy to you within 20 working days of the receipt of your request. To help us process your request quickly, please mark any correspondence (in capitals) "PUBLICATION SCHEME REQUEST".

Alternatively, an email copy can be sent to your e-mail address on request. Please send an email requesting a free copy of the UTC's Publication Scheme to the following email address. Please put "FOI Publication Scheme" in the subject heading: [admin@ldeutc.co.uk](mailto:admin@ldeutc.co.uk)

Free copies of the Publication Scheme will be provided on a "one copy per request" basis. Repeated requests for copies of the Publication Scheme will be assessed by the finance office and if requests are judged to be vexatious, the request may be refused.

### **Directors' Annual Report and other information relating to the Board of Directors**

This section sets out information to be published in the Board of Directors' Annual Report and in other Board of Directors documents. These will contain:

- Details of the Board of Directors membership, including name of Chair and Vice Chair.
- A statement on progress in implementing the Action Plan drawn up following an inspection
- A financial statement, including gifts made to the UTC and amounts paid to Directors for expenses
- A description of the UTC's arrangements for security of learners, staff and the premises
- Information about the implementation of the Board of Directors' Policy on learners with Special Educational Needs (SEN).
- A description of the arrangements for the admission of learners with disabilities; details of steps to prevent disabled learners being treated less favourably than other learners; details of existing facilities to assist access to the UTC by learners with disabilities; the accessibility plan covering future policies for increasing access by those with disabilities to the UTC

- A statement of Policy on whole staff development identifying how teachers' professional development impacts on teaching and learning
- Number of learners on roll and rates of learners' authorised and unauthorised absence
- National Curriculum assessment results for appropriate Key Stages, with national summary figures
- GCSE/GNVQ results in the UTC, locally and nationally
- GCE A/AS and vocational qualification results in the UTC and nationally
- The number of learners studying for and percentage achieving other vocational qualifications
- The destination of UTC leavers
- A statement of the extent to which proposals in the post-inspection action plan have been carried into effect
- Register of Business interests of CEO/Principal & Directors.

Note: some information might be confidential or otherwise exempt from the publication by law - we will not be able therefore to publish it.

## Policies

**Learners & Curriculum Policies** - This section gives access to information about policies that relate to learners and the UTC curriculum.

- **Home-College Agreement** - Statement of the UTC's aims and values, the UTC's responsibilities, the parental responsibilities and the UTC's expectations of its learners, e.g. homework arrangements
- **Curriculum Policy** - Statement on following the policy for the secular curriculum subjects and religious education and schemes of work and syllabuses currently used by the UTC
- **Sex Education Policy** -Statement of policy with regard to sex and relationship education
- **Special Educational Needs Policy** - Information about the UTC's policy on providing for learners with special educational needs
- **Accessibility Policy** - Policy for increasing participation of disabled learners in the UTC's curriculum, improving the accessibility of the physical environment and improving delivery of information to disabled learners
- **Equalities Policy** - Statement of policy for promoting equality
- **Behaviour for Learning Policy** - Statement of general principles on behaviour and discipline and of measures taken by the Principal to prevent bullying (also set out in UTC's "Anti-Bullying Policy").
- **Discipline Policy (includes Anti-Bullying Policy)** - Status of disciplinary policies, that are held by the UTC and are available on request

## **Other Policies and other information related to the UTC**

- **Published reports of OFSTED referring expressly to the UTC** - Published report of the last inspection of the UTC and the summary of the report
- **Post OFSTED inspection Action Plan** - A plan setting out the actions required following the last OFSTED inspection
- **Admissions Policy** – details of how and when to apply to the UTC to be able to study at the LDE UTC.
- **UTC session times and term dates** - Details of UTC session and dates of UTC terms and holidays, as published in the UTC Prospectus
- **Health & Safety Policy and risk assessment** - Statement of general policy with respect of Health and Safety at work of employees (and others) and the organisation and arrangements for carrying out the policy.
- **Complaints Procedure** - Statement of procedures for dealing with complaints
- **Staff Conduct, Discipline and Grievance** - The Directors of LDE UTC have policies on Staff Conduct, Discipline and Grievance
- **Curriculum circulars and statutory instruments** - Any statutory instruments, departmental circulars and administrative memoranda sent by the Department of Education to the Principal or Board of Directors relating to the curriculum are available for inspection upon request.
- **Charging & Remissions** - A statement of the UTC's policy with respect to charges and remissions for any optional extra or board and lodging, for which charges are permitted, for example UTC publications, music tuition, trips

## **Documents held by the UTC and available by request**

- Attendance Targets - Details of UTC session and dates of UTC terms and holidays, as published in the UTC Prospectus
- Nutritional Standards - Statement of general policy with respect of nutritional value of college meals.
- Minutes of Meeting of the Board of Directors and its committees - Agreed minutes of the Board of Directors and its committees (current and last full academic year).
- Other policies and documents relating to the operation of the UTC.

## Appendix 2: Public Interest Test

### What is the “public interest”?

It is often suggested that the fact that the term “the public interest” is not defined in the Freedom of Information Act leads to difficulty. This should not be the case. From time to time weighing competing interests may be difficult. However, this does not mean that the nature of the task facing a public authority when applying the public interest test is unclear. In effect something “*in the public interest*” is simply something which serves the interests of the public. When applying the test, the public authority is simply deciding whether in any particular case it serves the interests of the public better to withhold or to disclose information.

### Sections 2(1)(b) and 2(2)(b) – public interest tests

If a ‘qualified’ exemption has been cited, the public authority will need to explain how it has considered the public interest tests set out at section 2(1)(b) or section 2(2)(b) of the Act. In order to determine whether the public interest tests have been applied appropriately, the UTC will be required to answer to the following questions:

- What public interest arguments in favour of disclosing the information/confirming or denying whether the information is held were taken into account?
- What public interest arguments in favour of maintaining the exemption/neither confirming nor denying whether the information is held were taken into account?

The UTC will need to explain why it considers that on balance the public interest in maintaining the exemption [or neither confirming or denying] outweighs that in disclosing the withheld information. And include details of any particular weighting exercise that has been carried out.

The UTC will also need to demonstrate that its submissions focus on the content of the information that has actually been withheld rather than simply being generic public interest arguments.

### What information is not covered by FOIA?

Information which LDE UTC can provide under the normal course of business, such as standard responses to enquiries, does not need to be dealt with under FOIA. If LDE UTC does not provide the information, it will then need to treat this as an FOI request.

## Appendix 3: The Exemptions

### Qualified

- Information intended for future publication (s.22)
- National security (s.24) (This exemption should be read in conjunction with s.23 – “information supplied by, or relating to, bodies dealing with security matters”)
- Defence (s.26)
- International relations (s.27)
- Relations within the UK (s.28)
- The economy (s.29)
- Investigations and proceedings (s.30)
- Law enforcement (s.31)
- Audit functions (s.33)
- Formulation of government policy (s.35)
- Prejudice to effective conduct of public affairs (s.36)
- Communications with her Majesty (s.37)
- Health and safety (s.38)
- Some personal information (s.40).
- Legal professional privilege (s.42)
- Commercial interests (s.43)

### Absolute

- Information accessible by other means (s.21)
- Information supplied by or relating to, bodies dealing with security matters (s.23)
- Court records (s.32)
- Parliamentary privilege (s.34)
- Personal information (s.40)
- Information provided in confidence (s.41)
- Information whose disclosure is prohibited by law (s.44)